

Minutes of the Regular Meeting of the Milford City Council held on Tuesday, October 28, 2014 at 7:00 p.m. at the City Offices located at 26 South 100 West, Milford, Utah.

Present: Mayor Nolan Davis, Council Members Aaron Cox, Karrie Davis, Wayne Hardy, Troy Netto, and Russell Smith, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, City Foreman Ben Stewart, Attorney Leo Kanell.

Absent: City Administrator Makayla Bealer

Visitors: Jesse Ralphs, Broc Hales, Kyle Gale, Susan Netto, Bart Fisher, Audrey Conard, Kelly Thompson - CJC Update, Patricia Stewart, Scott Symond, Broc Hales, Jason Hansen, Derek Griffiths, Angie Griffiths.

MEETING CALL TO ORDER

Mayor Davis called the meeting to order at 7:01 p.m. Followed by the Pledge of Allegiance

RECOGNITION OF VISITOR'S RELATING TO CITY BUSINESS

A. Keith Day, Department of Natural Resources/Division of Wildlife Resources: Discuss Bat Remediation

- Mr. Day was not in attendance.
- Mayor Davis gave the floor to Jesse Ralphs of Sunrise Engineering to give an update on the drainage issues experienced in town, particularly this year.

CIB Projects - Drainage Issues

- Jesse Ralphs: The Mayor has asked him to look at a few areas in town. Storm water issue, they seem to be localized due to low spots. There are two approaches to solving the problem - look at the problem areas or look at the city wide plan. He suggested drop boxes in the low spots; you never know if that will solve the problem. The City could also have a surveyor come out and have it looked at. Could also update the Master Plan. The last time the water and sewer systems were updated was twenty years ago. Scope can vary, have to look at systems individually, water rights, distribution system, etc. If funding by the City is requested in the future, it will need to have an up to date Master Plan, they generally are updated every 5 to 10 years. Grants or loans are typically available through CIB or DWQ.
- Mayor Davis stated that he asked Mr. Ralphs to come look at the drainage issue and offer any information he can to help direct the Council for future projects. There is funding available. Just information for Council to ponder. If there are projects the City will need to look into the next few years, now is the time to begin preparing.
- Mr. Ralphs commented that if the Water Master Plan was done, the city would want to do a Sewer Plan as well.

Bat Remediation Update

- Mayor Davis reported that Keith Day with DNR/DWR inspected the attic and confirmed the building had a definite problem. The entire cleanup done in January 2012 has been reinfected. Mr. Day couldn't believe the amount of guano in the attic, and stated the smell was some of the worst he encountered. The bats we have are from Mexico and are creatures of habit so eradicating them completely will be difficult if not impossible. He stated it is a very costly project and this building will be nearly impossible to seal off. His suggestion but he doesn't know how to propose doing it, would be to completely seal off the attic area but there are issues with regulations and asbestos. He is not a doctor and he cannot say there are health issues, but felt there more than likely is. He could detect the odors immediately walking through the door. He

added there were further problems such as black mold. He didn't feel there was any way to keep the bats out for longer than 1-2 years.

- Mayor Davis explained that there were no funding availabilities through the CIB for repair and maintenance on old buildings, just for new construction. There are some funding options through CDGB, there is a meeting in Panguitch on November 7th.
- GSBS proposal came in really high. Jesse Ralphs suggested there were other architecture firms that may approach this type of building and could do a conceptual plan for funding purposes in the ball park of \$5K. GSBS is a good firm, their fees are going to be a bit higher than local rural firms. Bill Western out of St. George may be more affordable. Beaver County was on board with development of a plan and agreed to pay 50% of the upfront costs (Jesse met with them last week).
- Jesse talked to Gary Zabriskie a few weeks ago who indicated that it would need to be on the prioritized list by early to mid November. Mayor Davis is also in contact with Mr. Zabriskie.
- Mayor Davis has done a lot of research on exposure to bat waste and it is something that needs to be addressed. There are other communities who have had to vacate their offices due to exposure causing health issues for employees. It can affect the nervous system, stomach, as well as the spine.
- The asbestos removal process is very costly. The building has Air Cells, which would be quite costly to abate. The abatement of Asbestos alone would run close to \$150,000.
- Council Member Karrie Davis feels there are other options, even if the City fixes or builds a new one, it will take a long time. We have employees in the building who are sick and need to be removed from the building as soon as possible. She suggested either renting or purchasing another building and renovating. Mayor Davis discussed building options that could be utilized but did not want to discuss those locations at this time.
- Council Member Wayne Hardy asked if the City was set on building a new building. Mayor Davis explained that the city needed to make that decision; it has not been made yet and explained the funding options. He revisited the conceptual plan that was originally presented that came in high. The City and County now are looking at a new set of plans that is scaled back to the bare necessities with shared chambers to be used for Council and Court.
- Council Member Karrie Davis asked if there was any funding available if the City purchased a building. Mayor Davis explained that it was only for new construction, not existing buildings.
- Council Member Karrie Davis stated that there were buildings in town that she felt could be renovated to suit our needs at minimal costs.
- Mayor Davis stated that city needed to look at new building options and see what the final costs come in at.
- Jesse Ralphs cited that long term loan options were also available which may appeal to the Council. The plans for the new building have been cut back from 15,000 square feet to about half of that. Council could consider a low interest half loan/half grant option to pay over time for a new building.
- Council Member Aaron Cox asked if we were sure that the county was on board. Mr. Ralphs explained that they met with the commission, and they not only committed to the project, but committed to pay 50% of the upfront costs.
- Jesse explained that the upfront costs would be about \$10K if Bill Western was the architect and Beaver County is going to pay half that cost.
- Council Members Cox and Davis would like to know what existing buildings might be available. Council to hold a special meeting.
- Council Member Troy Netto stated he had no interest in renovating the building, but was concerned with leaving another eyesore in the community. It was the consensus of the Council to not renovate the building.
- Attorney Kanell explained that the restricted deed agreement provided that as long as the building was being used for municipal purposes.

MOTION: Council Member Troy Netto moved to explore the option of a new building, commit \$5,000 to Sunrise Engineering and \$5,000 to Bill Western Architecture and would also like to hold an Executive Session where the Council can explore options on existing buildings to see how it lines up financially to that project. Motion was seconded by Council Member Karrie Davis. Motion passed, all were in favor.

B. Kelly Thompson: Update on Beaver County Children's Justice Center

- Ms. Thompson reported that the old Beaver Hospital was chosen. They felt that it would offer future growth for a family crisis center or women's crisis center.
- There is a meeting tomorrow if any of the Council would like to attend.
- Council Member Hardy inquired if there would be costs in the future for utilities, water, etc. Ms. Thompson replied no and explained that all of those costs were covered by grants.
- Sheriff's Office has donated work crew for ground maintenance and there have been many donations for furnishings so there will be no cost to the cities.
- Mayor Davis thanked Ms. Thompson for her involvement stating that Von Christiansen was very impressed with her energy and input.
- Ms. Thompson added that they were still looking for a home, the old hospital in Beaver was a start, but more on a temporary basis. This center will be a benefit to the community. The meeting tomorrow is a walk through, an open house will be held later.

Mayor Davis reported that Billie Dalton was not able to attend tonight, between now and then, Council needs to review and consider setting water fees where it is located outside of the city limits. City Recorder Seifers suggested discussing the possibility of annexing the property into the city limits.

CONSENT ISSUES

Consent Issues including bills and payroll, Minutes of August 19, 2014 Regular Meeting, and September 16, 2014, and Financial Report September 2014 were presented.

MOTION: Council Member Karrie Davis moved to approve the Consent Issues as presented. Motion was seconded by Council Member Russell Smith. Motion passed, all were in favor.

NEW BUSINESS

A. Appointment of Planning and Zoning Vacancy: Presenter – Karrie Davis

MOTION: Council Member Karrie Davis moved to approve the Appointment of Norman Davis to the Board of Adjustments. Motion was seconded by Council Member Wayne Hardy. Motion passed, all were in favor.

B. Animal Control Ordinance Review: Presenter – Karrie Davis

- The new ordinance proposes that six chickens and six rabbits are allowable within the city limits. There are currently no fowl or rabbit allowed and there have been complaints.
- Council Member Wayne Hardy asked if it passed would it be enforced.
- Broc Hales stated that he was the resident who received the complaint against him for the chicken coop. He assured the Council that his coop was kept clean. At the time of the complaint it had been raining and any animal waste will smell under those conditions. He raises the chickens for the eggs and he has been able to sustain his family. He doesn't see the problem, he doesn't want to raise a ranch here in the middle of town, and he just wants to be able to produce eggs for his family. He does not have any roosters. He currently has twelve chickens and has no problem going down to six chickens if the city passes it based on the proposal.

- Council Member Smith did not see a problem; there are several cities, and larger cities up north, allowing chickens.
- Council Member Davis stated that the code, which is not being enforced, is very strict for a small time. The commission feels the ordinance would give residents some freedom but still be enforceable.
- Council Member Cox stated that Milford was unique where the lots were a lot smaller than in other smaller towns.
- Council Member Davis explained that the commission discussed setting the code based on lot size but decided it would be too difficult to enforce.
- Council Member Cox expressed concern with bird dogs getting into the coops and causing problems.
- Council Member Davis replied that there was a leash law and dogs should not be running at large. The Council realizes this is a problem and there are already concerns with the lack of enforcement.
- Patricia Stewart stated that she felt people have the right to feed their families. This was her motivation for proposing the ordinance.
- City Recorder Monica Seifers felt that there was no problem with adopting the ordinance to allow for the chickens and rabbits but asked how it would be enforced and what would the penalties be for violation? She cited that she had neighbors that had chickens, probably for several years now, and they have never been a problem, most people probably don't even know they are there, but if they were to become a problem, how would it be addressed?
- Council Member Davis stated that the county would have the fines in their code.
- Mayor Davis suggested taking it to the county to let Animal Control review and getting their feedback on the ordinance and the penalties that would apply. He added that he was first opposed to the ordinance because back in the 1980's animals were allowed and it was a nightmare.
- Broc Hales commented that he has had his chickens for over three years and did not have one complaint until a new neighbor moved in, and they complain about everything.
- Draft ordinance to be sent to animal control officer for review and feedback.

OLD BUSINESS

A. Horn Silver Estates Subdivision Update: Presenter – Nolan Davis

- Mayor Davis has not had any contact from Mr. Porter. No update.

B. Family Dollar Update: Presenter - Nolan Davis

- Met with district UDOT officials in an effort to form an agreement between Family Dollar and UDOT for the landscaping of the easement along Main Street. Jim McConnell and Scott Snow took the proposal back to UDOT to propose for funding and it was denied. Prior to allowing the construction to move forward, Family Dollar must propose an agreeable proposal for landscaping and maintaining the easement. There is a 19 foot strip that goes the length of the block.

C. Airport Shuttle Service: Presenter - Wayne Hardy

- Council Member Hardy met with Administrator Bealer regarding this and felt it would be appropriate to pay Geoff Martin one payroll hour per trip to pick up pilots and shuttle them to town. Mr. Martin is using his personal vehicle and will be responsible for all gas, maintenance, insurance, etc. and will be paid for one hour per trip on his regular payroll.

- There are times when you may have two or three call outs per month, and then other times there will be none but it is a good service to have and as long as Mr. Martin is willing to do it he should be compensated. He has been doing this on his own right now.

MOTION: Council Member Wayne Hardy moved to approve the payment of \$9.00 per trip for callouts to the airport. Motion was seconded by Council Member Russell Smith. Motion passed, all were in favor.

COMMENTS

Council Member Reports and Comments

- Council Member Cox: Any update on the sheriff contract meetings? Mayor Davis spoke with Sheriff Noel today and he was on board with the city making the budgeted payments as discussed in the meetings. Mayor Davis explained that the city was waiting for the tax payments to be received to make a large portion of the payment and the full amount would be paid by the end of the fiscal budget year, as promised. Sheriff Noel was agreeable to this. The sheriff is trying to obtain figures on the county side of it, but with new people in office they are running into problems so we are probably going back to square one but he does want to address it.
- Council Member Davis: Ongoing problems with the internet at the library, needs to be looked at. Mrs. Miller may possibly be retiring so would the Council be okay with the Library Board advertising for a part-time library assistant. Council agreed to have the position advertised.

Special Meeting scheduled for Thursday, November 13, 2014 at 8:30 am

MEETING ADJOURNMENT

As there was no further business the meeting adjourned at 8:28 p.m.

APPROVED by City Council this 16th day of December, 2014.

MONICA D. SEIFERS, City Recorder