



Mayor
Nolan Davis

City Administrator
Makayla Bealer

City Council
Russell Smith
Ian Spaulding
Scott Symond
Les Whitney
Terry Wiseman

NOTICE AND AGENDA

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Milford, Utah will hold a regular meeting at **4:00 PM** at the **Milford City Administrative Office, Council Chambers, 26 South 100 West, Milford, Utah** for the purposes described below on **Tuesday, September 17, 2024**.

- 1. MAYOR'S WELCOME & CALL TO ORDER:** Roll Call & Pledge of Allegiance
- 2. VISITORS**
 - a. None
- 3. CONSENT ISSUES**
 - a. Financial report: August 2024
 - b. Approval of bills and payroll
 - c. Approval of Minutes: August 20, 2024 Public Hearing and Regular Meeting
- 4. NEW BUSINESS**
 - a. Approval of the Cooperative Agreement with UDOT for Driver Feedback Sign on SR-21 West
 - b. Discuss street issue by proposed development on HWY 257 (Main Street)
 - c. Provide update on proposed housing and RV developments
 - d. Appointment of a representative to serve on the Children Justice Center Committee
 - e. Appointment of Milford Elementary Booster Club Member
- 5. ORDINANCE AND RESOLUTIONS**
 - a. None
- 6. COMMENTS**
 - a. Staff member reports and comments
 - b. Councilmember reports and comments

7. ADJOURNMENT

Notice: The City Council may adjourn to Executive Session pursuant to the provisions of §52-4-204 and §52-4-205, Utah Code Annotated (1953), as amended.

CERTIFICATE OF DELIVERY & POSTING

I, Monica D. Seifers, duly appointed and acting City Recorder do hereby certify that the above Notice and Agenda was posted in three public places within the Milford City Limits on this 12th day of September, 2024. These public places being 1) Milford City Office; 2) U.S. Post Office; and 3) Milford Public Library. The foregoing Notice and Agenda was also delivered to each member of the governing body and posted on www.utah.gov/pmn and linked to www.milfordcityutah.com and the Milford City Facebook page.

In compliance with the Americans with Disabilities Act, the City of Milford will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Request for assistance can be made by contacting the City Recorder at 435.387.2711 at least 24 hours in advance of the meeting to be held.
***City Council Members or the Mayor may participate in the public meeting electronically and/or telephonically.*



City of Milford
P.O. Box 69
Milford, Utah 84751
435 387-2711

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MEMORANDUM OF UNDERSTANDING

Transfer of Ownership on Advertising Sign

This agreement is between Milford City and Avantic Lodging Enterprises. Avantic Lodging Enterprises has determined they no longer want to participate in the Utah Outdoor Advertising Program with the sign that is located on Union Pacific Railroad on SR-21 in Milford, Utah. This sign was permitted through an agreement between Milford City and UPRR.



Milford City has agreed to become the new owner of the said sign and will provide all maintenance and upkeep of this sign. Milford City will be responsible for the payment of transfer of permit, annual fees and any other fees associated.

Avantic Lodging Enterprises has agreed to donate said sign to Milford City and understand that Milford City will be updating the information as the city sees fit.

Both parties agree to transfer the ownership of the said sign to Milford City.

Avantic Lodging Enterprises

Signature: Brett Swanson

Date: 8/29/2024

Milford City Approvals

Signature: Makayla Bealer
Makayla Bealer, City Administrator

Date: 8.29.2024

Signature: Nolan Davis
Nolan Davis, Mayor

Date: 8.29.24

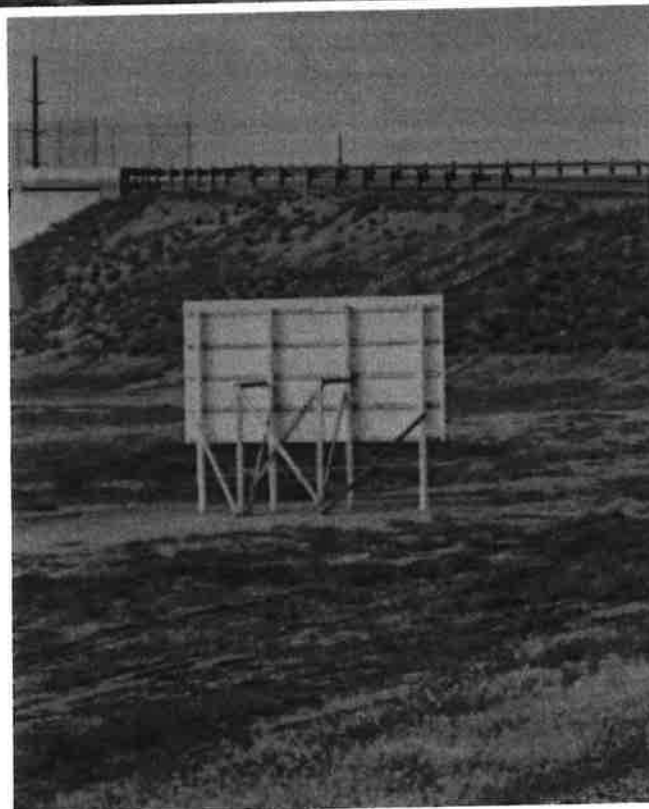
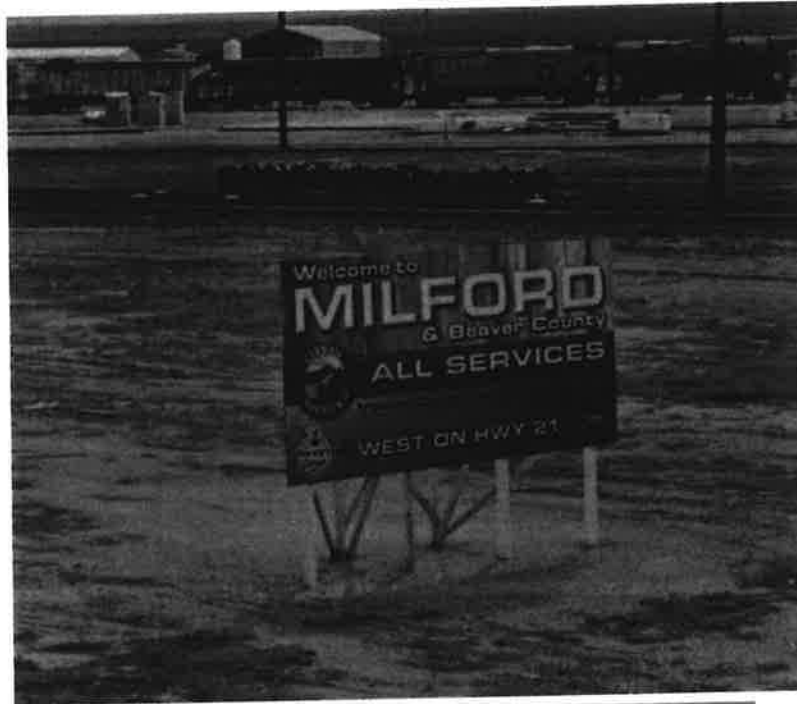
Attest:

Monica D. Seifers
Monica D. Seifers, City Recorder

(SEAL)

Permit #4-2021

Located on SR-21 in Milford, UT





City of Milford
P.O. Box 69
Milford, Utah 84751
435 387-2711
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Bureau of Land Management
Attn: FERVO Cape Geothermal Power Project EA
176 E DL Sargent Dr
Cedar City, UT 84721

RE: FERVO Cape Geothermal Power Project

To Whom It May Concern:

The City Council of Milford, Utah, would like to thank you for the opportunity to comment on the proposed FERVO Cape Geothermal Power Project and would like to go on record as being adamantly in support of this proposed project.

Milford City has been involved and updated throughout the exploration project with Utah FORGE since 2018. FERVO Energy has taken the research and data from Utah FORGE to accelerate the production of geothermal resources. We understand the process and support this method for generating clean reliable geothermal energy for the future generations in our region.

The City of Milford has a population of approximately 1,500 people. Historically, Milford has had a boom-and-bust economy. Recently, Smithfield Foods reduced its operations in Milford, Utah. This announcement caused devastation to our town, but FERVO and its operations have bridged the gap during the transition in employing our residents.

FERVO Energy is a remarkable company with strong ethical values and has become a part of our community and a partner to Milford City.

We as a community have a goal to keep moving forward and prospering by making our economy stable and healthy; we feel that FERVO and its operations are a valuable asset to the Milford Valley and our future.

We appreciate you allowing for public comment and it is our sincere hope that the BLM supports this project. Should you have further questions, please feel free to contact me at ndavisfiredist2@hotmail.com or 435.691.9111.

Kindest regard,

Nolan C. Davis
Mayor, City of Milford

Milford City Council Meeting
Tuesday, August 20, 2024, 4:00 PM
Milford City Hall, 26 South 100 West
Milford, Utah 84751

Members Present: Mayor Nolan Davis, Council Members Russell Smith, Les Whitney, Scott Symond, and Terry Wiseman.

Staff Present: City Administrator Makayla Bealer, Zoning Administrator Lisa Thompson City Recorder Monica Seifers, Attorney Leo Kanell, Foreman Benjamin Stewart.

Absent: Council Member Ian Spaulding

Visitors (Official Roster): Dr. Joseph Moore, Rob Bolton, Shawn Gillard

Call to Order

Mayor Davis called the meeting to order at 4:01 PM. followed by the Pledge of Allegiance.

Public Hearing – Vacating Street 200 East

Mayor Davis opened the public hearing at 4:01 PM

Administrator Bealer: The purpose of the hearing is to hear public comment regarding Milford City's consideration of vacating a street which is 200 East shown on the plat map as Williams Street through Ordinance 12-2024. Vacating a part of 200 East Street between 100 North and Center Street will assist with accommodations for the new town lift station that will be constructed in the wastewater project. The 200 East (Williams Street) is platted on the city's footprint; however, the road has never been installed or maintained since Milford City was settled in 1873.

Reviewed the map, Google Earth View, and Street View that were included on the Notice of Public Hearing. Administrator Bealer explained that Milford City purchased the property west of the street and desires to vacate the street to utilize in the lift station. Utility companies have been notified as well as property owners within 300'. If 200 East was an actual street it would be located where the yellow lines are placed on the Google Earth View. Attorney Kanell reported that the judge had approved the Quiet Title action to the property on the day prior.

Shawn Gillard entered the meeting at 4:05 PM

Mayor Davis called for questions, comments, concerns regarding the vacating of 200 West. Attorney Kanell cited that he did not see where anyone could feel injured by the city vacating this street, we don't think it would affect anyone. Administrator Bealer – no, because Milford City will own the property on the west side as well as to the east. There were no other comments.

Mayor Davis closed the public hearing and convened the regular meeting at 4:06 PM.

Visitors

Jen Wakeland – Economic Development Quarterly Update

Mrs. Wakeland reported on the recent developments and work done in her office. There have been 8 recruitment calls in the works including 2 additional meetings with Hoteliers – as the city has stated they

would like to see more hotel rooms on this side of the county to help accommodate the influx of workers that will be coming into the community as well as host visitors to our town. Having conversations with two housing developers –key conversations around affordability. One is further along than the others, as they go through the process the city will become more familiar with them. Not only is Jen’s office working on tourism, but they are also focusing on housing for Milford to answer some of the needs and pressure points. Two Requests for Information were answered on behalf of Milford City Project Area (Mineral Mountains). They work in partnership with EDC Utah who meets with site selectors who are interested in expanding or building new businesses here in Utah. Two FRI’s looked like a fit for Milford so they answered them. No word yet back on them, they tend to take a little bit of time. In addition to these, we had SUU and Utah Tech come for a site visit, talking very specifically about what it would take to bring a campus to Milford City. Jen favors this project currently and she is suggesting it not only be a campus for college kids, but a community campus offering arts, skills and trades. Not geared toward a bachelor’s degree or some sort of certificate – certainly we need those kinds of programs – but a place that anyone in the community can access, so those discussions are focusing on where the funding might come from, where we would place a facility, etc. The commissioners were suggesting the old hospital the county acquired could be a potential site. We could look at taking on a Rural Opportunities Grant that you guys were awarded last year for the Industrial Park, as a way to help fund that initiative. We are in the beginning stages but having those conversations. It is a pleasure to meet our SUU partners and Utah Tech partners and have them seek our needs, she is hopeful to see where this goes. Finally, we have had spotlights on the Taste of Utah Road Tour. Two of the four highlighted locally were in Milford, Penny’s Diner and Scotty’s Diner. Each of the restaurants really shined and did a fabulous job. Mayor Davis asked if she got any feedback from the Travelodge group regarding expansion. Jen reported that she did not hear back from Avantic, however, site selectors – who are like a consulting agency – hoteliers often use site selectors to find the facts around any given place. The site selector that Avantic uses did reach out to her, but it is separate from the other two calls she took. Mayor Davis asked if when meeting with developers they ever came up with a starting price for housing projects. Do we need to set a level that we want to start with to keep them affordable in our area. Jen agreed, she felt that in Beaver County collectively we are looking at the \$250K’s. What is going to dictate that will be the following: 1) the density that we use, the product that we decide to approve to place there and then 2) what qualifies for funding under the Governor’s Initiative for the funding pool. So those are the meters for how we can shape the direction this takes. We saw from one of the housing developers a really robust plan with multiple options for kinds of houses that could be considered. We are not that far down the path yet, but in those key conversations we have been having, we have been expressing that these need to be affordable housing, not \$400,000 housing. There are some metrics for the developers to access that money on the state level, that means they have to come in at certain AMI’s. So, we are watching that very closely. We are probably one of the first communities that will deploy a housing plan under Governor Cox’s initiative, so we are really trying to be thoughtful as we figure it out and take it step by step. So no, we don’t have a price point yet, but we are not that far down the path quite yet. On the flip side of that – the other developer came into Jen’s office stating he owned X number of lots in Y subdivision, here is what I want to build. He wants to build single family homes that are three bedroom two bath that come in around \$250-\$350K. Jen told that developer that was great, they need to find a way to employ the governor’s money to get some capital to start the project, get plats, all that stuff. Again, very introductory conversations, but both developers are hearing what is being said on the price points, and the desired layout and looks. It is certainly easier to build less expensive homes if we expand the density, meaning, if we are willing to look at townhome projects or condo type developments that are being built, those tend to come in at the lower price point because you are building one structure which takes the cost

down. That may or may not necessarily be what we want to see built or may not be what we need here in town. We are working with the developers to work through the details and ensure it fits the community's needs. Mayor Davis thanked Jen for her role. It will take a lot of collaboration. Jen thanked Milford City for the opportunity to be involved and serve.

Mrs. Wakeland left the meeting at 4:20 PM

Dr. Joseph Moore – FORGE Update

Dr. Moore presented an update of the recent activities at the project. They have been busy at the FORGE site with stimulation test and circulation test. They finished drilling the production and injection well and did a commercial scale test. They conducted a commercial scale test. They exploded charges in both wells and those allowed them to pump water into the wells. They pumped water into the injection well and pumped it out of the production well. 10 zones were stimulated in the injection well and 4 zones were stimulated in the production well. They then ran circulation tests. The stimulation and circulation tests were successful.

Current activities:

Long-term circulation tests began in August and is scheduled for 30 days. Water is injected into the injection well, produced back from the production well. The goal is to assess the connectivity between the wells and efficiency of the heat extraction. Injecting 420 gpm and getting 95% back. Very commercial temperatures at about 360 degrees Fahrenheit. If you drive out you will see the two separators (one is Fervo's, the other is FORGE). Again, water is circulating through two wells, and they are monitoring connectivity between the two wells.

Upcoming activities:

Current Phase 3 ends in September. Next phase to begin October 1 is funded for four additional four years. Currently in budget negotiations with the Department of Energy. The outline for this will include drilling a third deep deviated well below existing wells, stimulate additional zones, conduct long-term circ tests, and continue outreach and communication activities.

Community Outreach:

Provided a tour of the site to officials from Utah Trust Lands Administration and Utah Division of Water. Launched a virtual tour of the site and surrounding area. Chirstopher Katis and Gosia Showron will be at the Beaver County Fair, be sure to stop by and say hello. Mayor Davis asked how deep the new well would be. Dr. Moore replied he thought they would get to about 9500 to 10000 feet.

Shawn Gillard left the meeting at 4:28 PM

Consent Issues

a. Consent issues including bills and payroll, Financial Report July 2024, and minutes of the July 23, 2024 Public Hearings and Regular Meeting were presented.

➤ **MOTION:** Council Member Russell Smith moved to approve the consent issues as presented. The motion was seconded by Council Member Les Whitney. The motion carried with the following votes:

Yes: Scott Symond, Terry Wiseman, Les Whitney, Russell Smith.

No: None

Absent: Ian Spaulding

New Business

a. 9/11 National Day of Service

Mayor Davis explained Karen Nelson has been asked to plan a celebration in honor of 9/11, she has gathered a small committee to help. Some of the items the committee would like to accomplish include install solar lights at the graves at the Milford Cemetery; cleanup cemetery on 9/11 from 2 – 6 pm, install 2977 flags put up on high school hill to represent the lives lost, Fervo is going to donate the flags. A community dinner will be at the pavilion for everyone who helped on the cleanup. The city council members have been asked to cook and serve the dinner which is scheduled to begin at 6 pm. Milford City has donated \$500, and Beaver County has donated \$200. Mayor Davis is overseeing the dinner and asked for volunteers from the council. Russell Smith, Les Whitney, and Scott Symond had volunteered, Council Member Symond realized he had previous commitments out of town. The council decided to serve hamburgers and hot dogs.

Makayla reported there would also be a food drive held the week of September 9 – 13, all donated goods can be left in the foyer at the city office. There is a list of specific needs of the food bank that is posted and circulating on social media as well. The Daughters of the Utah Pioneers will be reading to the residents at the Milford Hospital. The story hour at the Milford Library will be focusing on 9/11. The schools will be assisting in a community cleanup that day. Students will also be involved in collecting Seeds for Soldiers. She encouraged everyone to get involved that day and asked Foreman Stewart to have the one ton available at the cemetery for the volunteers to place debris in. Mayor Davis added that he can have the hospitals trailer available as well.

b. Approval of Sunrise Engineering Work Release 2024-5 General Plan Update

Administrator Bealer reported that Jen Wakeland presented Milford City with a \$30K check to assist with the update of the General Plan which will allow the city to hire Sunrise Engineering to provide much needed input on the update. Lisa Thompson has been in contact with Devan at Sunrise Engineering and reported that Sunrise will be helping the city apply for the TPA funds to help with updating zoning ordinances. Mayor Davis stated he wished Mrs. Wakeland had been able to stay, he expressed much appreciation to her for the help with this funding. She said she could pull it off and she did. With the potential growth on the west side of the county she was able to justify it. Mayor Davis cited that the staff could have got the work done with the help of Five County, but it would have been a lot of work on behalf of the staff and taken a lot of time. City Administrator Bealer added that the staff did not necessarily have the backgrounds or knowledge needed to accomplish this level of work, this is what Sunrise's planning group does day in and day out, so they know what communities our size need, and how to get the community to engage. The work release is for \$37,500, but if you recall Milford City had authorized a work release for an Annexation Policy Plan Update with Sunrise, they have agreed to hold off on that plan and move those funds into the General Plan this fiscal year, so we will have that \$6K available and Rocky Mountain Power contacted the city with intent to donate so Makayla had them put their donation toward the General Plan Update. Milford City will only have to come up with \$500 for this plan update. Lisa added that Devan stated it made more sense to update the General Plan first as a foundation, the other plans are usually built off the General Plan.

MOTION: Council Member Les Whitney moved to authorize the mayor to sign Work Release No.2024-5 General Plan Update. The motion was seconded by Council Member Terry Wiseman. The motion carried with the following votes:

Yes: Scott Symond, Terry Wiseman, Les Whitney, Russell Smith.

No: None

Absent: Ian Spaulding

Discuss Drainage from August 11, 2024, Rainstorm

City Administrator Bealer placed it on the agenda so the council could discuss some of the drainage issues in town and to have the council report that Milford City understands there are areas in town that have drainage issues. The city will be conducting a citywide drainage study once the wastewater project is complete. Years ago, we identified a plan that would allow us to complete our water infrastructure, then wastewater, followed by drainage. Drainage is the next project once the current wastewater project is completed.

Some of the areas that have been established as concerns:

- 100 North 100 East: Ben and Derek looked at that. When Ted Carter lived there, he removed the culvert. The city will go in and grade a bar ditch to help with drainage so water can move more freely out to the East.
- 100 West Center: Dora Lara had two culverts under her driveway that were pinched off. The crew went in and removed the two culverts and installed a larger culvert. The Friday before the storm the crew had finished cleaning out the drainage ditch all the way down to the lift station property out toward the railroad tracks, so that drain actually worked the best it could for what we have. There was nothing else that could be done, it was just a lot of water.

The city crew, following the storm, discovered a few more areas in town and went and cleaned them up, she will let Foreman Stewart report on those areas. The city does have sandbags in the conex that have been in there for a few years, and they are not doing us a lot of good sitting in there. She has discussed it with Mayor Davis and feels these bags should be offered to the residents and have the crew put a couple loads of sand in the lot and let anyone who wants to come fill them and have them available and ready before the storms hit. Would you agree with my proposal? Council Member Les Whitney – once you put sand in those bags they rot, so they won't stay good if you fill them now and give them to the towns people and have them hoard them or save them. The bags begin to rot once there is sand in them. Mayor Davis – is that due to moisture, or being left outside? Council Member Whitney – both. I know the bags that I have inmates fill and move to different areas in the county, we've tried and tried and tried to keep them from falling apart and once we have sand in them, they just fall apart for some reason. Mayor Davis – are they outside or inside? Council Member Whitney – both. On the county level now, we only fill bags for an existing event and let people take them. We don't fill and stock them now because of that reason. He asked if Foreman Stewart agreed with that, asking if he had seen the same result. Ben – it seems the ones we have filled have rotted pretty quick. Once you fill them it seems they don't take long to rot out. Council Member Whitney – I like your idea, Makalya, if we have sandbags available with sand there and we could setup a quick bagging station for the community if we had to. That is fairly easy to do. Mayor Davis – the concern I have is the other night that would not have done us any good at all, as fast as it came down, it would have been impossible to get bags filled and into place in time. I don't know what the answer is. Administrator Bealer – it was a lot of water. I guess my concern is the city has invested a lot of money in these sandbags and then they are sitting there in a container, locked up. When the crisis comes and people are needing them, we don't have sand or sand in the bags. As a town, we need to be more proactive ahead of schedule so that people can have those on site. We have certain locations that flood every time, and we could let them come get the bags and they could put sand in

219 them and store them and if they rot out, they rot, but at least that had them available on site. Council
220 Member Whitney – I bet I gave out close to 1,000 sandbags that night. I have tons, I have over 50K
221 sandbags located here in Milford, I was giving out sandbags left and right. Administrator Bealer – but not
222 filled, right? Council Member Whitney – not filled, they knew they could fill them but we at least give
223 them the bags so they could be proactive if they wished to do so. Most of the big places that were
224 flooding we was able to build a berm with the city backhoe and divert that water a little bit so that
225 worked well, so we didn't have to use sandbags. Administrator Bealer – correct, so I am just thinking for
226 smaller properties. Council Member Whitney – I have no problem with doing that, I am not saying we
227 shouldn't do it, I am just saying that they need to be aware that they will rot. City Recorder Monica
228 Seifers – what kind of time frame are we talking about for them to rot, weeks, months? Council Member
229 Whitney – we filled them at the county level for an early Spring runoff a couple of years ago and we went
230 to use them that Fall and a lot of the upper ones were starting to fall apart. Administrator Bealer – was
231 it because they were in the water and stored out in the sun? When we talked about getting the sandbags
232 we left that one container in the upper parking lot just for the sandbags to placed in there and we bought
233 another container for the crew to put their mowers in and that was the idea behind it, so if they are out
234 of the weather do they last longer? Council Member Whitney – I think we could try that, they will last
235 longer, but the weather and everything is going to be a huge impact on them so if we want to be proactive
236 and help out I think let's fill sandbags and put them in that container to where there are no elements
237 that will bother them and let's see what happens to them, at least we will have them filled. Mayor Davis
238 – let's go ahead and fill 100 sandbags and leave them in there. Council Member Whitney – I am just
239 saying we shouldn't leave them outside for people to come and get. Administrator Bealer – my intent
240 was to have people come get them and store them at their house in a garage or a shed. But we can do
241 whatever you guys decide. I think we need to do something, we have the bags available, but they really
242 are not available when the tragedy hits. Mayor Davis – why don't we fill 50-100 of them and keep them
243 in the container out of the weather and still let people know we have bags available and they can come
244 and get them and they can fill them on their own if they feel the need, or if they are watching the
245 weather and think there is going to be a problem. You know, you can run out here and fill those bags in
246 a matter of minutes with the sand available in this country. If they have the bags leave it up to them to
247 fill them. Administrator Bealer – so, don't have the crew put sand up here in the parking lot? Council
248 Member Whitney – I actually like the idea of having a couple of places where sand could be strategically
249 placed for the community. That wouldn't hurt nothing. Mayor Davis – put a pile here and a pile up by the
250 city shed. Administrator Bealer asked Foreman Stewart if he could take care of the sand piles and fill
251 bags. Foreman Stewart agreed he will put a pile up in the upper parking lot and by the city shed.
252 Administrator Bealer asked if he wanted to put it on his list or see if the inmate crew would come fill 50-
253 100 sandbags. Foreman Stewart replied that either way they would get them filled. Council Member
254 Whitney advised that it was easy to fill the sandbags if you use a couple of sawhorses flipped over with
255 a ladder across them then throw some road cones in upside down to use to hold the bags you can fill
256 them quickly and easily.

257
258 Foreman Stewart reported that there were some issues on 700 West with one culvert being completely
259 plugged off down on 1100 South, they got that cleared. Another concern was 600 South 700 West, which
260 they also got cleared. They had their usual issues down by the Catholic Church and also Library Hill, they
261 got that all cleared up. Still cleaning up a few areas around town from it. Council Member Whitney – by
262 way of education, for me, the ditch we have on 100 East that runs along the railroad and out through
263 there, I know that ditch filled up fast – and we knew it would. Foreman Stewart – and luckily we had just
264 finished cleaning that up a few days prior. Council Member Whitney – how far did you go cleaning that,

and can we go farther? Whose ditch is it, are we legal to be in that ditch? Foreman Stewart – I don't know but we cleaned it anyway. Administrator Bealer – we do have a prescriptive easement because the water has been running there for ... Council Member Whitney – I don't know how far down you went but I wonder if we go down a little farther if we could move more water through it. Foreman Stewart – we cleaned where it comes behind Dave Jones' residence and along our lift station, then we cleaned out the ditch on the other side, the Lara's residence, and then cleaned where those two ditches meet all the way back to behind Smithfield. Mayor Davis – once it goes beyond the old little league park and fills up that ditch, it is just going to flow on that old road and it's just going to keep going probably clear to about the east switch. Foreman Stewart – it seemed like all the culverts were working down on main street, it was just too much water too fast, it just took time to get them drained out. Council Member Whitney – exactly! I was standing in water at the fire station with water up to knees. The drains were slurping water like nobody's business, but they just couldn't drain. We received 1.30 inches of rain that night. Foreman Stewart – I have seen it rain that hard for 5-10 minutes, but that night it was like 30-40 minutes. Mayor Davis – anything else, Ben? Foreman Stewart – nothing right now. Mayor Davis – alright then, let's get together and work on getting a few piles of sand and notification out to the public.

Discuss alley vacate at 485 South 700 West

Zoning Administrator Lisa Thompson provided the council with information regarding the back history of this alley. Spring of 2023, JoLynn Luthi who resides on 600 West behind Taylor and Heidi Burrows, complained that the Burrows had blocked off the access behind her house restricting her from accessing her property from the alley. We worked with Taylor and Heidi letting them know that there was an alley there and they needed to remove their fence so the neighboring property owners could access their properties. That was taken care of and the city hasn't heard anything since. A couple of weeks ago, Heidi and Marie Rose came into the city office. Marie cited that in a conversation she was having with Brent Baxter, who used to live at the Burrows property, he explained to her that years ago he had petitioned to vacate the alleys. The records at the county still show the alleys being on the plat. Lisa researched minutes from 1980 through 1991 and found out that Becky Baxter did come before the council and petition to vacate the alley, but it would have been for the alley between the Burrows residence and the current Hussey residence, not the alley behind them. The request was granted to vacate the alley. As far as Lisa can tell, the city probably had deeds prepared for all of the property owners and gave them to them to be recorded but the only ones who had them recorded was Ron Brinkman, so the rest of the alley is just no man's land right now. Lisa has let the Burrows know what took place and they want the entire alley through there rather than just the 7.5 feet. Heidi reported that she has discussed it with Ken Hussey and he has no interest in his 7.5 feet. Lisa has let Heidi know if she can get Ken Hussey to sign a petition stating he has no interest or no use then the city could deed the entire 15 feet to the Burrows. Mayor Davis asked if there were any utilities located in the alleys? Lisa – no, there are not. This is just an update so when the Burrows petition you will be aware of the situation.

Discuss Sewer Line South of Cemetery on 400 South

Zoning Administrator Thompson reported that Rob Bolton has purchased property just south of the cemetery he would like to develop. His plans are to put two homes at the front of the property and a personal garage at the back of the property. City code requires him to extend the sewer mainlines to the property, there is a main line on 300 West and there is a main line that goes down an alley. Rob had Foreman Stewart on site to measure the depth of the e at the intersection of 400 West 400 South and the sewer only measured 6 ft deep. Ben had reported that this was the highest point in the line. Rob measured the grade from the mainline to extend the main and put the lateral in at his property and it

will not make grade. On May 29th Rob visited with Lisa and asked about the possibility of hooking onto the main sewer line that runs part way down the alley behind his home (on 500 South) to service the future development. She reviewed the map with the council. She further explained that while Rob and Ben were measuring, they measured the manhole which measures 9.6 ft deep. Rob would like to see if - there is actually an alleyway that was vacated a couple of years ago. Rob is wondering if they could "un-vacate" the alley to allow him to use that to extend the main line down it and do a utility easement between his lots for the laterals. On May 30th, Lisa, Administrator Bealer, and Foreman Stewart discussed the issue and came up with the following: Rob could stub a lateral off the existing main line to service the development of the garage, Lisa was not sure if Rob was planning on putting in utilities to service that garage. If Rob is able to have this alley deeded back to the city to allow for an easement for the extension of the main sewer line, at that point he could run two separate lateral lines through the utility easement that he would need to have deeded to the two separate dwellings. Our city code states that the mains are extended the length of the property but this is just a different situation where he can't meet grade. Ben was onsite with Rob so Lisa turned the time over to him so he could explain his perspective regarding the situation.

Foreman Stewart reported that the manhole on 400 South 400 West was the top of the line going both directions on 400 West, if he can't make grade there, the only other solution would be to go to the deeper manhole in the alley. If we could deed the alley back for an easement, the main line could be run there that the city could maintain while allowing Rob's laterals. Administrator Bealer added for council's consideration, the city always requires that developers extend the main to the end of their property line but in this situation, there is no future development on that lot, the cemetery is to the north and there is established development and sewer services in that area. When they met, this was the best solution they could come up with to allow this property to be used, it is a nice piece of land that the utility placement wasn't ideal for development.

Mayor Davis felt that the city needed to look at the options, he felt this was one of the many lots in town that don't really comply with current code so for the city to be flexible to make it work and fit within the community. This is one that he felt a plan to get the sewer to tie in and allow future development would be beneficial. Council Member Whitney agreed with Mayor Davis stating that alternatively we don't have another alternative, so we can't even consider something else. He felt the city needed to help do what we can to make the best for everybody. Administrator Bealer cited that the best way to look at it is that the city's infrastructure was prohibiting him from extending the main line due to grade and depth of the sewer manhole. Council Member Russell Smith asked what we would need to do to get the alley deeded back. Lisa stated that MR. Bolton would deed his 7.5 ft back to the city, she did not know if there was set amount required for an easement – that would be a question for Attorney Kanell. Attorney Kanell asked who owned the other 7.5 feet? Lisa – the other two abutting owners. She cited that they obtained it because the former property owner (of Bolton property) vacated it; it wasn't something they were pursuing so they may be willing to deed it back. Attorney Kanell suggested seeing if the property owners would be willing to do that. Mr. Bolton reported that he had spoke with the property owner at 425 South 400 West, who got 7.5 feet of it. The trailer at 401 South 400 West got 7.5 as well, but that property would probably not even be affected by the sewer line. Rob stated that there is a language barrier with the owner at 425 South so he is not sure if he understands what Rob is asking so he needs to find a way to get clear communication with him on the situation. He will address it with him again. If the property owner does not want to deed it back, Mr. Bolton asked if he could carve a piece off the corner off his lot to shift the alley line. He is willing to do whatever he needs to do. Administrator Bealer suggested that

the city reach out to a Spanish speaking resident that the city uses for translation at times to see if he could bridge that gap to help with having a clear conversation. Rob – I need to have a more serious conversation with him, I caught him after work and talked about his car and stuff, and then took him around and kind of showed what I was planning on doing. Mayor Davis - well, does understand that he owns that strip, that is probably the big question right there, whether he fully understands. Rob – I don't know that. Council Member Whitney – so, it sounds like, number one - we have to make sure he understands it and, number two - do we need to obtain signatures to have that done? Makayla – if we can get our contact to bring him into the office and translate for us and explain it to him, we could probably get that property deeded back to the city to use as an alley. Rob – the garage is right on the property line, the fence is an existing fence, it is really useless property to him. Attorney Kanell – it's not a signature, it's a deed that is deeding the property to Milford City as a utility easement or an alley, whatever you want to do. Attorney Kanell cited that the city/property owner responsibility would need to be identified. Administrator Bealer outlined the lines on the map stating that there would be an easement and the private property owners would have their lateral lines that would be maintained by them and Milford City would only maintain the main service lines. Council Member Whitney asked the length of the sewer line the city would maintain. Rob- around 60 feet. The two lots on the end are 60 feet combined. He is trying to make these lots work with the city's requirements for frontage. He bought the property with the intent of putting a private shop on it then he discovered the requirement for sidewalk, curb, and gutter so he is trying to figure out how to make it all work. He is a contractor so he could build two houses and incorporate the cost into those homes. Mayor Davis – you realize we need housing, don't you? Rob – I do, as a matter of fact it was quite fortuitous to have Jen here, because he would like to do something affordable. With his neighbors he can't get a house to appraise there. Lindsay (Cheney) was going to build a home on the property but the bank wouldn't lend money to build there. Rob was thinking of building a couple minimal homes about 1100 sf with three bedrooms and a carport. They would be nice and fit the lot and he could get them done better for less money. He and his wife plan on ending up back in Milford full time so he may be available to do more stuff around town. Council Member Whitney – I still stand that we do whatever we have to do to make it work under the conditions. The circumstances are not ideal but what else do you do? Rob – why else would the manhole cover be in that alley right there – why would the sewer be extended there but to service that property. Council Member Wiseman – worst case scenario couldn't you run your laterals down to the corner of that property? Rob – I will do it whatever way you want. I will be digging the trench and putting the pipe in. I know the city has the obligation to whoever ends up buying the houses. Administrator Bealer – Terry, this was discussed in our meeting and the problem is the city code does not allow private laterals to run through other properties. For example, when Lary Carter was building his home, he wanted to come off the one-way street and run his water line across Randall Robinson's property and the city code required the laterals to run on their own land. This would be on Rob's property but he could potentially sell the two homes. Reading the code and following it, but giving a bit of variance because the city infrastructure is preventing him from meeting grade by extending. If we allow him to extend as show on the map then the city will be responsible for that main line and then they will just have their laterals that will cross in that utility easement. Rob was considering power placement in the easement as well, that was his intention. Foreman Stewart was concerned with the width of the alley as well, he wants to ensure the city can get their equipment in to maintain the manhole and for cleaning. Lisa asked how many feet he felt would suffice? Ben – enough for a pickup, maybe 10-12 feet. Attorney Kanell – we should try to get the alley back. Rob and Ben discussed the water main briefly, Foreman Stewart citing that there would need to be a fire hydrant installed to allow flushing. Council Member Whitney asked about water service to Rob's shop. Rob stated that he didn't think he would have water to the shop, he was wanting to use

it to store his boat and trailer out of the elements, he may put power in. Foreman Stewart said there is a fire hydrant on 300, they could look at the cost but it might be just easy to connect 300 and 400. Rob is looking at the least amount of road cutting as possible. He asked the cost of a hydrant. Ben thought they would run about \$3K. Rob is wanting to move forward with his shop so he is trying to get it all lined out so he can start the permitting. Makayla obtained a quote for a hydrant in May and it came in at \$4754. Foreman Stewart – that is the hydrant, the valve, and the valve box- all the stuff you would need to have with it. All were in agreement to move forward with Mr. Bolton in this development.

Ordinances and Resolutions

a. Ordinance 12-2024 “Vacating 200 East from 100 North to Center Street”

- **MOTION:** Council Member Les Whitney moved to approve Ordinance 12-2024 “Vacating 200 East from 100 North to Center Street”. The motion was seconded by Council Member Scott Symond. The motion carried with the following votes:
Yes: Scott Symond, Terry Wiseman, Les Whitney, Russell Smith
No: None
Absent: Ian Spaulding.

b. Ordinance 13-2024 “Revisions of Crosswalk Regulations”

Administrator Bealer explained that the crosswalk regulations were adopted prior to doing the new ordinance for school pickup and relocating the crosswalk to the north. The prior ordinance required all vehicles to turn to the left and now they are crossing over the crosswalk so now we need to require that they turn to the right. The principal at Milford Elementary school is ordering a “turn right only” sign so traffic pulling out of the north parking lot at drop off they are not crossing back over the crosswalk.

- **MOTION:** Council Member Les Whitney moved to approve Ordinance 13-2024 “Revisions of Crosswalk Regulations”. The motion was seconded by Council Member Terry Wiseman. The motion carried with the following votes:
Yes: Scott Symond, Terry Wiseman, Les Whitney, Russell Smith.
No: None
Absent: Ian Spaulding.

Staff and Council Reports

Administrator Bealer

- The new pool pump was installed and is circulating much better and the deep end is clearing up and looking much better. The pool is still open but operating under minimal hours and scheduled to close on Sept 1.
- The trees at the recreation complex have been pruned. The tree service provider will be returning to take care of trees at the golf course. Next budget year the priority will be the trees along 300 West at the Pavilion.
- The State of Utah contacted her this morning regarding the sign for Penny’s Diner and Travelodge. Lodging Enterprises has contacted the state to let them know they are no longer going to pay for the annual permit or maintain the sign. The state would like to know if the city would like to pick up the permitting and maintenance of the sign. It is a nice sign and the city could have it re-wrapped and move it to a better location. It would cost \$250 to transfer it to the

city and then it would be \$90 annually to permit it. After discussion it was determined that Milford City will take over the sign and will decide where to locate it.

Council Member Whitney

- Expressed his appreciation to the crewmembers that worked on the flood, he doesn't know who all was involved other than Riley and Ben. Riely was working feverishly trying to help people out with the loader. He just jumped in and starting working. Les had contacted the Mayor and asked for the crew once he saw there were big issues going on, so whoever besides Ben and Riley were involved, thank you very much, it made a very bad situation at least somewhat better.

Council Member Symond

- Was able to track down name and number of a gentleman who had expressed interest in developing in Milford. He will be reaching out to him and will update later.

Mayor Davis

- Council Member Whitney and Mayor Davis had the opportunity to attend Rural EMS Solutions, the counties, cities, fire departments, throughout the state were invited and about 93 in attendance. The focus was to try to identify some solutions for the EMS shortage statewide. The rural areas are taking a beating. Iron and Washington Counties have private services. This is something that needs to be addressed imminently. It will take collaboration among cities, fire departments, hospitals, and counties. The fire department has been built up here, kudos to Chief Whitney and his crew. We need to be identifying how to build the EMS services. Guy Dansie has been very involved in EMS and brings a new perspective, he would like to sit down and brainstorm how we can recruit and retain EMS in our community. It was an interesting meeting, we went in thinking we had a lot of problems and learned that we don't have near the problems a lot of other places have, so we are very fortunate for what we have.

Adjournment ~ *as there was no further business the meeting adjourned at 5:35 PM.*



State of Utah
Department of Transportation

Cooperative Agreement UDOT Performing Work for Local Agency	Project Description: Driver Feedback Sign for Milford Town	Estimated value of scope of work \$6,500.00
	Local Agency: Milford Town	Date Executed
PIN: 15416		
Job/Project: 72607		

THIS AGREEMENT, made and entered into executed date, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**", and **Milford Town**, a political subdivision of the State of Utah, hereinafter referred to as the "**Local Agency**."

Local Agency has requested that the Work be included in **UDOT's** Project. Subject to the attached provisions, **UDOT** will include the following items into the above referenced Project. Upon signing this Agreement, **Local Agency** agrees that the costs shown are estimates and that the **Local Agency** will be responsible for paying the actual costs associated with these items included in the Project. If a lump sum payment is specified, **Local Agency** will not pay for any additional costs beyond the lump sum payment amount.

Description of Work:

UDOT will install one Solar Power Radar Speed Driver Feedback sign on SR-21 in Milford, Utah. Estimated price for the sign installed is \$6,500.00. **UDOT** will purchase and install the sign. The **Local Agency** will reimburse **UDOT** 50% of the actual cost for the Driver Feedback Sign installed. The **Local Agency** will cover all costs for ongoing maintenance of the sign once installed. If the sign is damaged and requires replacement, a 50/50 participation for the replacement will be required.

List or Description of Items

Item #	Item Description	Estimated Quantity	Unit Price	Estimated Cost
#1	Solar Power Radar Feedback Sign (50% Local Agency cost)	1	\$6,500.00	\$6,500
Estimated Total Cost				\$6,500.00
Estimated Total Cost to Local Agency				\$3,250.00

LUMP SUM PAYMENT: TOTAL AMOUNT TO BE PAID BY LOCAL AGENCY	Not to exceed \$3,250.00
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The total estimated cost or lump sum is due within 30 days of receiving the invoice from **UDOT**. The **Local Agency** shall submit payment of said amounts with **UDOT's** Comptroller's Office located at **UDOT/COMPTROLLER**, 4501 South 2700 West, Box 141500, Salt Lake City 84119-1500.

Total Estimated Reimbursement to **UDOT** is \$3,250.00

Provisions

UDOT will include the Local Agency's requested Work provided that the Local Agency pays the actual costs UDOT incurs or a lump sum. The Local Agency agrees that UDOT's Project will not be delayed as a result of adding the Work and the Work will not be added to the bid package until this Agreement has been signed by both parties.

The Local Agency, at no cost to the Project, shall provide on-call support from Local Agency's Design Engineer to correct or clarify issues during construction and perform the necessary inspection for the Work installed by UDOT's Contractor. The Local Agency engineer and/or inspector shall work with and through UDOT's Resident Engineer and shall give no orders directly to UDOT's Contractor unless authorized in writing to do so. UDOT will require its Contractor will perform the described Work in accordance with the plans and specifications approved by the parties. The Local Agency, through its inspection of said Work, will provide UDOT's Resident Engineer with information covering any problems or concerns with acceptance of the Work upon completion of construction.

Access for maintenance and servicing of the Local Agency property located within state right-of-way will be by permit issued by UDOT to the Local Agency, and that the Local Agency will obtain a permit and abide by the conditions of the permit in accordance with Utah Administrative Code R930-7 and R930-6.

I. Liability:

UDOT and the Local Agency are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other party from any and all damages, claims, suits, costs, attorney's fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, or employees in connection with the performance and/or subject matter of this Agreement. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections of this paragraph. This paragraph shall not be

construed as a waiver of the protections of the Governmental Immunity Act. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

To the extent it may be lawfully do so, the Local Agency releases UDOT from any responsibility or liability that may result from the Local Agency's operation or maintenance activities.

UDOT's periodic plan and specification review or construction inspection arising out of the performance of the Project does not relieve the Local Agency of its duty concerning the performance of the Work or to ensure compliance with acceptable standards.

II. Termination:

This Agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing;
- b. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this Agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Thirty days' written notice of intent to terminate is required and shall specify the reasons for termination. If the party does not remedy the breach within the reasonable time period, the other party may terminate the Agreement. If Local Agency terminates the Agreement, the Local Agency shall be responsible for all the costs UDOT incurs for the Work prior to the termination; or
- c. By UDOT for the convenience of the State upon written notice to the Local Agency.

III. Maintenance:

Division of jurisdiction and responsibilities of state highways shall be in accordance with Utah State Code Section 72-3-109 and applicable rules.

IV. Payment and Reimbursement to UDOT:

The Local Agency agrees that if it modifies or cancels this Agreement at any time after it has been signed, the Local Agency agrees to pay any cancellation penalties or costs incurred by UDOT as a result of the work scope being

modified or cancelled. In the event the Local Agency fails to reimburse UDOT for the costs included in this Agreement, funding for other Local Agency projects or B&C road funds may be withheld until the entire payment is made.

V. Change in Scope and Schedule:

If the Local Agency's project scope or schedule changes from the original Agreement, the Local Agency shall notify the UDOT Project Manager before any changes are made. Any costs incurred by UDOT, as a result of the scope or schedule changes, will be the responsibility of the Local Agency.

Any modification to this Agreement must be approved in writing by the parties is required prior to the start of work on any changes or additions.

VI. Miscellaneous:

Each party agrees to undertake and perform all further acts that are reasonably necessary to

carry out the intent and purposes of the Agreement at the request of the other party.

The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

This Agreement does not create any type of agency relationship, joint venture or partnership between the parties.

Each party represents that it has the authority to enter into this Agreement.

The parties may execute this Agreement in counterparts.

VII. Content Review:

Language content was reviewed and approved by the Utah AG's office on February 11, 2015.

Milford Town				Utah Department of Transportation			
By		Date		By		Date	
				Cody Marchant, Traffic Operations Engineer			
By		Date		By		Date	
				Kirk Thornock, Region 4 Director			
By		Date		By		Date	
				Contract Administrator			