



City of Milford

Mayor
Nolan Davis

City Administrator
Makayla Bealer

City Council
Russell Smith
Ian Spaulding
Scott Symond
Les Whitney
Shane Yardley

NOTICE AND AGENDA

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Milford, Utah will hold a 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, October 6, 2020**.

1. **MAYOR'S WELCOME & CALL TO ORDER:** Roll Call & Pledge of Allegiance
2. **VISITORS**
 - a. Michelle Evans – Discuss partial grant option to help with a city activity guide
3. **CONSENT ISSUES**
 - a. Approval of bills and payroll
 - b. Approval of minutes: September 15, 2020
4. **NEW BUSINESS**
 - a. Approval of Right of Way Easement to Rocky Mountain Power to provide power to the Granite Peak Well
 - b. Surplus of library shelves
 - c. Festival of Trees donation request for 2020
 - d. Fraud Risk Assessment 2020
 - e. Approval of Facility Use Memorandum of Understanding with Beaver County School District
 - f. Discuss GIS Mapping on Wastewater System
5. **OLD BUSINESS**
 - a. Culinary water project
 - b. Irrigation system update
 - c. Splash pad
 - d. HB 31 Water Supply and Surplus Water Amendments
6. **ORDINANCE AND RESOLUTIONS**
 - a. Ordinance 03-2020 "Purchasing Policy"
7. **COMMENTS**
 - a. Staff Member Reports and Comments
 - b. Council Member Reports and Comments
8. **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.

***City Council Members or the Mayor may participate in the public meeting electronically and/or telephonically.*

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 30th day of September, 2020. 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.

DRAFT
Milford City Council Meeting
Tuesday, September 15, 2020, 4:00 PM
Milford City Hall, 26 South 100 West
Milford, Utah 84751

Members Present: Mayor Nolan Davis, Council Members Russell Smith, Ian Spaulding – via telephone, Scott Symond, Les Whitney, and Shane Yardley.

Staff: City Administrator Makayla Bealer, City Recorder Monica Seifers, Administrative Assistant Lisa Thompson, Attorney Leo Kanell, and Foreman Benjamin Stewart

Absent: none

Visitors (Official Roster): Christopher Katis, Gosia Skowron, Joe Moore, Kenneth Shelley, Bill Wray, Sarah Wray, Pete Jones, Craig Davie, Grace Davie

Call to Order

Mayor Nolan Davis called the meeting to order at 4:00 p.m. followed by the Pledge of Allegiance.

Visitors

a. Christopher Katis, Gosia Skowron, and Joseph Moore – Utah FORGE Project

Dr. Joseph Moore - Project Manager provided a presentation of the Utah FORGE project (attached). He explained that this was the largest geothermal project. Natural geothermal systems need three things: heat, permeability, and water. There is no environmental impact. Blundell is a natural geothermal system. Transparency is important, information can be found at www.utahforge.com. There is an earthquake monitoring site that can be accessed. The distribution line was built by Smithfield Foods and the FORGE Project through a grant that was awarded to Beaver County by the Office of Economic Development. The project is scheduled to run through 2024. Come 2024 they could plug and abandon the wells and then regrade the ground. The distribution and transmission lines will stay as well as the spur lines.

They will begin drilling the first well next month, which will take about 140 days to drill. There will be housing on-site for 25 people who will be working there 24 hours per day. They will be using local services, vendors, and contractors. Upon completion of the first well, they will open existing fractures by creating permeability and then move onto drilling the second well. The project will not have an effect on the community while bringing in state funds to Beaver County. When the project is complete, everything will be returned to as it was prior to when FORGE was here.

The Seismic Monitoring at FORGE presentation by Dr. Kristine Pankow was presented (audio only).

Dr. Moore took questions:

Bill Wray – what is the depth of the 16A?

Dr. Moore – about 6000 feet.

Sarah Wray – has there been any objections to the fracking?

Dr. Moore – Thank you for asking that question. We are not fracking. He explained the oil and gas industry and how water is an issue. Forge will be pumping out and reinjecting the water. It is a completely different environment.

Sarah Wray - have you had any objections to what you are doing?

Dr. Moore – no, no issues have ever been raised.

Ken Shelley – I have been talking to geologists who have been working with PacifiCorp out by Blundell, which is losing water, what happens if that happens there – is that going to make things more seismic? Dr. Moore – it won't make things more seismic. We don't know how much water loss there will be, but he expects a 10% loss.

Mayor Davis thanked Mr. Moore for the presentation.

Pete Jones, Kenneth Shelly, Craig and Grace Davie, Dr. Moore, Mrs. Skowron, and Mr. Katis left the meeting at 4:46 PM

Consent Issues

a. Consent issues including bills and payroll, Financial Reports for July 2020 and August 2020, and Minutes of July 21, 2020 Regular Council Meeting, and August 4, 2020 Work Session were presented for consideration for approval.

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

New Business

a. Discuss replacement of swimming pool heater

Administrator Bealer explained the need for new heaters at the pool that can be worked on by Sharky as well as smaller HVAC contractors. We have had issues with the boiler and there isn't anyone to work on it anymore. There was money earmarked for resurfacing that will need to be used for the heaters, pushing the resurfacing project to the next budget year. LED lighting and piping will need to be done as well, which will need to be done by our pool supplier. How does the council want to put it out for bid? Council discussed the options deciding to have the heater bid out separately from the lighting and piping, as well as asking for supplemental bids that were inclusive of both projects.

b. Discuss road mill from the Airport Runway Project

Mayor Davis felt the city needed to try to hold on to it and look at all of the options for using it within the city. There is a lot of mill (5,000 feet worth). Council concurred that we should look at using it in the city first. It is stockpiled to the east of the runway and not causing any issues where it is at. It should be fine stored there for a year until we determine a use for it. A couple of areas that were thrown out for consideration were the parking strip at the ball fields, the cemetery or old pool park for weed control. Mayor Davis asked the council to direct any ideas to Administrator Bealer.

c. Discuss chip sealing of dirt road located in city limits

Administrator Bealer and Foreman Stewart have discussed the possibility of chip sealing the dirt roads in the city to preserve them and eliminate the crew having to grade them. Ben felt it would help control dust. Council Member Whitney agreed but was concerned with working something out with the property owners, in fairness to the property owners who were affected by the SID's. Administrator Bealer suggested having Ben get some figures on using the road mill as well as get costs on oil. She explained the agreement with the Horn Silver property owners stating that we could look at something similar, we have options She added that street maintenance won't happen again until next summer so we have time to get the information pulled together.

d. Library Board appointment

The Library Board has met and recommended the appointment of Terry Wiseman.

- **MOTION:** Council Member Les Whitney moved to appoint Terry Wiseman to the Library Board. Motion was seconded by Council Member Scott Symond. All were in favor, motion carried.

95
96 **e. Discuss House Bill 31 (Water Supply and Surplus Water Amendments)**

97 Attorney Kanell reported that the bill becomes effective only if the proposed amendment is passed in
98 the November election. The wording of the amendment is such that the way it is proposed on the ballot
99 could be tricky. He is concerned about getting information out to the voters so they know what the
100 amendment is for. He does not think the city should do anything until following the election in November.
101 Administrator Bealer explained that there were only 13 connections affected, we can decide following
102 the election. Attorney Kanell asked staff to check with the Leagues of Cities and Towns to see if they
103 were going to be doing any education to help clarify it for the residents. They also have a lot of clout
104 with legislature and may be able to address the affect it will have on the cities.
105

106 **f. Discuss security cameras on city owned property**

107 Administrator Bealer reported we have had some vandalism at the old pool park and the recreation
108 complex. She received a bid from Mountain West Computer for cameras to cover the community
109 dumpster, the baseball complex, and the playground for \$3025.00. Council Member Whitney was in
110 support, but was upset that it was something that the city had to do.
111

- 112 ➤ **MOTION:** *Council Member Les Whitney moved to authorize the purchase of the security*
113 *cameras. Motion was seconded by Council Member Scott Symond. All were in favor, motion*
114 *carried.*
115

116 **g. Discuss proposed Purchasing Policy for Milford City**

117 Administrator Bealer thanked Lisa Thompson for her work on the ordinance and asked the council to
118 direct any questions or concerns to either of them. She added that the ordinance includes local bidding
119 preference. The definition of "local" as being in Milford City or Beaver County was discussed with the
120 group agreeing that local bidders should be identified as Beaver County rather than Milford City.
121

122 **Old Business**

123 **a. Community dumpster**

124 Sign is ready for installation. The ordinance is on the agenda for consideration.
125

126 **b. Culinary water project**

127 Administrator Bealer reported that the plans have been approved by the Division of Drinking Water
128 and the USDA. The city cannot proceed with putting the construction side of the project out to bid
129 until the tank property has been obtained. Gardner Brothers is still developing the production well
130 which is taking longer than expected due to the amount of sand, however, the water committee has
131 requested that the well continue to be developed slowly to ensure a good clean well.
132

133 Attorney Kanell filed the law suit and has had the heir of Ninfa Beard served. He still needs to find
134 out who the other heirs are. The hearing date is set for Monday, October 5th.
135

136 **c. Irrigation system**

137 Foreman Stewart reported that L&W pulled the pump out of the well yesterday and could not find
138 anything wrong with it. They put it back in this morning and they surmised it might be the top bearing
139 so they took it back out and will get the part machined. They will get it put back in and we should
140 know tomorrow if it is going to work.
141

142 **d. Splash pad**

143 No update
144

145 **e. Installation of electronic feedback signs and speed reduction on Main Street**

Administrator Bealer reported that the speed limit will be reduced to 25 mph along beginning at 500 North Main street. The electronic feedback signs will be installed as well.

Ordinance and Resolutions

a. Ordinance 2-2020 "Dumpster Regulations"

MOTION: Council Member Les Whitney moved to adopt Ordinance 2-2020 "Dumpster Regulations". Motion was seconded by Council Member Russell Smith. Roll Call votes were as follows: Council Member Russell Smith – Aye, Les Whitney – Aye, Ian Spaulding – Aye, Scott Symond – Aye, and Shane Yardley – Aye. Motion carried unanimously.

Staff and Council Reports

Staff Member Reports and Comments

Leo Kanell ~ City Attorney

- No reports or comments.

Makayla Bealer ~ City Administrator

- Thanked everyone for attending the airport ribbon cutting ceremony
- October 6th council meeting at 4 pm instead of October 20th
- Thanked Milford High School for the 9-11 production. Mayor Davis asked her to address a letter.
- Personnel Policy Committee will be convening to discuss changes and discuss the Comp Time payouts

Monica Seifers ~ City Recorder

- The cemetery committee met earlier this month to start looking at the code and discuss possible areas for cremation plots. Will report as it progresses.

Lisa Thompson ~ Administrative Assistant

- No reports

Ben Stewart ~ City Foreman

- No reports

Council Member Russell Smith

- No reports

Council Member Ian Spaulding

- No reports

Council Member Scott Symond

- No reports

Council Member Les Whitney

- Thanked everyone who participated on cleanup day and hopes that the community will continue to keep the pride displayed.

Council Member Shane Yardley No reports or comments.

- No report or comments.

Mayor Davis

- No report or comments

Meeting Adjournment ~ as there was no further business the meeting adjourned at 6:01 PM.

THESE MINUTES ARE IN DRAFT FORM AND HAVE NOT BEEN APPROVED BY CITY COUNCIL – SUBJECT TO CHANGE

REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Kent Sorenson

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: MILFORD CITY

WO#: 006850065

RW#: 1

RIGHT OF WAY EASEMENT

For value received, MILFORD CITY, ("Grantor"), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, ("Grantee"), an easement for a right of way 40 feet in width and 270 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, on, over, or under the surface of the real property of Grantor in Beaver County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit "A" attached hereto and by this reference made a part hereof:

Legal Description: -----

----- NEW WELL PARCEL (A PORTION OF RECORD PARCEL) -----

----- Commencing at the Southwest corner of Section 9, Township 28
----- South, Range 10 West, Salt Lake Meridian; thence North 01°19'23"
----- East 1325.37 feet along section line to the Southwest corner of the
----- NW/4 of the SW/4 of said Section 9; thence South 89°08'28" East
----- 38.95 feet along sixteenth line to the POINT OF BEGINNING; thence
----- North 01°18'38" East 49.48 feet; thence North 78°41'35" East 179.12
----- feet; thence North 69°57'39" East 500.11 feet; thence North
----- 66°17'54" East 250.06 feet; thence South 00°51'28" West 369.55 feet
----- to a point on sixteenth line; thence North 89°08'32" West 870.14 feet
----- to the POINT OF BEGINNING. Contains 166637 square feet or 3.825
----- acres, more or less.

----- TOGETHER WITH a 40' easement for ingress and egress adjoining the
----- northerly boundary.

Assessor Parcel No. 2-25-12

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 16TH day of September, 2020

Nolan C. Davis
Mayor


GRANTOR

GRANTOR

Acknowledgment by a Corporation, LLC, or Partnership:

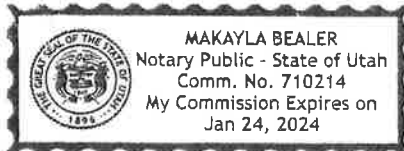
STATE OF Utah)
) ss.
County of Benne)

On this 10th day of September, 2020, before me, the undersigned Notary Public in and for said State, personally appeared Nolan C. Davis (name), known or identified to me to be the Mayor (president / vice-president / secretary / assistant secretary) of the corporation, or the (manager / member) of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of Milford City (entity name), and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Makayla Bealer

(Notary Signature)



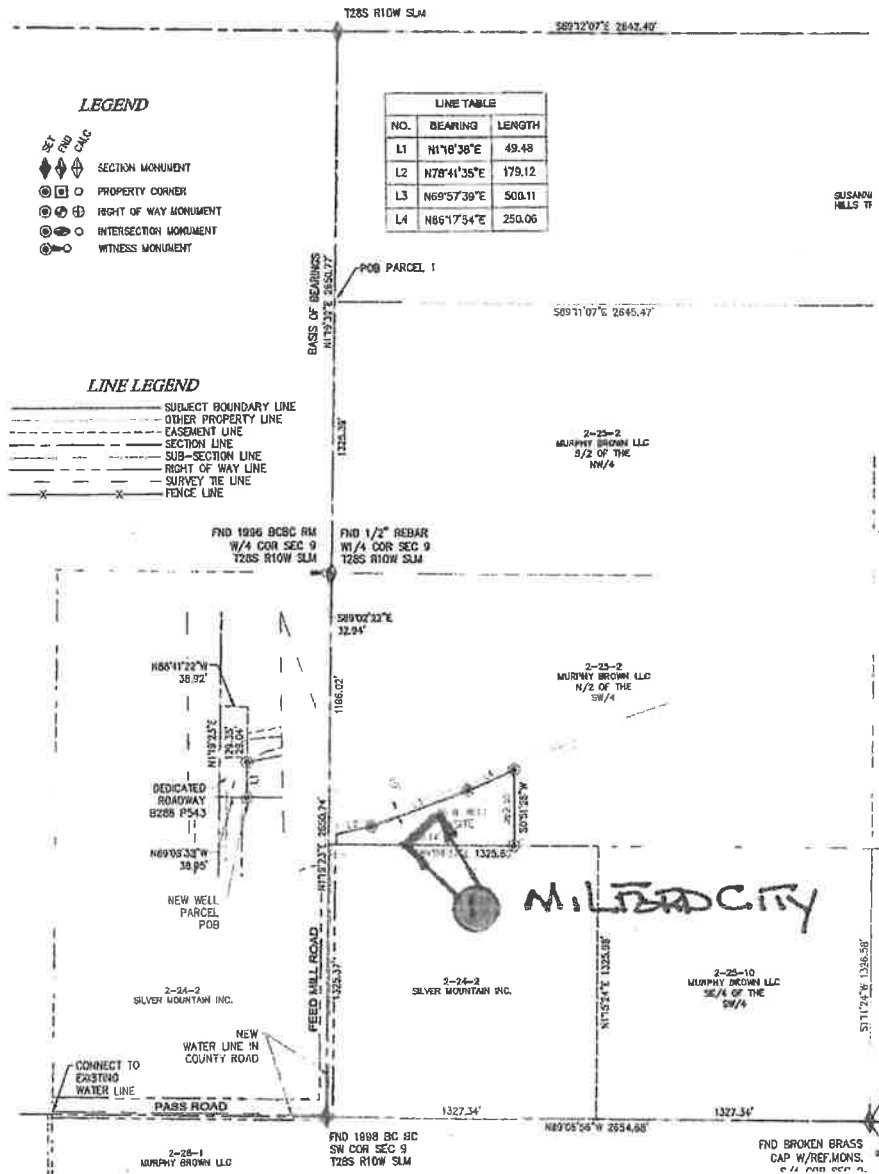
NOTARY PUBLIC FOR Utah (state)
Residing at: Milford, Utah (city, state)
My Commission Expires: 24/1/2024 (d/m/y)

Property Description

Quarter: _____ Quarter: _____ Section: 9 Township 28 S., Range 10 W., S.L.B & Meridian

County: BEAVER State: UTAH

Parcel Number: 2-25-12



CC#: 11371

WO#: 06850065

Landowner Name: MILFORD CITY

Drawn by:

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

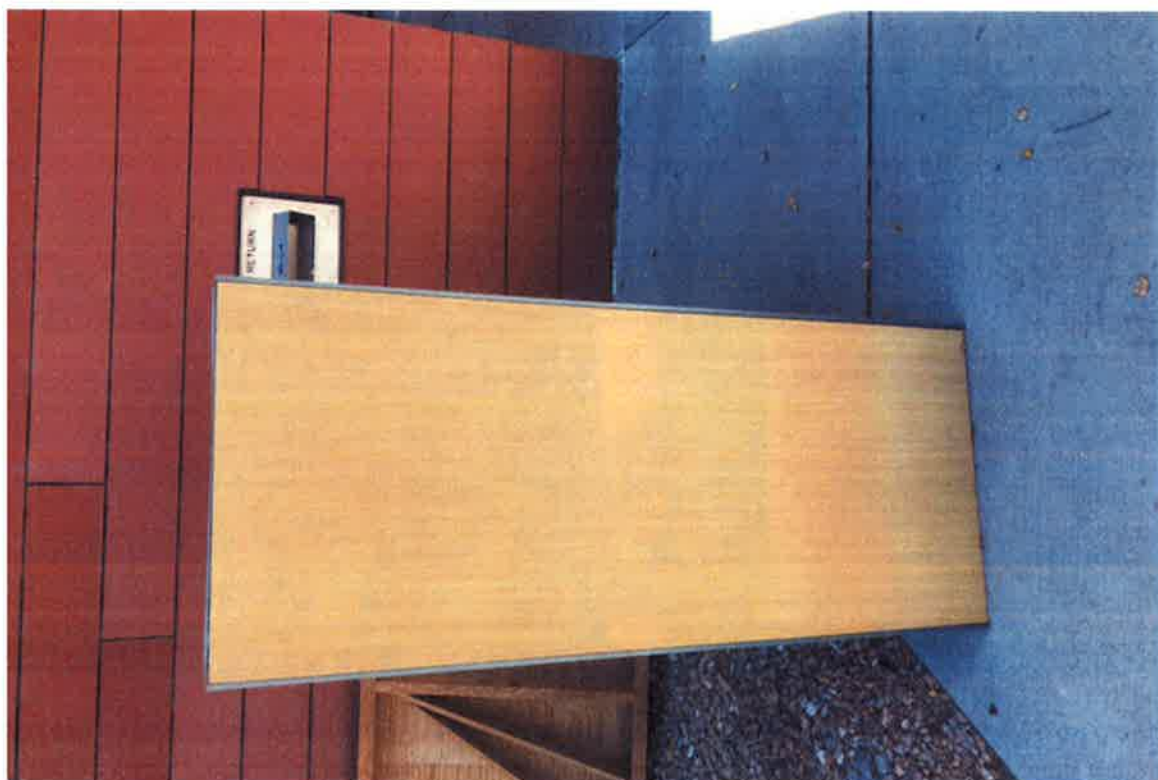
EXHIBIT A

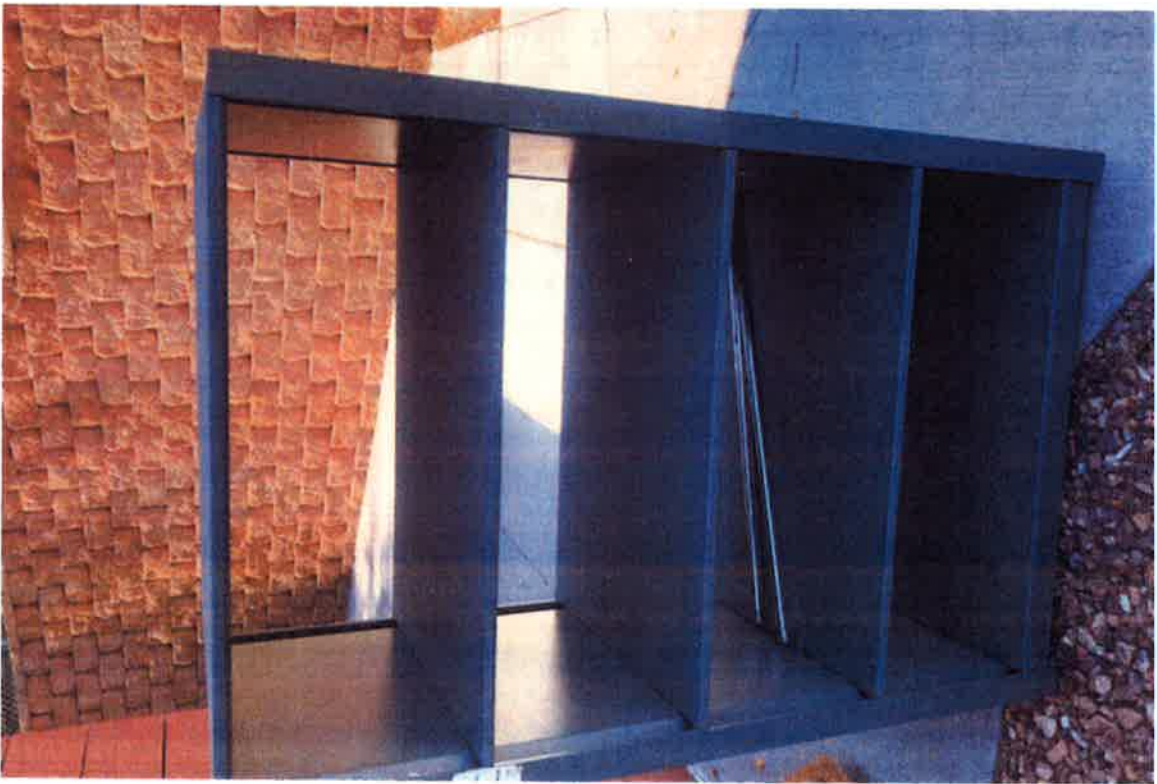


**ROCKY MOUNTAIN
POWER**

A DIVISION OF PACIFICORP

SCALE:







September 2020

Dear Festival Friends,

COVID-19 may be keeping us socially distanced – but it can't mess with Santa.

Despite the many obstacles the pandemic has thrown at us all, we're delighted to confirm that our annual Festival of Trees, in support of Primary Children's Hospital, will continue this year in a reimagined way. We'll deliver the same joy and spirit this great holiday tradition has spread throughout the past 50 years, but with some new and innovative twists. We'll also make things festive while keeping the health and safety of the community, patients and families, and team members as our highest priority. In keeping with that commitment, we will not be able to host a Festival of Trees Open House this year for our community.

Santa's told us to get busy with our planning and to not give away any surprises just yet – stay tuned for some exciting announcements soon regarding this year's Festival of Trees! You can watch for these changes on our Facebook page "Beaver County Festival of Trees" or at www.FestivalofTreesUtah.org.

On behalf of the Milford-Minersville Festival of Trees Committee, we are requesting a donation to help with our annual Festival of Trees. Your donation will go towards trees, centerpieces, wreaths and gift boutique items. All funds raised at Festival of Trees provide a 'Gift of Love' throughout the year to help children and their families at Primary Children's Hospital, regardless of ability to pay. Last year we raised more than \$38,000 in our little community for the children! With your help, we can have another great year! Please make checks payable to PCH (Primary Children's Hospital).

Many in our community have benefited from the care they received or are still receiving at Primary Children's Hospital. Thank you for your generous support of the Festival of Trees and the families and children at Primary Children's Hospital.

Sincerely,

Michelle Hopkins, Committee Member
Minersville Donations
(435) 421-9782

Maxine Cox, Committee Member
Milford Donations
(435) 691-3975

Patty Goff, Executive Board Member
(435) 691-0490

Jane Cluff, Committee Member
Milford Donations
✱(435) 689-0166

RCAC can provide at no cost to Milford:

1. Technical Assistance such that the community has a working map of their wastewater system. Due to contract requirements, Milford's raw data and maps would have to be stored in and accessed from the ESRI ArcGIS Online multi-tenant environment.
2. Training of one or more operators such that they have the capacity to sustain the map of their system.
3. One ESRI ArcGIS Online Field Worker named user license that allows the community to access and maintain their system. One viewer license is also included. These licenses will be provided free through the duration of the project, and 1 full year after the project is complete. After 1 year, if Milford chooses to continue using the ESRI multitenant environment license(s), they will pay an annual fee of approximately \$400 directly to ESRI. The data collected will remain the property of Milford. They can transfer the raw data to any alternate storage of their choice at any time before the agreement expires.
4. A 10% in kind or cash contribution is asked of the community. The overall goal is about \$1100/project. This means RCAC would ask Milford staff to keep a timecard documenting all staff time spent working with RCAC or in any other way contributing to the mapping project. Any other expenses related to the project (supplies, telephone, postage, etc.) should also be documented.
5. RCAC can only provide free services for mapping water or wastewater infrastructure. If Milford desires that RCAC map any addition infrastructure, such as the cemetery, RCAC would have to contract directly with Milford to provide those services.

RCAC would ask of Milford:

1. Devote staff time to working with RCAC on coordinating the project work. Typically 2-3 days in the field.
2. Fill out spreadsheet specifying what infrastructure you would like to include in your GIS map. Provide information on infrastructure attributes to be included in the map. Note that some individual infrastructure attribute data may not be available for RCAC to include in their map, but additional information may be entered into the map by Milford staff as it is obtained.
3. Designate staff to be trained on locating infrastructure, accessing the stored maps and updating the maps with new information as it is obtained. Provide staff to be in the field with RCAC staff as they collect location and attribute data.
4. Keep timecards of all staff contributing man-hours to the project, and document all expenses related to the project, and provide this documentation to RCAC.

5. RCAC strongly encourages Milford to purchase the same GIS locating devices that RCAC is using for training purposes. RCAC uses a Bad Elf handheld device (about \$600) that works in conjunction with Apple products (iPhones and iPads). For convenience of use, it's also desirable to purchase an iPad mini 7th generation device (about \$400) with at least 64 gigabytes of memory to use with the Bad Elf unit. The cost of these devices will be considered as supplies for the project, and therefore count as match.



2479 S. Lake Park Blvd. West Valley City, UT 84120
P 801.902.8200 www.utahhousingcorp.org

September 24, 2020

Mayor Nolan Davis
Milford City
26 South 100 West (PO Box 69)
Milford, UT 84751

RE: Affordable Federal Housing Tax Credit Application

Dear Mayor Davis:

Please be advised that Utah Housing Corporation ("Utah Housing") has received a Project application for the allocation of Federal Housing Tax Credits under Section 42 of the Internal Revenue Code. Section 42 (M) (1) (A) (ii) of the Code requires Utah Housing to notify the chief executive officer (or the equivalent) of the local jurisdiction within which a housing project is to be rehabilitated or proposed, and provide such individual with a reasonable opportunity to comment on the project.

In these regards, Beaver Housing Authority has applied to Utah Housing for an allocation of Federal Housing Tax Credits, which would assist in the financing of Beaver Meadows. This project consists of 4 four bedroom units, 1 three bedroom unit, and will be located at 600 North 200 West and 900 South 650 West. The units will be exclusively for occupants earning on an average 44% of Beaver County's median household income adjusted for family size. Based on 2020 Median Incomes published by the U.S. Department of Housing and Urban Development, the median income for Beaver County is \$67,000.

If you decide to provide Utah Housing with comments relevant to the project and operation of this development, please do so by October 9, 2020. If you have any questions, please feel free to contact Claudia O'Grady of this office at (801) 902-8248.

Sincerely,

Jonathan A. Hanks
Senior Vice President & COO

**CITY OF MILFORD
ORDINANCE 03-2020**

PURCHASING POLICY

WHEREAS, the Milford City Council has determined that the changes made to the Milford City Code as provided herein are necessary to ensure proper and fair expenditures with municipal funds.

NOW THEREFORE, be it ordained by the Council of City of Milford, in the State of Utah, that Title 3 Section 20 of the Milford City Code is hereby amended to read as follows:

SECTION 1: **REPEAL** “3.20.150 Pre-Qualifications Of Suppliers” of the Milford Municipal Code is hereby *repealed* as follows:

REPEAL

~~3.20.150 Pre-Qualifications Of Suppliers~~ (*Repealed*)

1. Prospective suppliers may be pre-qualified for particular types of supplies and technical and construction services.
2. A “Request for Qualifications” will be solicited and advertised in order to establish a pre-qualified vendors list. Upon establishment of a pre-qualified vendors list, requests for proposals or requests for quotations may be submitted to individuals or companies on the list.

~~(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)~~

SECTION 2: **REPEAL** “3.20.160 Ethics In Public Purchasing And Contracting” of the Milford Municipal Code is hereby *repealed* as follows:

REPEAL

~~3.20.160 Ethics In Public Purchasing And Contracting~~ (*Repealed*)

1. It shall be unethical for any City employee involved in making procurement decisions to have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties.
2. It shall be unethical for any person to offer, give, or agree to give any Milford City employee, or for any Milford City employee to solicit, demand, accept, or agree to accept from any vendor or business, a gift or gratuity in any amount in connection with any decision, approval, disapproval, or recommendation concerning a solicitation.

3. Inexpensive advertising items, bearing the name of a vendor, such as pens, pencils, paper weights, hats, cups, candy, calendars, etc., are not considered articles of value or gifts in relation to this policy.
4. Failure to comply with the provisions of this policy will result in disciplinary action.

~~(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)~~

SECTION 3: **AMENDMENT** "3.20.010 Introduction" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.010 Introduction

The underlying purpose of this chapter is:

1. To ensure that purchases and services contracted for the city are in the best interest of the public and to assure fair and equitable treatment of all persons who wish to or do already conduct business with the City of Milford.
2. To provide for the greatest possible economy in procurement activities for the City of Milford.
3. To provide a systematic and uniform method of purchasing goods and services for the City of Milford.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 4: **AMENDMENT** "3.20.020 Purchasing Procedures" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.020 Definitions

1. Business: Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
2. Change Order: A written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent in order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of

- performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract. .
3. Contract: Any City Agreement for the procurement or disposal of supplies, services, or construction.
 4. Department Head: The individual who administers a department, or in the absence of the department head, the City Administrator. The department head shall be responsible for maintaining a system of inventory for his/her department.
 5. Informal Bid: Unsealed bid submitted by document or email. Informal Bid procedure consists of Department Head or other employees searching out and soliciting the best available prices for goods or services.
 6. Invitation for Bids: All documents, whether attached or incorporated by reference, used for soliciting bids.
 7. Local Bidder: A firm or individual who maintains a place of business within the boundaries of Beaver County and has an active business license.
 8. Performance Bond: A contract of guaranty executed subsequent to award by a successful bidder to protect the city from loss due to the inability of the bidder to complete the contract as agreed. It may include a description of any equipment for inspecting, testing, or preparing a supply, service or construction item for delivery.
 9. Person: Any business, individual, union, committee, club, other organizations, or group of individuals.
 10. Procurement: Buying, purchasing, renting, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
 11. Purchasing Agent: Any person authorized to enter into and administer contracts and make written determinations with respect thereto. It also includes an authorized representative acting within the limits of this authority.
 12. Public Property: Any item of real or personal property owned by the city.
 13. Purchase Orders: Official document used in committing city funds toward the purchase of supplies, equipment or services.
 14. Request for Proposal: (RFP) All documents, whether attached or incorporated by reference, used for soliciting proposals.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 5: **AMENDMENT** "3.20.030 Definitions" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.030 General Policy

1. All city purchases and contracts for goods, supplies and services shall be subject to this chapter.
2. All purchases made within Milford City shall have a purchase order issued prior to

purchase.

- a. Purchase Order Exemptions: Annually the City Council shall approve a "Vendor List" which is exempt from purchase orders.
3. No contract or purchase shall be arranged, fragmented, or divided with the purpose or intent to circumvent this chapter.
4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which the funds are to be expended.
5. When it is advantageous to the city, annual contracts for services and supplies regularly purchased should be approved.
6. All contracts for services shall be approved as to form by the City Attorney and City Council.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 6: **AMENDMENT** "3.20.040 Appointment Of Procurement Officer" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.040 Authority Of City Administrator

1. The City Administrator or a person designated by the City Administrator and/or Mayor shall be responsible for the following:
 - a. Ensure that all purchases comply with this chapter;
 - b. Review and approve all purchases of the city;
 - c. Establish necessary additional procedures for the efficient and economical management of the contracting and purchasing function authorized by this chapter;
 - d. Maintain accurate and sufficient records concerning all city purchases and contracts for services;
 - e. Make recommendations to the City Council concerning amendments to this chapter;
 - f. Approve change orders up to 20% over the original project cost estimate, and within the scope of funds budgeted by the City Council as deemed appropriate;
 - g. In the absence of the City Administrator, the Mayor shall be designated and authorized to fulfill the duties of the City Administrator or designated person with respect to any contract, purchase or payment that requires immediate action or execution.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 7: **AMENDMENT** “3.20.050 Purchases” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.050 Interlocal Purchasing Agreements

1. The city shall have the power to enter into joint purchase agreements with other public entities for the purchase of any commodity or service wherein it is determined by the City Council to be in the best interest of the city.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 8: **AMENDMENT** “3.20.060 Building Improvements And Public Works Projects” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.060 Spending Approval Limits And Choice Of Bid Process

1. Except as otherwise provided in this policy or by provisions of State or Federal Law, purchases of supplies or services shall follow the processes outlined in the table below.
2. Funds and budget must be verified prior to all purchases.
3. The cost of the supplies or service shall not be divided to avoid bid requirements.
4. Purchase Orders can be obtained through the city office by the City Administrator, Administrative Assistant or City Recorder, but require approval by the authority listed below.

Purchase Value or Contract Service Value	Bid Process	Purchase Order	Approval Authority
Up to \$100	Not Required	Required	City Administrator, Administrative Assistant, City Recorder, City Foreman, or City Council Members
\$100 - \$499	Not Required	Required	Department Head and City Administrator
\$500 - \$999	Not Required	Required	Department Head, City Administrator and Council Member
\$1,000 - \$10,000	Informal Bid or RFP	Required	Department Head, City Administrator, Council Member and Mayor
\$10,001 and over	RFP or Sealed Bids	Required	City Council by formal vote in meeting

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 9: **AMENDMENT** “3.20.070 Professional Service Contracts” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.070 Bid Processes

1. The city shall comply with the following guidelines for the specific bid process used:
 - a. **Informal Bidding Procedure:** Consists of a Department Head or other employee searching out and soliciting at least three (3) of the best available prices for goods and/or services.
 - i. Purchases shall be awarded to the lowest responsible bidder or the lowest local bidder under the local bidder preference section.
 - ii. Unsealed bids can be submitted by document or email.
 - b. **Sealed Bidding by Advertisement:** A procedure in which vendors or contractors submit bids based on an advertisement soliciting bids, to provide a designated product or to complete a designated project in accordance with

specifications provided by the city.

- i. Sealed Bidding by Advertisement is generally appropriate for most large-scale construction or public works projects and for the procurement of large or repeating orders of goods and/or services. When contractor or product quality is a prime concern in awarding a project bid, the city may pre-qualify bidders according to a policy established by the City Administrator.
- ii. Noticing Bids: The city shall provide notice of its invitation for bids. Notice shall include a general description of the articles to be purchased or the work to be performed, the location where bid plans and specifications may be secured, and the time and place for bid openings. The notice inviting bids shall be provided at least fourteen (14) days prior to the bid opening by one or more of the following methods:
 - (1) Published on the Noticing Website;
 - (2) Published on city website, social media sites;
 - (3) Posted or advertised in other manners deemed appropriate by the City Administrator in order to receive the greatest number of responsible bidders.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 10: **AMENDMENT** “3.20.080 Public Auctions” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.080 Exceptions To Bidding Requirements

The bid process requirements set forth in this policy do not apply to the following situations

1. Professional Service Contracts include but are not limited to: accounting, auditing, banking, insurance, engineering, legal and other services, may be awarded based on professional qualifications, service ability, cost of service and criteria.
 - a. Annual Audit: A professional service contract for the annual fiscal year financial audit shall be awarded by the City Council in consultation with the City Administrator.
2. Sole Source: If it is determined that a service, product, or requirement is reasonably available only from a single supplier or contractor.
3. Emergency Purchases: In case of an emergency that requires immediate purchase of materials, supplies, equipment or services, the City Council authorizes the Mayor, City Administrator or Department Head to approve such emergency purchases if the situation permits. The City Council shall be notified as soon as possible as to the emergency and the associated purchases.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 11: **AMENDMENT** “3.20.090 Cases Not Requiring Bidding Procedures” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.090 Special Rules And Procedures Required By State Law

1. The city shall follow the requirements of Utah Code 11-39-101 et seq. for projects associated with Building Improvements and Public Works Projects.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 12: **AMENDMENT** “3.20.100 Emergency Procurement” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.100 Bid Awards

1. Bids shall be opened publicly by the City Administrator, Administrative Assistant, City Recorder, Department Head, or Mayor under dual control at the time and date designated in the advertisement.
2. After the bids are opened, evaluated, and a determination made that a contract be awarded, the award shall be made to the lowest responsible bidder or the lowest local bidder under the local bidder preference in section (3) whose bid meets the requirements and criteria set forth in the Invitations for Bids. In awarding to the lowest responsible bidder, the city shall consider, in addition to the price:
 - a. The quality of supplies offered;
 - b. The ability, capacity and skill of the bidder to perform the contract or provide the supplies or service required;
 - c. Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
 - d. The character, integrity, reputation, judgement, experience and efficiency of the bidder;
 - e. The quality of the bidder's performance on previous orders or contracts for the city or others;
 - f. The ability of the bidder to provide future maintenance and service, where essential.
3. Local Bidder Preference

- a. In awarding bids for services, supplies, or building improvements, preference shall be given to local bidders, unless prohibited by federal law or by the terms of a federal grant or loan; the proceeds of which are used to fund the public work or purchase of supplies or services.
- b. When the lowest responsible bidder is not a local bidder and the local bidder(s) are within five percent (5%) of the lowest responsible bid, the lowest responsible local bidder shall be awarded the bid if the lowest responsible local bidder agrees in writing to meet the lowest responsible bid within seventy-two (72) hours after being notified by the City of the option to exercise the local bidder preference.
 - i. If the lowest responsible local bidder elects not to exercise the local bidder preference, the next lowest responsible local bidder who is within five percent (5%) of the lowest responsible bid shall be given the option to exercise the local bidder preference. This process shall continue until a qualified local bidder exercises the option or until there are no more local bidders within five percent of the lowest responsible bid.
 - ii. The city's notice to the lowest responsible local bidder shall contain the exact bid amount submitted by the lowest responsible bidder.
 - iii. The city shall not enter into a contract with the regard to the bid until the seventy-two (72) hours beginning with notification to the local bidder has elapsed.
4. If only one bid or proposal is received in response to an Invitation to Bid, an award may be made to the single bidder if the City Council, Mayor, and City Administrator finds that the price submitted is fair and reasonable. Otherwise, the bid may be rejected and new bids or offers may be solicited.
5. Before entering into a contract, the City Administrator shall have authority to require performance, payment and/or other bonds deemed necessary in such amounts as deemed necessary to protect the interests of the city. The types and amounts of the bonds to be required shall be described in the notice inviting bids.
6. Awards to other than lower bidder: When the award is not given to the lowest bidder, a statement of the reasons therefore shall be prepared and approved by the Mayor and City Administrator and filed with other papers related to the transaction.

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 13: **AMENDMENT** "3.20.110 Artificial Division Prohibited" of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.110 Cancellation And Rejection Of Bids

1. An invitation for bids, request for proposal, or other solicitations may be cancelled, or any and all bids or proposals may be rejected in whole or in part, as may be specified in the solicitation, when it is in the best interest of the city; the reasons for cancellation or rejection shall be made part of the contract file. (Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 14: **AMENDMENT** “3.20.120 Exceptions” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.120 Prohibited Acts And Activities

1. No person involved in making procurement decisions may have personal investments or derive any income from any business entity which may create a conflict between their private interests and their public duties.
2. It shall be unethical for any person to offer, give, or agree to give any Milford City Employee, or for any Milford City Employee to solicit, demand, accept, or agree to accept from any vendor, or business, a gift or gratuity in any amount in connection with any decision, approval, disapproval, or recommendation concerning a solicitation.
3. City Officials and employees shall not use opportunity for discounted or government rates to purchase goods or services for personal use, unless the supplier makes such goods or services available to all municipal officials and employees on the same terms, provided the official or employee pays for such items from his or her own money.
4. Any employee or official of Milford City who shall purchase any goods or services in violation of this policy is subject to disciplinary actions including possible termination. (Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 15: **AMENDMENT** “3.20.130 Local Advantage” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.130 Credit Card

1. . The City Administration and Department Heads are issued personalized credit cards and/or gas cards.
 - a. All credit card and/or gas card purchases must follow the guidelines of this policy.
 - b. If card is lost or stolen, employee must notify City Administrator immediately.
2. Approved Uses. The City's credit cards and/or gas cards are intended for the following

types of usage:

- a. Gas Purchases;
 - b. Online purchases of supplies, equipment, or materials not available through established purchase accounts;
 - c. Authorized travel and training fees or registrations;
 - d. Lodging;
 - e. Other purchases as approved by the City Administrator.
3. Credit Card Violations. Violations of card and/or gas cards will lead to cancellation of card privileges and may be cause for termination. Card violations include but are not limited to:
- a. Purchase of items for personal use;
 - b. Use of credit cards for cash advances;
 - c. Use of credit card for purchases of more than the users authorized spending limit, or by splitting purchases into more than one transaction in order exceed to the authorized limit. (Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009)

SECTION 16: **AMENDMENT** “3.20.140 Cancellation And Rejection Of Bids” of the Milford Municipal Code is hereby *amended* as follows:

AMENDMENT

3.20.140 Disposal Of Public Property

1. No city-owned property having an estimated value in excess of \$500 shall be disposed of or released to anyone other than the city, unless such property has been declared surplus as set for in this section.
2. Inter-Department Transfers: Whenever city owned personal property is surplus, unused, obsolete, unsuitable or otherwise no longer needed, the department head having control of such property shall notify the City Administrator. The City Administrator may notify other city departments of the availability of such property. If no use can be made or can be expected to be made within the foreseen future the property shall be disposed of in accordance with this section.
3. Disposal of city owned personal property: The City Administrator shall prepare a listing of all city owned personal property which is no longer needed by the city and which can be declared surplus and present to the City Council.
 - a. The city council, shall at a regular meeting, declare all personal property to be disposed of as surplus property prior to disposal.
 - b. The city shall advertise the sale of any personal property through public notice, city website, social media and any other way they feel necessary. The notice may be general in nature without listing each item individually.
 - c. Bids shall be opened in public at the time and place stated on the notice.
 - d. Any personal property that cannot be sold at a public sale or through the

bidding process may be disposed of in a manner acceptable to the City
Administrator

(Ord. Ordinance 5-2009 Purchasing Policy, Add, 06/17/2009

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Shane Yardley	_____	_____	_____	_____

Presiding Officer

Attest

Nolan Davis, Mayor, City of Milford

Monica D. Seifers, City Recorder City
of Milford