

Milford City Council Meeting
Tuesday, November 19, 2019, 4:00 PM
Milford City Hall, 26 South 100 West
Milford, Utah 84751

Members Present: Mayor Nolan Davis, Council Members Russell Smith, Ian Spaulding, Les Whitney, Shane Yardley.

Absent: Council Member Terry Wiseman

Staff: City Administrator Makayla Bealer, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, Attorney Leo Kanell, Foreman Benjamin Stewart, and Jesse Ralphs - Sunrise Engineering.

Visitors (Official Roster): Jennifer Mott – Festival of Trees; Lawrence Roberts.

Call to Order

Mayor Nolan Davis called the meeting to order at 4:03 p.m. followed by the Pledge of Allegiance.

Visitors

a. Jennifer Mott – Festival of Trees: Request for Donation to Festival of Trees for 2019

Mrs. Mott reported that the festival committee was requesting a donation to help with local open house which had already been held. The Festival of Trees in Salt Lake City will take place the week following Thanksgiving; this is where the items that were made and displayed at the local open house will be auctioned off. The money then goes to Primary Children's Hospital. Last year, the local festival brought in just over \$11K in donation which they turned into over \$35K in profits at the Salt Lake festival.

Mayor Davis complimented the committee for a great job on the festival. It is an enjoyable event and is much appreciated. He realizes there are a lot of stories behind the displays that are there and it is quite moving. The work done by the committee is appreciated. Mayor Davis recalled a \$300 donation last year asking the council what they wished to do. Council Member Spaulding asked if it was included in the budget. City Administrator Bealer explained that the city's policy is that we do not donate to organizations, however we have in the past donated \$300 to the Festival of Trees; this amount was included in the budget.

- *MOTION: Council Member Spaulding moved to approve a \$300 donation to the Festival of Trees for the 2019 Open House festivities. Motion was seconded by Council Member Les Whitney. All were in favor, motion carried.*

Mrs. Mott left and Lawrence Roberts entered the meeting at 4:08 PM.

Consent Issues

a. Consent issues including bills and payroll, Financial Report October 2019 and Minutes of October 15, 2019 Regular Council Meeting; November 1, 2019 Special Meeting were presented for approval by the council.

- *MOTION: Council Member Les Whitney moved to approve the consent issues as presented. Motion was seconded by Council Member Russell Smith. All were in favor, motion carried.*

New Business

a. Presentation and Acceptance of Milford City Culinary Well Drilling Project Bid

Jesse Ralphs reported that the bids received during the second call for bids were opened earlier today. He presented the three bids: Gardner Brothers was the apparent low bidder with a total bid of \$576,479.80. This was a combination of the Base Bid which included the test well, and the Bid Alternate which is for the production well. High Plains bid again with a total of \$594,946.00. Hydro Resources also rebid at \$680,629.00. Jesse presented a few notes on the bid: On a bid like this, the unit price governs over what they state their total price is. They had a math error on their calculations. Using their unit prices, it actually comes in a little less than what their stated total price was. There are some forms that are required by Rural Development to accompany the bid; some of those forms were submitted with the bid, but we would recommend considering that an informality and requesting those forms from Gardner Brothers. Jesse had time to call one reference who has done quite a bit of work with Gardner Brothers over the years, also this year. He stated that across the board, some drillers that he has worked with has had issues with keeping good labor and as a result of that sometimes there has been delay in getting them to the project, but once they get there, they are very expeditious about doing the work. He also stated that there are times that there are minor issues with work they have done on past projects but they have always been good to remedy the issues with the drilling itself. That, in comparison to the other bids that were received, he would rate Gardner Brothers as slightly above average, in comparison to other drillers. Jesse further explained that Sunrise Engineering had done work with Gardner Brothers in the past and have had good experiences with them, although the paper work was not exceptional the work was done well. In this case, they would recommend, at the decision of the council, the approval of the bid pending the receipt of the forms that are required to submit to Rural Development along with their bid. He asked if the council had any questions. Council Member Spaulding asked for clarification that it was Mr. Ralphs', along with Sunrise Engineering's recommendation that Gardner Brothers Drilling would be an acceptable driller. Jesse replied that was the recommendation. Sunrise Engineering will submit a formal letter to the council stating that, which will also go to Rural Development as a requirement by them. He has it drafted but he wanted to advise Gardner Brothers of the error in their bid and confirm that they will get the forms turned in. Council Member Shane Yardley inquired if the bid tabulation that was distributed to the council had the corrected figures. Jesse cited that the bid total for Gardner was \$582,000, but based on the individual units the total came in at \$576,479.80.

- *MOTION: Council Member Shane Yardley moved to accept the bid from Gardner Brothers Drilling pending the submission of the required certification forms. Motion was seconded by Council Member Russell Smith. All were in favor, motion carried.*

Council Member Les Whitney was excused at 4:15 pm to respond to an emergency call on the fire department.

b. Review and Discuss Senior Rate Surveys

Council Member Spaulding looked into various programs and requirements for aiding customers who may have issues with paying their bill due to the water base rate increase. After putting thought and research into it, he turned to looking into programs throughout the state that accomplish the same goal, such as the H.E.A.T. Program, as well as programs available through Questar Gas and Rocky Mountain Power, that offer opportunities for people to apply for aide in accomplishing their utility bills. He looked at the requirements those programs use and some of the ways they remediate it and he wondered what

the possibility of a town the size of ours doing something similar would be given the budget and the number of people. Members of the council attended the Senior Citizen Center to give information and obtain feedback through surveys received back from the elderly group. There were 13 surveys received, which is not a large number, but there is not a large number to sample from. Basically, they found that what they estimated as a need existed, especially among the lower income residents over the age of 60 that fall within the low-income guidelines as stated by the federal poverty requirements. They crunched some numbers and came up with the idea that he wanted to discuss. It would create another rate in the city rate schedule that would allow up to ten accounts whose account holder is over the age of 60 and meet the federal poverty level of 125% for their household size. These individuals could apply for the rate on a provisional basis, for a year. The rate would not be static, it would change each year until it eventually matched the base rate under the regular rate. This would accomplish the goal of assisting the residents who are on a fixed income. He recognizes this does not accomplish the goal of helping everyone in the community who is affected by the rate increase, but definitely some of the most vulnerable citizens – especially the ones that came and voiced their concerns, this will address those concerns. He is not opposed to any other ideas that may be presented if there is a way to accomplish helping those residents who are in a similar situation but he felt this was a good starting point without putting the city in a bad position financially. He asked the group to look his proposal over and give feedback and discuss the options.

Council Member Yardley had read the guidelines; he asking of the \$1,800 that was the maximum the city would contribute to the program was going to be based on the poverty level rather than a set amount or were the amounts in the poverty level and income limits just a guideline to get us started? Council Member Spaulding explained that the income level would be based off the household size using the federal poverty level and income limits. Administrator Bealer further explained that a household of 1 would need to have an income of less than \$1301; a household of 2 - \$1761; and a household of 3 would be under \$2222. Council Member Yardley clarified that the city would not be capping it at the \$1409 for all household sizes at the 125%. Council Member Spaulding confirmed that was correct, rather than the number coming from the city, using the federal guidelines would be consistent with what other programs and needs are assessed on. Council Member Yardley asked if these would be reviewed annually? Council Member Spaulding explained that the idea was that the first ten approved each year would have the rate for that year. Residents would need to apply annually. City Administrator Bealer cited that this would be a one-year trial. If it didn't work out the first year it would not be offered for continuing years. Council Member Yardley asked if it was possible to look at the requests and identify the approvals based upon a need rather than the order of application. Council Member Spaulding explained that while he is not completely opposed to the idea, how do you answer that need short of them volunteering that information and then the city has the issue of offering the benefit within the constraints of only allowing \$1800 maximum benefit for the year. He stated maybe he was looking at it all wrong or he misunderstood the question, but that was considered. Council Member Yardley suggested that we still cap the timeline so there is a deadline but he felt that if there were thirty applications and the city only approved the first ten application and turned away twenty, where is the true need? Council Member Spaulding felt that would be something to consider if he was meaning that there were thirty applications – the city needed to identify the ten most needy, he wasn't opposed to that. Council Member Yardley assumed that we would have to verify their financial situations with documentation anyway. Council Member Spaulding agreed – it would give a good indication of actual need for the rate. Council Member Yardley stated that we may not even get ten applications, we just don't know, but maybe we will get

thirty. But as a city, if we are going to offer it, we need to have a way of identifying who needs it the most. Council Member Spaulding agreed. If we get thirty applications, we are still only able to help ten.

City Administrator recalled that during discussion it was suggested that we try to encourage the residents to look for assistance through other programs. We talked about making it a requirement that they apply for those programs. She asked Council Member Spaulding to explain why they chose not to make that a requirement. Council Member Spaulding did not want to make it so cumbersome that the people who were in most need of the aide would not consider getting the help; this was his thought process. Application with the city for this annual program would be simple; they would either meet the age and income requirement or they would not. Administrator Bealer asked if the city did not go off of the "first come, first serve" basis and received thirty applications, how would we define who was in the most need? Council Member Spaulding – by the lowest income amounts. Council Member Yardley recommended making it a requirement that each member included in the household size must meet the age and income requirement. Council Member Spaulding felt that the benefit of having somebody in the household that doesn't meet the age requirements is that there are other programs available for them. City Recorder Monica Seifers added to a comment made by Council Member Yardley earlier; there is a concern that there will be requests made to have the account holder name changed to meet the requirements of the rate offer. This is something that needs to be considered, perhaps the account must have been held in the account holders name for a significant amount of time to prevent this. Having dealt with the reduced rate program in the past, the staff saw where customers would get creative. Council Member Spaulding reiterated that the city has a narrow goal and it is to assist a small group of people who are of a certain age that have a fixed income that we are trying to reduce the sting of the initial price increase and so any adjustments to the program while making it feasible to manage, without putting too much additional duties on the office staff, to make it easy. There is discussion needed, but whatever it is we decide on we need to be able to make the decision pretty fast. Recorder Seifers asked if the applications will go before the council as a whole or will there be a committee review them; what will the applicants have to provide for the review of the application to help validate their eligibility? This has been an issue in the past when reduced rates were offered. It can become a sticky situation if one person is charged with the duty of deciding; it can become a personal issue for someone who felt that they were denied because someone didn't like them. Council Member Spaulding recommended that the city go off of the quantitative data based on the council's requirements and then the staff make recommendations to the council. He would like feedback from Attorney Kanell on what information could be collected and shared. Attorney Kanell responded that it is a good idea to have the recommendation made for the council to approve the people who have been qualified, whether you have the staff or create a committee with no more than 2 members of the council involved. Mayor Davis asked if the city sets up criteria and puts a cap on what will be allowed which is \$1800, say during the year there is a situation where there are thirty applicants and ten are selected, but somewhere along the line one of the applicants ends up having a real medical issue that causes a burden on them, is there something that we could factor in there that would allow the city to help them, or can we keep some in surplus? City Administrator felt that a reduced rate was something that the city did not want to deal with. The city is only charging our citizens what it costs to provide the services. She recommended setting the \$1800 in the budget for the program and that is it. She does not want to put a burden on the staff caused by people coming in and applying for the senior rate or due to medical problems. She would like to see an enrollment period, ten are selected qualifying per the guidelines with the council approving them and then that is it until the next year enrollment. She agrees there are times when people have high medical bills but does not know that it is the city's place to offset that burden. Council Member Spaulding felt

that this was a step in the right direction; not a perfect solution and it would possibly give more insight into the need and the council can adjust it. The need to reevaluate our rates has been discussed in recent council meetings, one thing to look at when we address this is to have a surplus account that still went into the water fund, but as a surplus, that could possibly be used for when people have difficulties paying their water, is this something that we could consider? Is this within the realms of what we could do?

Mayor Davis asked if this would be similar to what the city was entertaining for putting work into the sidewalks. He expressed his appreciation for all of the work that had been put into this program, it is going to take some time to figure out just what and where the needs are but we need to remain open minded while we move forward. Attorney Kanell asked Council Member Spaulding if he was referring to bulk water sales that exceeded what we had budgeted, you might consider that as surplus that the city could budget into an assistance account? City Administrator Bealer responded that the city was currently doing that with bulk water sales and that was how the new VFD on the Golf Course Well was purchased. The surplus water sales revenues stay in the water fund and are used for "rainy day" expenses. An example of this is the \$60K the city spent to tie in the Golf Course Well; it was extra money the city had in the reserves. We are already doing that but she did not know that the city was in the position to be able to help everybody. Council Member Spaulding cited that the city could allocate an amount – if the surplus exists. City Administrator Bealer feared that the city would have 560 accounts claiming that they need assistance. Her thought was that the city was looking at a select group of individuals who were elderly. Councilmember Spaulding felt that there may solutions that could be looked into in the future, this is something that is a possible solution for the short term that is a quantifiable dollar amount and will give us time to see what the true needs are. Mayor Davis felt the council needed to take the information that was presented and move forward with it and give it a year. The city will have a good idea at the end of the first year and will have feedback. Attorney Kanell followed up with comments on the forms of documentations needed and just verifying the income without actually taking copies to be filed at the city. He did not want to file anything at the office, he felt the office could determine verification with just reviewing the actual documents rather than making copies and filing them in the office. Recorder Seifers agreed with Council Member Yardley's comment that anyone listed as part of the household should also meet the age and income requirements. Council Member Smith felt that it should be an application period and then prioritized by need rather than a first come first serve basis. Administrator Bealer asked if there were 11 qualified applicants and there was a tie for 10th place, how would that be determined? Council Member Yardley – since we don't know how many people are going to apply, what if the first year we set the criteria, take applications, and divide the amount budgeted among all of the applicants that qualify? Administrator Bealer – what if you only receive five applications? Do you still divide it amongst those individuals? Council discussed the proposed base rate increasing by a dollar annually until it reaches the residential base rate. The guidelines will be updated and the program will be initiated. Applications will be due prior to the January meeting so council can take action.

c. Canvass 2019 Municipal Election

City Recorder Seifers presented the results of the 2019 Municipal Election. (The canvassers report is attached). This was the second Vote by Mail Election for Milford City; Beaver County has been doing it for a while longer. The County Clerk's office approached the cities in 2017 to see if we would participate in the vote by mail to try to implement a more fluid process for the voters. It was getting confusing for the voters when the cities and county used different methods. It also helps the county staff keep up on the everchanging laws and requirements. The only complaint that was received from a Milford voter was that they did not have a final count after the polls closed. The County Clerk's office did not feel it was necessary to have the ballots driven over that evening since they would have to wait for mailed ballots

to be delivered. Milford City was not required to have a polling place nor were we required to stay open until 8 pm; the official polling center was at the County Clerk's office in Beaver. This was a choice that Recorder Seifers made to give everyone an opportunity to return their vote or vote provisionally without having to drive to Beaver to do so on election day. There were 34 ballots received in the Milford City Office on election day with another handful received at the county satellite office in Milford. Reviewing the notes from the 2017 election it appeared that hardly any ballots were cast after 4 pm; this was the case again in 2019, therefore Recorder Seifers may recommend keeping the poll center open until 4 pm next election year. If there were any other concerns with why they were not returned on election night, it was because Tracy was waiting for the ballots that were postmarked on that Monday to be collected. Council Member Smith asked if the returns had increased since going to Vote by Mail. Recorder Seifers reported that the numbers indicate an increase countywide. Recorder Seifers stated that Tracy has done a great job of cleaning up the poll book and there is an opportunity to educate the younger generations of the importance of registering and voting throughout the county. Vote by mail seems to be effective, there has been positive feedback from voters. Mayor Davis stated he appreciated that the city office remained open to give everyone an opportunity to vote. He supported the decision that Tracy made to not have the ballots returned the evening after poll closing. Council Member Yardley asked if the inactive registered voters were still able to vote by going to a polling center? Recorder Seifers replied that was correct. They could visit a polling center with their photo ID and vote provisionally on election day. Attorney Kanell stated that the administration in Beaver County was doing a good job. Recorder Seifers agreed stating that the Beaver County Clerk's office was very knowledgeable and professional.

- *MOTION: Council Member Ian Spaulding moved to accept the canvassers report as presented. Motion was seconded by Council Member Shane Yardley. All were in favor, motion carried.*

Old Business

a. Culinary Water Project Update

Jesse Ralphs provided an update on the schedule and status of the project. He was anticipating that we would be under contract early December and mid- December a pre-construction meeting would be held. Once the test well is drilled there will be a little down time while the property is deeded over to the city and the production well is authorized by the state. Looking at the mid to end of January before we are finishing that process. The rest of the design continues as it has been discussed previously; we are still shooting for the end of February to have a final design in place to put out to bid the first of March. Our goal is to be in construction on the main project by the first of May.

Mr. Ralphs left the meeting at 5:06 PM

Ordinance and Resolutions 1:02:14

a. Resolution 17-2019 "Amending Milford Affordable Housing Plan"

Administrative Assistant Lisa Thompson explained that the Affordable Housing Plan was an element to the General Plan and had to be updated every five years. The Planning Commission has made their recommendations for the amendments. Mayor Davis thanked Lisa for her work on the plan.

- *MOTION: Council Member Shane Yardley moved to adopt Resolution 17-2019 "Amending Milford Affordable Housing Plan". Motion was seconded by Council Member Russell Smith. Roll call votes were: Council Member Smith – yes; Spaulding – yes; Yardley – yes. Motion carried.*

Staff and Council Reports

Staff Member Reports and Comments

Leo Kanell ~ City Attorney

- He received a letter for the Bond that he was not able to sign until the contracts were signed by the city and the easements were obtained. He spoke with Susan (from the bond attorney's office) and she advised him to hold off. Administrator Bealer explained that the Bond Anticipation Note had to be obtained prior to having the final design; so the easements have not been obtained yet. The funds have been received and are now available.

Makayla Bealer ~ City Administrator

- No reports or comments.

Monica Seifers ~ City Recorder

- No reports or comments.

Lisa Thompson ~ Administrative Assistant

- No reports or comments.

Ben Stewart ~ City Foreman

- Working on exposing the valves so the engineers can exercise them, the crew has completed about 2/3 of them.

Council Member Russell Smith ~ Cemetery, Sewer

- No reports or comments.

Council Member Ian Spaulding ~ Airport, Recreation and Parks, Beautification

- Expressed his appreciation to all staff, parents, coaches, and volunteers who assist with recreation and make it successful. One way he gauges how well he did with his students is to see what they accomplish a few years down the road. One of the things the city does is offer youth opportunities to experience skills and participation in a sport. There is a considerable amount of time involved in this. There have been, over the past couple of years, 11 first or second place trophies awarded to the MHS students as a result, in his opinion, of the participation in the city leagues and programs. He believes the upcoming winter sport and spring seasons will follow suit. That says a lot about the recreation programs as a whole.

Council Member Les Whitney ~ Planning and Zoning Commission, Buildings, and Equipment

- Not in attendance.

Council Member Terry Wiseman ~ Library, Streets, County Board of Adjustments

- Not in attendance.

Council Member Shane Yardley ~ Water, Public Safety and Law Enforcement, Beautification

- No reports or comments.

Mayor Davis ~ Waste Management Board, Economic Development, Five County Steering, LIC Committee, COG

- No reports or comments.

Meeting Adjournment ~ *as there was no further business the meeting adjourned at 5:12 PM.*

APPROVED by City Council the 17th day of December, 2019.

A handwritten signature in black ink, reading "Monica D. Seifers". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

MONICA D. SEIFERS, City Recorder

