



**MILFORD CITY COUNCIL
SPECIAL MEETING**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Milford, Utah will hold a special meeting at the Milford City Office, 26 South 100 West, Milford, Utah on Tuesday, October 5, 2021 at 8 AM

Special Meeting

- 1) Bid Opening and Selection of Contractor for the Milford Swimming Pool Resurfacing and Repair Project
- 2) Water Project Update
- 3) Approval of Consent Issues: bills and payroll, Financial Report August 31, 2021, and Minutes of August 17, 2021 Regular Council Meeting
- 4) Ordinance 3-2021 "Hub International Leak Protection Program"
- 5) Ordinance 5-2021 "Tobacco Specialty Businesses"
- 6) Ordinance 6-2021 "Reserved Parking on Tiger Blvd"
- 7) Resolution 12-2021 " Cancel November 2, 2021 Municipal General Election"
- 8) Resolution 13-2021 "Retaining Building Deposit from Admin Building Rentals"

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.

Dated this 30th day of September 2021.

CERTIFICATE OF DELIVERY & POSTING

The undersigned, duly appointed and acting City Recorder does 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, 2021. 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 the Public Notice Website (utah.gov.pmn) under Milford City.

Monica D. Seifers, City Recorder

DRAFT
Milford City Council Meeting
Tuesday, August 17, 2021, 4:00 PM
Milford City Hall, 26 South 100 West
Milford, Utah 84751

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

Absent: None

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

Visitors (Official Roster): Gosia Skowron, Joseph Moore, Christopher Katis – Utah FORGE; Virginia Jones, Kenneth Shelley, Arden Fowles, Carla Fowles, Matthew Kennedy – RCAC, David Cluff, Marshall Steed

Call to Order

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

Visitors

a. Matthew Kennedy – Presentation of Sewer Rate Study

Matthew Kennedy has been working with the city staff to review the current rates and budget to see where the city's sewer funding needs were and to assess if the current rate structure would cover future projects. The rate analysis looks at whether the utility can stay solvent looking at ongoing maintenance costs as well as preparing for the future. It can also help prepare for current asset replacement as components of the infrastructure begin to age-out. The utility has a task of ensuring the service is operable for future generations. Guiding principles of the rate study include making sure the rates are sustainable, equitable – everyone is paying their fair share; and justifiable, all the numbers that are presented are real. A Rate Model is used to look at the system's budget, any existing debt, system assets and historical sales information. This gives a picture of where the city stands today in terms of revenues and expenses and incorporating inflation and future projects. The FY2021 Budget was used and was adjusted using an inflation factor of 2.3% based on current estimates. Reserve requirements were also observed. The Five-Year Forecast shows that no rate increase is currently needed. The rate structure is projected to cover any near future needs. Milford City's sewer rates are below the target of 1.5-2.5% according to Median Household Income coming in at less than 1%; this means it is still affordable but depending on the funder, it could need to be increased to meet the required threshold in order to obtain funding on projects.

Recommendations from the rate study: 1. No current rate increase currently needed. 2. Review and update rates at least every 3-5 years or if there are significant changes to the system. 3. Consider small annual increases rather than periodic large increases. While the city is in good shape with the rate schedule right now it is apparent that the need to increase can present at any time if they are not reviewed and adjusted periodically to meet the needs of the city so it is important to review them often. Smaller increases annually are more manageable than having to adjust them substantially.

Mr. Kennedy concluded his presentation and asked if there were any questions.

Mayor Davis complemented Mr. Kennedy for his work along with Administrator Bealer. It is beneficial to see the results of the study and it reinforces what the city learned with the water study – it does not pay

to try to keep the rates low, because the project that was necessary to sustain a good water system is now costly and the increase to the water rate was substantial. Staff did not want to encounter that again with the sewer fund.

Attorney Kanell asked if the study included an account of the systems and what may be needing to be replaced sometime soon. Mr. Kennedy explained that they didn't dive that deep into doing condition assessments, however, looking at some of the existing infrastructure and what the expected life span is, there are system components that are well past where you would normally see them replaced at, such as lift stations. Pumps and motors have an expected lifespan of up to 15 years and some of those have been in place over twenty years so there are components that are beyond the expected life span. Assuming the collection pipe is PVC, we are confident most of it is, it is expected to be about halfway through its lifespan. The as-built digitization will allow for the conditions to be recorded and stored, which will be beneficial.

Makayla added that the Wastewater Capital Facility Plan that is being considered will give the city a good idea of what will need to be prioritized. She also reported that following the Water Rate Study the city decided to increase the water and sewer rates annually beginning January 2023 to keep the Enterprise Funds in better condition.

b. Dr. Joseph Moore – Utah FORGE Project Update

Dr. Joseph Moore, Christopher Katis, and Gosia Skowron were in attendance to provide an update on the Utah FORGE project. The 2019 DOE Geovision report set a goal of 60,000 Mwe of energy by 2050. It is going to be a huge stretch. Blundell has a heat source, fluid, and permeability. FORGE has a heat source but has to create the fluid to transport the heat and permeability for fluids to extract heat. The goal is to learn how to make a geothermal First time ever drilled deviated. They have found heat. To stimulate the well they will pump water down and create permeability, this will take place late 2021. The 2nd well will be drilled Summer 2022.

Upcoming: Demobilization of the trailers. The site will be clean and left how they found it.

c. Blake Williams – Discuss Drilling Replacement Well

Mr. Williams was not able to attend and asked to be placed on the September council agenda.

Consent Issues

a. Consent issues including bills and payroll, Financial Report July 2021, and minutes of July 20, 2021 Regular Meeting were presented for consideration for approval.

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

The FORGE group left at 4:41 PM

New Business

a. Approval of Assignment of the Rosemary Bowman Easement Agreement

City Administrator Bealer reported that the city entered into three easement agreements to obtain the easement for the transmission line that was installed in the 2001-2002 water project. The agreements were with Advanced Development, Rosemary Bowman, and Max Mayer. During installation of the transmission line, Milford City had all the service connections installed onto the service line for future use, and to uphold the easement agreements. The service connections are as follows: Advanced

Development – one 8” service connection; Rosemary Bowman – two 2” service line connections; and Max Mayer – one 3/4 “ service connection that is currently being utilized to service The Bryan Mayer residence.

The original agreement with Rosemary Bowman composed of four components. 1. To provide owner a 2” service connection, 2. Provide owner with a 2” service connection and meter, 3. To provide 10,000 gallons of water to the owner, free of any additional charge, 4. Compensation for the 20’ wide by 2,960’ long Right-of-Way Easement in the amount of \$1,000.00. We have worked with Rose Marie Bracker and Craig Davie to further define the original agreement to better understand what their wishes are for those two connections. A signed Assignment of the Rosemary Bowman Easement Agreement with additional definitions was included in the packets. The agreement further states where those service connections will be utilized as well as the 10,000 gallons being identified as a one-time allowance of 10,000 gallons free of charge. Milford City will not charge for the first 10,000 gallons pulled on a single meter that is attached to Parcel 2-29-02. After the first 10,000 gallons are registered on the meter Milford City will begin billing in accordance with the water rate schedule. When Milford City entered into these agreements it was determined that it was not best practice to connect to the transmission line, at that time Milford City Council chose to uphold the three agreements but the property owners would be required to put in a contact time storage tank as well as back-flow to prevent contamination to the Milford City water system. The agreement further defines the holding tank and back-flow prevention. This agreement further clarifies the provisions of the original agreement. The family has signed the agreement and recommend it to the city council for consideration. Council Member Scott Symond addressed concerns to the service line. Administrator Bealer explained that the meters were installed, the property owners would have to install their own line and ensure proper backflow that meets the City Foreman’s satisfaction. Council Member Ian Spaulding clarified that by enacting on this we should have met the requirement to fulfill the agreement while providing water to our customers. Attorney Kanell recommended that the city council accept the assignment and authorize the Mayor and City Recorder to sign it and then add a signature page accepting the assignment. Council Member Scott Symond stated that by doing so we are not setting a precedence for others to follow, right? City Administrator Bealer replied that was correct, Milford City will only uphold the three previous easement agreements that the predecessors agreed to. We will take what necessary action we need in order to protect our water system and only uphold the prior agreements; we do not want new connections to that transmission line due to the risk. Council Member Spaulding cited that the city was only accepting the assignment, we are not taking any other action. City Administrator Bealer replied that was correct.

- **MOTION:** *Council Member Ian Spaulding made a motion to accept the assignment of the original agreement to the specified parties as prepared by the City Administrator. Motion was seconded by Council Member Les Whitney. All were in favor, motion carried.*

Carla and Arden Fowles left at 4:53 PM

b. Consideration of Engineering Agreement for Wastewater Capital Facilities Plan

City Administrator Bealer reported that Milford City has received American Relief Funds that can be used for improvements to infrastructure. Milford City would like to hire Sunrise Engineering to have them analyze our current system and prepare a report of what improvements need to be done to our wastewater infrastructure. We don’t see a sewer project in the foreseeable future but our infrastructure is aging so the city will need to prepare to start a project in about five to seven years. This will help us prepare and is good utilization of the funding available. If approved, this will commence late Fall 2021. A

144 drainage study was discussed but Mayor Davis wanted to get the Wastewater plan done. The city had
145 prioritized these plans with water being first, wastewater second, followed by drainage.

- 146 ➤ **MOTION:** Council Member Scott Symond made a motion to approve the Agreement for
147 Wastewater Capital Facilities Plan. Motion was seconded by Council Member Russell Smith. All
148 were in favor, motion carried.

149
150 **c. Approval of Work Release for Cemetery GIS Mapping**

151 City Administrator Bealer reported that the City Council had determined that the GIS Mapping for the
152 cemetery was of high priority. Sunrise Engineering can provide this service for \$11,250. The city has
153 obtained a \$5,000 grant and the remaining \$6,250 will be covered by the American Relief Plan funds.

- 154
155 ➤ **MOTION:** Council Member Les Whitney moved to authorize the Work Release for Cemetery GIS
156 Mapping and Sunrise Engineering to proceed with the project. Motion was seconded by Council
157 Member Ian Spaulding. All were in favor, motion carried.

158
159 **d. Discuss purchase and availability of sand bags**

160 Mayor Davis reported that after recent floods in Beaver and Iron Counties, Emergency Management
161 Manager Whitney met with Mayor Davis to discuss purchasing sand bags and having them available at
162 the city to be used in flood situations. Mayor Davis met with City Administrator Bealer who
163 recommended storing the sand bags in one of the city containers. Council Member Whitney, who also
164 serves as the county emergency manager, reported that he normally stored in the range of 10K bags
165 throughout the county. He fulfills requests as needed. He may not have enough sandbags and he pays
166 for them so he felt it would be beneficial to have each city have a stockpile. There will be a small
167 committee with key people who will be building a plan but at this point he would like each city to consider
168 purchasing bags and storing them so they are available to the respective communities. Administrator
169 Bealer reported that the plan is to leave the container at the city office for emergency use and put a new
170 conex at the city shed rather than moving one. Council Member Spaulding supported leaving the conex
171 in place to be used for emergency preparedness. Makayla asked how many sandbags to purchase. It was
172 determined that a couple thousand could be stored; costs will be checked and then will order one to two
173 thousand to be stored at the city container. Makayla to contact Ginger McMullin for vendor information.
174 Les reported that there are a few ways of filling the bags, the city may want to look at the options and if
175 any equipment is needed it may be covered by the ARP funding.

176
177 **e. Employee Incentives**

178 Mayor Davis reported that the city has received funding through the American Rescue Plan. As
179 Administrator Bealer reported earlier, the city is working on a GIS Mapping project, a Sewer Master Plan,
180 and the possibility of purchasing a vehicle, as well as a Mini-Ex for the cemetery. Mayor Davis proposed
181 employee bonuses; it has been a long year with COVID and may be another hard year ahead. He is
182 appreciative of the employees for their efforts in keeping the city operations running during the
183 pandemic and we do not know what is coming ahead. It was his wish to use a part of the ARP funds to
184 give them a bonus. Council Members Scott Symond, Les Whitney, and Russell Smith agreed that it was a
185 good idea, the employees were deserving and it could be good for morale.

- 186
187 ➤ **MOTION:** Council Member Scott Symond made a motion to use ARP funds to provide employee
188 incentive bonuses. Motion was seconded by Council Member Russell Smith. All were in favor,
189 motion carried.

Old Business

a. Culinary Water Project

City Administrator Bealer reported that Brotherson's Excavating continues to make progress on the water project, although supply chain backlogs are continuing to affect the project progress and schedule. Current work activities are focusing on installing the pipeline crossings on Main Street and on Feed Mill Road. In addition to this, the contractor is working on the electrical installation at the booster pump building, additional pipe installation in the city and continued work to upgrade the water meters across the system. The well drilling contractor is onsite this week installing the pump equipment at the new Granite Peak Well. The contractor notified the engineer last week that an incorrect concrete mix was used in one truckload of concrete for the new water storage tank. The engineer is working with the contractor on a resolution to this issue and will report back to the city. It is projected that substantial completion for most of the project will still be achieved by the end of the year, although the certain elements such as the booster station may be later than that depending on how soon the pump skid becomes available, right now it is not available until January 2022.

Attorney Kanell reported that the daughter of Ninfa Beard, Sharon Beard, would like progress photos of the water project. Attorney Kanell is anticipating her signing the deed at some point in the future.

Ordinance and Resolutions

a. Ordinance 4-2021 "OSHA Policy"

Administrator Bealer reported that the city underwent an unscheduled inspection by OSHA last May and there were findings. There were no fines that resulted; however, the city is required to implement and update their safety policy.

MOTION: Council Member Les Whitney moved to adopt Ordinance 4-2021 "OSHA Policy". Motion seconded by Council Member Scott Symond. Roll Call Votes: Council Member Russell Smith—aye, Ian Spaulding—aye, Scott Symond —aye, Les Whitney —aye, and Terry Wiseman —aye. Motion passed.

Staff and Council Reports

Staff Member Reports and Comments

Leo Kanell ~ City Attorney

- No reports or comments.

Makayla Bealer ~ City Administrator

- Chip sealing is completed; flush date for the streets will be determined.
- School will remain open to be used for the school P.E. 6-8 pm public swim, 8-10 pm lap swim. The pool closes on Sunday, September 5th.
- 9/11 day of service at cemetery. Mayor Davis has asked Milford City to provide water for the group participating.
- Milford City Transmission Line – I was asked to address this under my comments with the understanding that it is for the purpose of the council discussing it as a full council. Milford City entered into three agreements to obtain the easements for the transmission line during the 2001-2002 water project. The agreements were with Advanced Development, Rosemary Bowman, and Max Mayer. During installation of the transmission line, Milford City had all the service connections installed on the transmission line for future use and to uphold the easement agreements. The service connections are as follows: Advanced Development has an 8" connection that is located near the well house. Rosemary Bowman has two 2" connections, one located on the east side of M&M Road and one on the west side of the same road. Max Mayer had one ¾" service line which is where we 90-degree from the south to the west on our

transmission line. This service connection is currently being utilized by Bryan Mayer and has been for many years. Following the approval of the easement agreement, Milford City learned that it's not good practice to allow connections to the transmission line, due to the risk of contamination to our entire water system as well as the contact-time for chlorine. Here is a recap of how the Milford City Water System process:

- Water pump from well,
- Water is then chlorinated at the well
- Then the water moves through the transmission line on the south end of town and then up the west side of town and enters into the storage tank on Baldy.
- Water is then stored in the tank
- Water is then pressurized at the booster pump
- Water is then moved into the distribution line and feeds the Milford Community through their private lateral lines.

Milford City determined it to be in the best interest of Milford City and the water system to only uphold the current easement agreements, however not allow any new users on the transmission line. Easement agreements would be required to install a contact-time storage tank and proper backflow devices that would have to be determined by an engineer and approved by the Milford City Foreman. Our office has been following this process and letting realtors and individuals who request to connect to the transmission line, by letting them know that we will NOT allow connections to our transmission line because we as a city need to protect our water system.

In June 2021, Mark Whitney contacted me to discuss the possibility of connecting to the Milford City main water line to help him provide water to his feed yard. He mentioned the agreement with Milford City and Advanced Development through the 2001 Water Project. The original agreement from 2001 states that Milford City will provide an 8-inch connection with five future connections with no impact fee. I explained to Mr. Whitney that Milford City will honor the agreement with Advanced Development, however, we would need to use the existing 8" connection that is located near the Mineral Mountain Well. He explained that he just wanted to tie right off the main water line that runs next to his property. This is actually our (Milford City's) transmission line. I explained that this was the city's transmission line that feeds the water system from the Mineral Mountain Well to the tank and that Milford City will not allow individuals to connect to the transmission line due to the risk of contaminating the entire water system. I said Milford City has decided to only honor the existing agreements from the 2001 water project.

It is my understanding from the 2001 agreement with AD that we installed an 8" service connection on the transmission line during the 2001 project and that the five future water connections would be from the 8" line with no impact fee. Mr. Whitney is requesting that we allow him to use 1 of the 5 future water connections to service his feed yard. He wants to tie directly into the transmission line and not utilize the 8" line; therefore, it's my understanding that his request is not bound by the 2001 easement agreement with AD because he is not utilizing the 8" line. If we allow Mr. Whitney to connect to the transmission line, then we are essentially allowing anyone to make the request to connect to the transmission line and we would no longer be following our current practices of upholding the easement agreements. I've reached out to Attorney Kanell, he explained to me that the agreement with Advanced Development is for the 8" line and five future connections off that 8" line and that this is more of a practice issue than legal issue. If the city wants to allow Mr. Whitney to connect to the transmission line to service

his feed yard, obviously he would be required to install a contact time holding tank as well as proper backflow preventions; however, we are opening the door for everyone to be able to pull water off our transmission line. It is not good practice because of the risk. Milford City has discussed this several times and has stated we would uphold our agreement put in by our predecessors. She recommended that the council make the choice that best protects the city's water system which is the number one concern, it may not be a bad idea to seek further information from our city engineer.

Council Member Ian Spaulding inquired if Advanced Development (the entity) still existed. City Administrator Bealer replied that AD was still a business of four individuals. Council Member Spaulding asked if it was possible for AD to make assignment of the agreement to Mr. Whitney as an individual? Administrator Bealer replied that yes, that was a possibility, but he does not want to put in the 8" line off the transmission line near the well house, he wants to tie right in to the transmission line at his feed yard, and not utilize the 8" service connection on the transmission line and install a lateral line to his feed yard. This is where the conversation with Attorney Kanell was instigated. Leo reported that he had spoke with Mr. Whitney explaining that the agreement was between Milford City and Advanced Development, not Mark Whitney and he said that the property that he has the feed yard on was owned by Advanced Development.

Council Member Scott Symond stated that he thought Mr. Whitney needed to come talk to the Council and explain exactly what he was wanting to do; we need him present to discuss this. If he is part of the original agreement, then that's fine, but if not then that's a whole different matter. Council Member Smith cited that was not the case – the original agreement was for that 8-inch line, not down by his feed yard. Mayor Davis also replied that the city did not have to let him cut directly into the transmission line for a connection. Council Member Symond clarified that he meant he should stick with the original agreement, not change it. Administrator Bealer clarified that Milford City would uphold the agreement with Advanced Development, our predecessors chose to enter into those agreements to obtain those easements and we owe it to everyone to uphold them. The question is he could, if he wanted to, run off that 8-inch line and run a lateral and use one of his future connections and would not have to pay an impact fee, but he does not want to do that because the 8-inch connection is located by the well house and his feed yard is down near the highway. Council Member Spaulding stated he was not familiar with the geography, asking if the issue was with distance? Council Member Wiseman was concerned that if Advanced Development is allowed to take one connection in a different area, then what if they want to put three or four in different areas through there? Council Member Symond agreed. Mayor Davis cited that if we allow one then that opens it up to everybody and we have turned several individuals down that have requested to tie in to the transmission line. He felt it would create a nightmare to allow it. When this agreement was put into place many years ago, we didn't have as much knowledge as we do today. He stated that other cities have endured nightmares by allowing transmission tie ins. He would rather uphold the agreement and practice of not allowing tie ins on the transmission line at all.

Administrator Bealer presented a map showing the transmission line location as well as Mr. Whitney's feed yard further explaining Mr. Whitney's request to bypass the 8" connection and just tie into the transmission line as it was near his feed yard. Foreman Stewart explained that by him tying in with an 8" valve the city has the capability of shutting off the line if he has problems without having to shut down the entire line from the well to the tank. Administrator Bealer reported that the city engineer was on site today for the water project and he made a few good points stating it was bad practice to let people tie into a transmission line. When Milford City

entered into these agreements, we were not chlorinating all the time, only once per year. We now chlorinate year-round as a requirement of the Division of Drinking Water. If the council is wanting to uphold the agreement, then Mr. Whitney would have to use the 8" connection and pull off that line or the alternative is that Milford City changes its practices and allows everybody who requests so to tie into the transmission line. Council Member Spaulding agreed with Council Member Symon's comment that Mr. Whitney needed to be present in a meeting to discuss his request, in the meantime the city should stay with what has been consistently applied in the past.

City Administrator Bealer asked if the council would like to have the city engineer do an analysis on the transmission line? Mayor Davis recommended holding off to see what took place.

Monica Seifers ~ City Recorder

- No report or comment

Lisa Thompson ~ Administrative Assistant

- No report or comment

Ben Stewart ~ City Foreman

- No report or comment

Council Member Russell Smith

- No report or comment

Council Member Ian Spaulding

- He will follow up with the principal and the councilor at the high school on the Youth Council sometime before September's meeting.

Council Member Scott Symond

- No report or comment

Council Member Les Whitney

- No report or comment

Council Member Terry Wiseman

- No report or comment

Mayor Davis

- No report or comment

Meeting Adjournment ~ *as there was no further business the meeting adjourned at 5:49 PM.*

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

**CITY OF MILFORD
ORDINANCE 03-2021**

WHEREAS, Milford City Council has determined that Hub International can provide the best Leak Protection Insurance to its customers.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Milford, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.01.380 ServLine Leak Protection Program” of the Milford Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.01.380 ServLine Leak Protection Program

Milford City hereby offers the SERVLINe Leak Protection Program to its customers. This leak protection program shall be implemented on August 1, 2016. This program automatically enrolls every Residential customer into the program at a rate of \$2.00 per month.

1. Residential customers may decline to participate in the Leak Protection Program by calling Customer Service at 866-737-6840. Any residential customer declining to participate in the program shall be documented. Any customers who are documented as declining from the program shall then be responsible for the full amount of their bill with no adjustments being made in the future by Milford City or through ServLine.
2. All requests for residential billing adjustments must be made through the ServLine Program by contacting Customer Service at the number provided. Customers who decline to participate in ServLine will not be eligible for a leak adjustment.
3. Customers who qualify for leak adjustments through the ServLine Program will be responsible to pay their average bill using a five year average for the period in which the leak occurred. In the event that there is not five years worth of usage to calculate an average, a one year average will be used. If an eligible customer does not have one years worth of usage history, customer will be responsible for minimum billing rate plus an additional \$25.00. ServLine will pay up to \$2,500 of an excess water bill resulting from a qualifying leak. Amounts in excess of \$2,500 will continue to be the responsibility of the Customer.
4. When the Milford City Water Department has made effort to notify the owner and/or tenant of a possible leak and said owner/tenant does not respond, they will not be eligible for an adjustment in any following billing periods.
5. It is the customer's responsibility to keep his plumbing system in good working order.
6. Milford City shall be under no obligation to extend the deadline or time for paying any bills because the customer disputes the amount of the bill or liability for the bill.
7. Customers must present proof that a leak has been repaired prior to an adjustment

being made. (i.e., copy of an invoice for materials or bill from a plumber). In the event that the leak did not require repairs (i.e., plumbing fixtures or toilet seals were replaced), Customer will be responsible for contacting Milford City Office Utility Department to request that a meter check be performed to verify normal usage on the meter.

8. Customers shall NOT receive more than one leak adjustment during any twelve (12) month period.
9. The City of Milford, through our ServLine Program, shall not be obligated to make any adjustments of any bills not submitted within Sixty (60) days from the billing date.
10. Adjustments on water bills will NOT be made on the following:
 - a. Residential customers who do not have their own water meter.
 - b. Commercial or Industrial Customers, Bulk Water Customers, or any Multi Family Units that are Master Metered.
 - c. Premises left or abandoned without reasonable care for the plumbing system.
 - d. Leaks on irrigation systems or irrigation lines, leaks on any water lines coming off the primary water service line, plumbing leaks in any structure other than the primary residence.
 - e. Excess water charges not directly resulting from a qualifying plumbing leak.
 - f. Filling of swimming pools or hot tubs, or leaks in swimming pools or hot tubs; and
 - g. Watering of lawns or gardens.

(Ord. 4-2016, Add, 07/20/2016)

AFTER AMENDMENT

10.01.380 ~~ServLine~~Hub International Leak Protection Program

Milford City hereby offers the Hub International My Utility Claim ~~SERVLINE~~ Leak Protection Program to its customers. This leak protection program shall be implemented on ~~August 1, 2016~~July 1, 2021. This program automatically enrolls every Residential customer into the program at a rate of \$2.00 per month.

1. Residential customers may decline to participate in the Leak Protection Program by calling Customer Service at ~~866-737-6840~~ 888-807-8079. Any residential customer declining to participate in the program shall be documented. Any customers who are documented as declining from the program shall then be responsible for the full amount of their bill with no adjustments being made in the future by Milford City or through ServLine.
2. All requests for residential billing adjustments must be made through the ~~ServLine~~Hub International My Utility Claim Program by contacting Customer Service at the number provided. Customers who decline to participate in ~~ServLine~~ My Utility Claim will not be eligible for a leak adjustment.
3. Customers who qualify for leak adjustments through the ~~ServLine~~Hub International My Utility Claim Program will be responsible to pay their average bill using a five-year average for the period in which the leak occurred. In the event that there is not

five-years worth of usage to calculate an average, a one-year average will be used. If an eligible customer does not have one year's worth of usage history, customer will be responsible for minimum billing rate plus an additional \$25.00. ServLine Hub International will pay up to \$2,500 of an excess water bill resulting from a qualifying leak. Amounts in excess of \$2,500 will continue to be the responsibility of the Customer.

4. When the Milford City Water Department has made effort to notify the owner and/or tenant of a possible leak and said owner/tenant does not respond, they will not be eligible for an adjustment in any following billing periods.
5. It is the customer's responsibility to keep his plumbing system in good working order.
6. Milford City shall be under no obligation to extend the deadline or time for paying any bills because the customer disputes the amount of the bill or liability for the bill.
7. Customers must present proof that a leak has been repaired prior to an adjustment being made. (i.e., copy of an invoice for materials or bill from a plumber). In the event that the leak did not require repairs (i.e., plumbing fixtures or toilet seals were replaced), the Customer will be responsible for contacting Milford City Office Utility Department to request that a meter check be performed to verify normal usage on the meter.
8. Customers shall NOT receive more than one leak adjustment during any twelve (12) month period.
9. The City of Milford, through our ServLine My Utility Claim Program, shall not be obligated to make any adjustments to any bills not submitted within sixty (60) days from the billing date.
10. Adjustments on water bills will NOT be made on the following:
 - a. Residential customers who do not have their own water meter.
 - b. Commercial or Industrial Customers, Bulk Water Customers, or any Multi-Family Units that are Master Metered.
 - c. Premises left or abandoned without reasonable care for the plumbing system.
 - d. Leaks on irrigation systems or irrigation lines, leaks on any water lines coming off the primary water service line, plumbing leaks in any structure other than the primary residence.
 - e. Excess water charges not directly resulting from a qualifying plumbing leak.
 - f. Filling of swimming pools or hot tubs, or leaks in swimming pools or hot tubs; and
 - g. Watering of lawns or gardens.

(Ord. 4-2016, Add, 07/20/2016)

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Terry Wiseman	_____	_____	_____	_____

Presiding Officer

Attest

Nolan Davis, Mayor, City of Milford

Monica D. Seifers, City Recorder City
of Milford

**CITY OF MILFORD
ORDINANCE 05-2021**

WHEREAS, the Milford City Council has determined that the adoption and amendments to the Milford City Code as provided herein are necessary to protect the health and safety of its citizens.

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Milford, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “6.05 Tobacco Specialty Businesses” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05 Tobacco Specialty Businesses(*Added*)

SECTION 2: **ADOPTION** “6.05.010 Purpose” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05.010 Purpose(*Added*)

This title is enacted for the purpose to regulate Tobacco Sales and Retail Tobacco Specialty Businesses within city limits.

SECTION 3: **ADOPTION** “6.05.020 Definitions” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05.020 Definitions(*Added*)

1. "General Tobacco Retailer" A type of retail location such as a grocery store, gas station, convenience store that sells tobacco products with limitations such as:
 - a. Flavored e-cigarettes (vape) cannot be sold except for the following flavors: Tobacco, mint and menthol.
2. "Retail Tobacco Specialty Business" Has the same meaning as defined in the Utah

code section 10-8-41.5, as amended; a commercial establishment which;

- a. Sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment;
- b. 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
- c. 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products;
- d. Only persons of 21 years of age may enter.

SECTION 4: **ADOPTION** “6.05.030 Business License Required” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05.030 Business License Required(*Added*)

1. A regular business license is required for all retail businesses operating within Milford City and shall follow the provisions in chapter 6.01 of the Milford Municipal Code.
 - a. Milford City will not issue or renew any business that sales tobacco products and is classified as a General Tobacco Retailer without proof of their tobacco licensed with the health department.

SECTION 5: **ADOPTION** “6.05.040 Prohibitions Regarding Tobacco Sales” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05.040 Prohibitions Regarding Tobacco Sales(*Added*)

1. Milford City prohibits the establishment and/or operation of a retail tobacco specialty business within the city limits.
2. Milford City shall not issue a business license for the operation of a retail tobacco specialty business within the city limits.

SECTION 6: **ADOPTION** “6.05.050 Penalty” of the Milford Municipal Code is hereby *added* as follows:

ADOPTION

6.05.050 Penalty(*Added*)

1. Violation of any part of this chapter shall constitute a class B misdemeanor and is punishable by a fine and incarceration in accordance with state law.

SECTION 7: **AMENDMENT** “9.07.010 Purchase, Possession Prohibited” of the Milford Municipal Code is hereby *amended* as follows:

A M E N D M E N T

9.07.010 Purchase, Possession Prohibited

1. ~~Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:~~ It shall be unlawful for a retailer to sell tobacco products, electronic cigarette products, nicotine products, and tobacco paraphernalia to anyone under the age of 21.
2. ~~Where they are in locations where persons under the age of 19 are prohibited.~~
3. ~~Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale.~~
4. ~~In private industrial locations where only adult employees are customarily allowed; provided such locations are inaccessible to persons under the age of 19.~~
5. ~~In adult private clubs, provided that such locations are inaccessible to persons under the age of 19.~~

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Terry Wiseman	_____	_____	_____	_____

Presiding Officer

Attest

Nolan Davis, Mayor, City of Milford

Monica D. Seifers, City Recorder City
of Milford

**CITY OF MILFORD
ORDINANCE 06-2021**

WHEREAS, the Milford City Council is in support of Milford High Schools reserved parking program to help support fundraising.

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Milford, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “9.19.042 Tiger Boulevard Reserved Parking” of the Milford Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

9.19.042 Tiger Boulevard Reserved Parking (Non-existent)

AFTER ADOPTION

9.19.042 Tiger Boulevard Reserved Parking(*Added*)

1. During Milford High School home football games, public parking is prohibited from 4pm to 10pm along 300 West on the east side of the street from 200 North to 300 North. (see exhibit A)
 - a. It is the intent for Milford High School to have paid reserved parking for spectators.
 - i. Milford High School is responsible for setting up, monitoring and regulating the parking spots. Any revenue collected is property of Milford High School.
 - ii. Milford High School will be responsible for installing signage to notify the public that during MHS home football games that this area is reserved parking.
 - iii. Vehicles using reserved parking are permitted to park at an angle.
 - b. Violators:
 - i. Any person who uses the parking area from 200 North to 300 North as public parking shall be cited an \$100.00 fee for violating said ordinance.
2. Exhibit A:

PASSED AND ADOPTED BY THE CITY OF MILFORD COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Russell Smith	_____	_____	_____	_____
Les Whitney	_____	_____	_____	_____
Scott Symond	_____	_____	_____	_____
Ian Spaulding	_____	_____	_____	_____
Terry Wiseman	_____	_____	_____	_____

Presiding Officer

Attest

Nolan Davis, Mayor, City of Milford

Monica D. Seifers, City Recorder City of
Milford



MILFORD CITY, A Municipal Corporation

RESOLUTION NO. 12-2021

A RESOLUTION OF MILFORD, UTAH TO CANCEL THE NOVEMBER 2, 2021
GENERAL MUNICIPAL ELECTION

WHEREAS, the Milford City Council is a fifth-class city in the State of Utah and regularly holds general municipal elections during each "odd" calendar year (e.g. 2015, 2018, 2021, etc.); and

WHEREAS, Pursuant to Utah State Law, the opportunity for the citizens of Milford City to declare their candidacy for an elected office took place from June 1, 2021 through June 7, 2021, and the deadline for the declaration of a "Write-In" candidacy ended on August 30, 2021; and

WHEREAS, Pursuant to Utah State Law, each municipal officer candidate is unopposed and there were no write-in declarations filed; and

WHEREAS, There are no other municipal ballot propositions; and

WHEREAS, Utah State Law has provisions for the cancellation of municipal elections to save taxpayer resources when the circumstances described above occur and to do so by a resolution of the governing body; and

WHEREAS, the City Council desires to cancel the 2021 local election;

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

Section 1. Cancellation.

In accordance with *Utah Code Annotated 20A-1-206*, the 2021 local election for Milford City is hereby cancelled subject to this Resolution.

Section 2. Certification.

In accordance with *Utah Code Annotated 20A-1-206(1)(c)*, the City Council hereby states that this Resolution is passed more than 20 days prior to the scheduled election on November 2, 2021 and hereby certify that;

The municipal officer candidates named as follows are unopposed as provided by State law:

- a. Nolan Davis – 4-year Mayor term
- b. Ian "Jeep" Spaulding – 4-year Council Member term
- c. Terry Wiseman – 4-year Council Member term

BE IT RESOLVED that the above named municipal officer candidates are hereby considered elected.

Effective Date. This Resolution shall become effective on the 21st day of September, 2021 by the following vote:

Ayes: _____ Nays: _____

Absent: _____

Milford City

By: _____

Nolan Davis, Mayor

Attest:

Monica D. Seifers, City Recorder



MILFORD CITY, A Municipal Corporation

RESOLUTION NO. 13-2021

**A RESOLUTION OF THE CITY COUNCIL
OF MILFORD CITY, UTAH**

**RETAINING BUILDING DEPOSIT FROM
ADMINISTRATION BUILDING RENTALS**

WHEREAS, the City of Milford has determined it to be necessary to establish guidelines when building deposits are retained, and;

WHEREAS, the City Council recognizes the importance of retaining the deposit when the facility is left unsatisfactory or damages have been incurred, and;

WHEREAS, the City of Milford wishes to establish the following guidelines and standards when building deposits are retained from administration building rentals,

- a. The deposit will be receipted into the city accounting system in full the next business day.
- b. The current building deposit is \$200.00.
- c. When the deposit is retained due to the requirement of additional cleaning because the facility was not cleaned following use, the City will purchase (2) two \$100 visa gift cards to give to the janitorial staff, since they were required to do additional cleaning due to the building being left unsatisfactory.
- d. In the case of damages, the estimated cost of replacement or repairs of damaged items will be held. Shall the deposit rendered not fully cover the replacement or repair, the renter will be assessed any additional fees relating to the replacement/repair costs.

NOW THEREFORE, BE IT RESOLVED, that the City Council of Milford, Utah does hereby set the retaining building deposit from administration building rental policy.

Passed by the City Council of Milford, Utah this 21st day of September, 2021 by the following vote:

Ayes: _____	Nays: _____
_____	_____
_____	_____
_____	_____
_____	_____

Absent: _____

Milford City

By: _____
Nolan Davis, Mayor

Attest:

Monica D. Seifers, City Recorder