



# HILDALE CITY

Established 1963

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

## NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A COUNCIL MEETING ON WEDNESDAY THE 7TH DAY OF AUGUST 2019 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. ROLL CALL AND PLEDGE OF ALLEGIANCE
2. APPROVAL OF MINUTES OF PREVIOUS MEETINGS
3. PUBLIC COMMENT
4. OVERSIGHT ITEMS:
  - A. FINANCIAL AND CHECK REGISTRY REVIEW AND APPROVAL
  - B. RATIFICATION OF UTILITY BOARD ACTIONS
  - C. DISCUSSION ON CITY MANAGER'S REPORT
5. CONSENT ITEMS:
  - A. PLANNING GRANT AGREEMENT WITH DRINKING WATER BOARD
  - B. AGREEMENT FOR PROFESSIONAL SERVICES FOR GROUNDWATER FEASIBILITY STUDY
6. ACTION ITEMS:
  - A. CONSIDERATION AND POSSIBLE ACTION ON ADOPTING RULES OF ORDER AND PROCEDURE
  - B. CONSIDERATION AND POSSIBLE ACTION ON APPOINTING TEMPORARY CITY ENGINEER
  - C. CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT TO SCHEDULE OF RATES AND FEES
  - D. CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT TO LAND USE ORDINANCE RE: DEFINITION OF JOINT UTILITY COMMITTEE
  - E. CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT TO ZONING MAP RE: REZONE OF PARCEL HD-SHCR-3-10
  - F. CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT TO ZONING MAP RE: REZONE OF PARCELS HD-SHCR-6-24 AND HD-SHCR-6-32
7. EXECUTIVE SESSION: strategy session to discuss pending or reasonably imminent litigation (Utah Code 52-4-204)
8. REPORTS FROM COUNCIL AND MAYOR
9. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. Council Members may be attending by telephone. Agenda is subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

# Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784  
Wednesday, February 27, 2019 6:30 p.m.

**Present:**

**Mayor: Donia Jessop**  
**Council Members: Stacy Seay, JVar Dutson, Jared Nicol, Maha Layton, Lawrence Barlow**  
**City Recorder: Vincen Barlow**  
**City Manager: John Barlow (by phone)**  
**Staff: Chief Askerlund, Sergeant Mark Gower, Weston Barlow, Harrison Johnson, Christian Kesselring, Vincen Barlow, Mariah La Corti**  
**Public: none**

**#1 Call to Order**

Meeting called to order at 6:30 p.m. Roll was taken. Quorum present. The crowd joined in the pledge of allegiance.

**#2. Public Comment**

Chief Askerlund introduced Sergeant Mark Gower.

Jared Nicol expressed his support for John Barlow while he is serving our country. John thanked the council for their support.

**#3. Executive Session**

**#4. Discussion and Possible Action on Appointing Acting City Manager**

Christian Kesselring presented. Christian and the Mayor have been asked to fill in while John is deployed. Christian would still have attorney duties but feels that he will be able to do both.

JVar asked who would be covering zoning and development. John explained that the council can expect a more thorough breakdown at the meeting in April. A job advertisement for Planning and Zoning Administrator has been posted, along with Mayor Jessop, Mariah and Christian all taking more active roles.

Christian explained that John will still be doing the budget work and be involved in developing policies. Mayor Jessop and Christian have been working closely with John to assure a smooth transition.

The request is for a semi-open appointment of City Manager to cover John's entire deployment period.

Maha expressed her appreciation for Christians willingness to step up. Jared also expressed his support. Stacy completed supports the decision.

Jared wanted to make sure nothing was being overlooked and asked Christian if he foresees any issues. Christian assured him that this has been well thought through.

Reapportioning John’s salary will be discussed in April’s meeting.

Vincen supports the decision. He has been here longer than everyone else but has his plate full with recorder duties.

Lawrence discussed the work that has gone into establishing the changes that needed to be made. He thinks that this will be a good opportunity to see if the changes have been made on principles rather than personalities.

**Lawrence Barlow moved to ratify the appointment of Christian Kesselring as acting City Manager during John Barlow’s Military deployment, effective immediately. Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#5. Adjournment**

With no other business meeting adjourned at 6:58 p.m.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_

Vincen Barlow, City Recorder

# Hildale City Council Work Meeting

320 East Newel Avenue, Hildale, Utah 84784

Tuesday, April 2, 2019 6:30 p.m.

## Present:

**Mayor: Donia Jessop**

**Council Members: Maha Layton, Jared Nicol, JVar Dutson, Lawrence Barlow, Stacy Seay (by phone)**

**City Recorder: Vincen Barlow**

**City Manager: Christian Kesselring**

**Staff: John Barlow, Weston, Barlow, Chief Askerlund, Mariah La Corti**

**Public: Candi Shapley, Joan Barlow, Kyle Layton, Larry Johnson**

## #1 Call to Order/Roll Call/Pledge of Allegiance

Meeting called to order at 6:30 pm. Roll was called, quorum present. All joined in the pledge of allegiance.

## #2. Public Comment

John Barlow wished Mayor Jessop Happy Birthday.

## #3. Work Session on Pipeline Items

### A. Branding Campaign

A few Hildale City logo ideas were presented for council consideration. Councilmembers gave feedback on suggested changes. Updated ideas to be presented at next work meeting.

### B. Attracting 4 New Businesses

Councilmembers requested input on the types of businesses that are brought to town. They requested a focus on businesses that benefit local residents, bring quality jobs, provide stability, and provide goods and services.

Councilmembers were introduced to the idea of creating a Community Reinvestment Area to offer Tax Increment Financing as an incentive to come to town.

### C. Curfew

Councilmembers agreed to the change the curfew ordinance to the suggested time of 12:00 midnight. A resolution for such will be presented at the May council meeting.

### D. Lease Renewal and Expansion of Maxwell Park

The City had a meeting with the Realty specialist of the BLM last month. The plan is to get her, their recreation planners, and possibly director here to see the area and vision; then sit down with them and find out what we need to do to make it happen. Strategically the council needs to start thinking about what they would like to see regarding expansion.

**E. Police Building**

Item needs to be voted into the pipeline. It is on the April 3, 2019 agenda.

**#4 Adjournment**

With no other business meeting adjourned at 8:00.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_  
Vincen Barlow, City Recorder

Pending Minutes - Subject to Approval

# Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784  
**Wednesday, April 3, 2019 6:30 p.m.**

**Present:**

**Mayor: Donia Jessop**  
**Council Members: Maha Layton, Stacy Seay, JVar Dutson, Jared Nicol, Lawrence Barlow**  
**City Recorder: Vincen Barlow**  
**City Manager: Christian Kesselring**  
**Staff: Harrison Johnson, Chief Askerlund, John Barlow, Nathaniel Barlow, Mariah**

**La Corti**

**Court Monitor: Roger Carter**  
**Public: Fox 13 News, Joan Barlow, Jennifer Knudson, Travis Jessop (this list is incomplete)**

**#1 Call to Order/Roll Call/Pledge of Allegiance**

Meeting called to order at 6:30 pm. Roll was taken, quorum present. The crowd all joined in the pledge of allegiance, led by Jared.

**#2. Approval of Minutes of Previous Meetings**

No corrections noted.

**Jvar Dutson moved to approve the minutes of the March 4, 2019 and March 6, 2019 Meetings.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#3. Public Comment**

Jennifer Knudson expressed her concern about the pushback received by the Planning and Zoning Commission on their subdivision. She assured the council that we are all in this together, and any differences can be worked out. She was encouraged to remain in contact with the city administration.

JVar requested that the home that was condemned on Richard St. and Utah Ave. get cleaned up as soon as possible.

Harvey Dockstader Jr., Executive Director of the Uzona Chamber of Commerce, introduced himself and explained the work being done by the chamber for economic development issues. Utah has tax and investment incentives for business relocation. The Chamber would like to partner with the city, be included in economic development issues, and be made aware of building space and tax incentives available in Hildale. He extended councilmembers an invitation to the annual Chamber dinner on April 24<sup>th</sup>. He would like somebody on the city council to serve on the board.

**#4. Oversight items**

**A. Financial and Check Registry Review and Approval**

John Barlow presented. Revenues and expenditures with comparison to budget reports and check register for the month ending March 29, 2019 were presented. He explained any items that were over budget. Overall revenues are higher than expenditures in all Departments.

Councilmembers asked specifically about County tourism grants and 911 revenues and administration was directed to follow up on these items.

**JVar Dutson moved to pay the bills as they become due and the funds become available.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**B. Ratification of Utility Board Actions**

Christian pointed out the need for DOJ review and a resolution on the water remediation prior to that going into effect.

**JVar Dutson moved to ratify the action from the February 26, 2019 Utility Board Meeting.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**C. Discussion on City Manager’s Report**

A representative from Mitt Romney’s administration, Henrie Walton, visited the area. County Commissioners are visiting in May, in addition to a visit from the Governor’s Office of Economic Development. Representatives from the BLM will be visiting next week. City Manager reported on Economic Development, City Manager Handoff, Parks, UEP-TCWW Settlement, Water Contamination, and Injunction Compliance.

**#5. Consent Items**

**A. Approval of UEP Cottonwood Park Maintenance Contract**

Council requested that this item be moved for strategic discussion.

**B. Approval of Fiber Lease to TKS**

This has been brought back before the Council because of a few changes in the contract.

Maha declared that Tom Knudson is a distant uncle, far enough removed that this does not affect her in anyway.

**Lawrence Barlow moved to approve the contract with TKS and authorize the Mayor and Recorder to sign.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**C. Approval of Vehicle Purchase**

Administration is requesting to trade in the current vehicles and purchase new vehicles. Rough estimated cost after trade-in is approximately \$30,000.00. This will come before the council again for a budget adjustment.

**Maha Layton moved to approve Trade-in of the Expedition and Yukon and the purchase of two new vehicles.**

**Jared Nicol seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		



Jared Nicol	X		
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Motion carried.

**D. Approval of SRF Grant Application**

This grant would be used for the feasibility study needed for water remediation. \$5,000 would come from the Utility Department as fund matching for the grant.

**JVar Dutson moved to approve the SRF Grant.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**E. Approval of Request for Statement of Qualifications for Water Feasibility Study, Appointment of Evaluation Committee, and Designation of Procurement Officer**

Christian Kesselring presented. He explained the need for each of these.

**JVar Dutson moved to approve the RSQ for Water Feasibility Study**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

The proposed committee would consist of Christian Kesselring, Harrison Johnson and Zachary Renstrom.

**JVar Dutson moved to approve the appointment of the Evaluation Committee.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**JVar Dutson moved to approve Harrison Johnson as Designation Procurement Officer.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**F. Approval of Planning and Zoning Administrator**

Christian Kesselring presented. There were two applicants, both were interviewed and reviewed by a committee. Kyle Layton was recommended for appointment as the Planning and Zoning Administrator. Discussion was had on where the salary for this position will come from. John Barlow explained (and also declared a conflict as Kyle is his brother-in-law) that the Budget previously allotted to the Building Department will cover this as Community Development instead. No change is being made to the current building inspector.

Kyle Layton was invited to introduce himself.

Maha abstained due to conflict of interest. Jared asked about the possibility of there being an issue of nepotism. John explained how it is to be dealt with and avoided.

**Stacy Seay moved to approve Kyle Layton as the Hildale City Planning and Zoning Administrator.**

**Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton			X
Jared Nicol	X		

Motion carried.

**G. Approval of Bid Award for Utah Avenue Safe Routes to School Project**

There was a bid opening, two proposals were received. Joint venture JNJ Engineering Construction/Remedy Excavating was the lower of the two. The Council is being asked to approve the Notice of Award. Only schedule A will be covered within the budget. The scope of work on schedule B is limited and will be brought up again as schedule A comes to completion.

JVar abstained due to conflict of interest.

**Lawrence Barlow moved to approve the Bid Award for the Utah Avenue Safe Routes to School Project to the Joint Venture of Remedy Excavating, LLC and JNJ Engineering Construction, Inc.**

**Jared Nicol seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson			X
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#6. Executive Session**

Not needed.

**#7. Strategic Items**

**A. Approval of UEP Cottonwood Park Maintenance Contract**

As written, Hildale City would perform routine park maintenance services at Cottonwood Park and the Cemetery, in addition to enforcing reasonable rules. The UEP will pay \$3,000 a month in exchange and allow use of their equipment. The UEP will still own the park, this is just a contract for services.

Councilmembers discussed concerns about being contractually obligated to enforce the rules. They requested that that requirement be removed from the contract all together. Chief Askerlund explained that Colorado City has laws that in place already that prohibit loose dogs, alcohol, etc.

When it was brought up, Vance Barlow, Colorado City Town Manager, indicated that they have never been formally approached about this subject. His concern is the budgetary cost of maintenance. They have no “heartburn” with Hildale City doing maintenance but agree with Councilmembers concern regarding park security.

Stacy expressed her opinion that if the City is maintaining a park, we should request the deed. Mayor Jessop pointed out that the park is not yet complete, if we were to receive the deed it would become our responsibility financially. Vance stated that when the discussion comes for transferring property ownership, Colorado City would be interested in being a part of the discussion.

Authorization for parks employees to report violations of the law is implied.

**Lawrence Barlow moved to approve the Maintenance Contract Between Hildale City and the UEP for the Maintenance of Cottonwood Park and authorize the Mayor and Recorder to sign the Contract, striking number four in its entirety.**

**JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol		X	

Motion carried.

Councilmembers tasked administration to open discussions with the Town of Colorado City regarding this item.

**B. Capital Projects Fund and Industrial Park Improvements Project**

Christian presented on the history behind this topic. Funds were allocated by motion to a project by previous city council, but current city council has the authority to reallocate unexpended funds. The council is being asked today whether they would like to put this in the pipeline and have administration devote further staff time to researching further.

Administrations feeling is that the lots were sold highly under value and decisions were made without being thoroughly thought through.

Jared added that money was spent on engineering for the previously approved project, money has been invested toward the improvements by purchasing a GPS for the road grader, and the improvements will benefit the businesses in the industrial portion of Hildale.

Christian mentioned an Economic Incentive Agreement with Production Assembly and discussed a few options for recruiting more businesses. A focus needs to be placed on how the funds will help the community, not how necessarily how it will help the businesses.

JVar expressed concerns about giving incentives to new businesses, but not to the businesses that have been here for years. Maha supports the idea of developing the industrial park but feels that the council needs to decide what their priorities are.

When Donia asked for a vote, JVar and Jared requested that this be put in the pipeline, while Maha, Lawrence, and Stacy did not feel that it needed to go in the pipeline but requested that the City Manager include it in his report.

**C. Branding Campaign**

No discussion needed.

**D. Creation of Economic Committee**

Item has not been voted into the pipeline, when it was up for discussion sponsor JVar said he needed to look into it further. In addition, Mariah is placing a focus on Economic Development.

**E. Maxwell Water Sales**

Tabled until August meeting for renewal of lease with BLM and expansion of Maxwell Park.

**F. Hildale Communities That Care Program**

Roxanne has been working with Southwest Behavioral Health, who presented this program to the council last council meeting. They need to know if the city wants to move forward with this or not. Christian and Mayor Jessop think this is very well suited to fill a need in our community, targeted at trying to reduce drug and substance dependency, helping with parenting classes and coordinating community resources. This could be implemented as a Hildale Program staffed with volunteers, use staff to get the program going until a better solution is found, or council can vote to establish a paid position specifically for this. This needs to be decided on now because of trainings that are coming up. Southwest Behavior Health will pay for all trainings, and has money dedicated to put into our community.

**Stacy Seay moved to establish the Hildale Communities that Care Program, allocating up to a \$19,000 salary for a city employee to do so. Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol		X	

Motion carried.

**G. Community Outreach Department**

This was requested to be put on the agenda by Councilmember Nicol, and he presented. He is concerned about the structure of the Outreach Program. He provided a copy of the City Ordinance outlining the requirements of City Departments and Department Director powers and responsibilities.

One concern expressed is about the Department not being budget neutral. John explained the discrepancy as money that he authorized for Community Outreach things such as the Health Fair, Fourth of July parade and Cactus Apple Festival.

Jared is proposing that the City Manager dissolve the Community Outreach Department and find better options that fit this program.

Christian pointed out how the Department is in compliance with the ordinance. He feels the staff is doing a phenomenal job and stands by everything that has been done. He recommended that this not be a strategic initiative, but invited councilmember feedback on improvements to the Department.

Stacy expressed her complete support for the Department. Maha pointed out that Department operations is the duty of the City Manager, not the city council and that she will not vote to dissolve the program based on the City Managers report.

Councilmembers reminded themselves that this discussion is operational, not strategic.

**Lawrence Barlow moved for a vote of confidence for our Community Outreach Department.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol		X	

Motion carried.

Christian would like for the council to expand beyond community sports and into community activities, mental health assistance and any other topic that could appropriately fall under the umbrella of Community Outreach. Education, connection, health, physical activity and bringing community events together.

**Maha Layton moved that Hildale administration encourage and support Community Outreach Department in anything involving education, connection, health, physical activity and community events.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson		X	
Maha Layton	X		
Jared Nicol		X	

Motion carried.

## **H. Establishing Rules of Procedure**

All cities and towns are required to adopt rules of procedure and order for council and planning commission meetings.

Currently the City Manager is tasked with investigation of operations.

JVar requested time in between work meetings and regular council meetings to study the topics.

**Maha Layton moved to direct staff to draft an establishment of rules and procedures.**

**JVar Dutson seconded. Roll call vote:**

	YES	NO	ABSTAIN
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Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**I. Police Station**

The question is whether Hildale should have discussion about a Police Station on the Utah side.

**Lawrence Barlow moved to put the Police Station in the pipeline.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**J. Personnel Plan in Absence of City Manager**

The proposed idea is that John be allowed to continue to work remotely, with an adjusted salary. John expects to have a lot of time to dedicate to City finances and budget and will be available by both phone and email. He would also like to develop a dashboard of information for the public. A public hearing on this will be coming up at the next meeting and the Council will be asked to approve a resolution.

**JVar Dutson moved to set a Public Hearing on May 1, 2019 to receive public input on adjusting John Barlow’s salary for remote work while on Military leave.**

**Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Stacy Seay	X		
JVar Dutson	X		
Maha Layton			X
Jared Nicol	X		

Motion carried.

John thanked the council for the confidence and support.

**#8. Reports from Mayor and Council**

None due to time.

**#9. Adjournment**

With no other business, meeting adjourned.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_

Vincen Barlow, City Recorder

Pending Minutes - Subject to Approval



# Hildale City Council Meeting

320 East Newel Avenue, Hildale, Utah 84784  
Tuesday, July 2, 2019 6:30 pm

**Present:**

**Mayor: Donia Jessop**  
**Council Members: Lawrence Barlow, Maha Layton, Jared Nicol, Stacy Seay**  
**City Manager: Christian Kesselring**  
**Staff: Kyle Layton, Mariah La Corti**  
**Court Monitor: Roger Carter**  
**Public: Vance Barlow, Henry Walton, Truman Shapley, Elissa Wall, Sarah Ventre, John DeLore, Ash Sanders, Joan Barlow (this list may be incomplete)**

**#1 Call to Order/Roll Call/Pledge of Allegiance**

Meeting called to order at 6:30 pm. Roll was taken, quorum present. Jared led the crowd in the pledge of allegiance.

**#2. Approval of Minutes of the June 4, 2019, June 5, 2019, June 24, 2019 and June 26, 2019 Meetings.**

No corrections noted.

**Maha Layton moved to approve the minutes of the June 4, 2019, June 5, 2019, June 24, 2019 and June 26, 2019 meetings.**  
**Lawrence Barlow seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		

Motion carried.

**#3. Public Comment**

Truman Shapley made a suggestion about creating a park geared toward teenage entertainment, such as a skate park. He pointed out that the intersection of Hildale St. and Utah Ave. will be a great location as it will be close to the clinic in the case of an emergency.

**#4. Oversight Items**

**A. Financial and Check Registry Review and Approval**

**Stacy Seay moved to pay the bills as they become due and the funds become available.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		

Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**B. Ratification of Utility Board Actions**

Christian presented. The Utility Board recommended a refund of the one impact fee that was paid, and the operator hourly rate for was increased to be more competitive and approve the FY2020 budget in addition to regular business.

**Lawrence Barlow moved to ratify the actions items from the June 6, 2019 Utility Board Meeting**

**Jared Nicol seconded. Roll call vote:**

YES NO ABSTAIN

Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**C. Discussion on City Manager’s Report**

Christian presented. Planning and Zoning is working on setting up a Joint Utility Committee. He reported on Economic Development, vandalism in the parks, Public Works SRTS project, Police involvement in 4<sup>th</sup> of July Festivities, Communities that Care Coalition, Community Outreach, TWCC settlement, water remediation feasibility study grant, animal issue, Census meeting, Garkane customer service contract, and TKS right-of-way permit.

**#5. Consent Items**

**A. Approval of Letter of Engagement with Hinton Burdick Regarding Audit Services**

Christian presented. Administration is seeking approval of an agreement engaging the services of Hinton Burdick to perform the Fiscal Year 2019 audit. This agreement has been reviewed by the City Attorney. Any services outside this scope would incur additional cost.

**Lawrence Barlow moved to approve the letter of engagement from Hinton Burdick regarding the audit services for 2019.**

**Maha Layton seconded. Roll call vote:**

YES NO ABSTAIN

Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**B. Approval of Change Order to SRTS to Include Uzona Avenue Improvements**

Administration is seeking approval of a change order modifying JNJ Engineering Construction’s contract for the SRTS project to include the Uzona Avenue curb and gutter. Having the work done on a change order allowed the City to take advantage of the lower pricing that was bid for the larger job, saving the city a few thousand dollars. This agreement has been reviewed by the City Attorney.

**Maha Layton moved to approve the change order to the SRTS to include Uzona Avenue improvements.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**C. Approval of Twin City Water Works Transfer Agreements**

Administration is seeking approval of three agreements with Twin City Water Works, which are needed to consummate the transfers of TCWW’s Utah assets to Hildale City. There is a bill of sale by which the city will accept transfer of the well sites and distribution pipes, a release and termination agreement which formalizes the termination of all past and present agreements between Hildale and TCWW and a transfer and assignment agreement which assigns all paperwork, permits etc. related to the Utah assets from TCWW to Hildale. These agreements have been reviewed by the City Attorney.

**Stacy Seay moved to approve the changes for transfer property from TCWW.  
Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**#6. Executive Session**

Not needed

**#7. Discussion on Safe Routes to School Projects**

SRTS grant is now open for FY2022, the application deadline is the end of this month. Christian spoke with representatives of the Water Canyon School to determine what areas they were most interested in improving. They asked for a 4-way stop at the Utah Avenue/Carling Street intersection due to the forecasted increased traffic with the technical building and ball fields.

He proposed a few other options and the associated expenses. He requested discussion and guidance on how to proceed.

Councilmembers unanimously agreed that the 4-way stop is a necessity. There was also discussion on what to plan for after that.

**#8. Approval of Resolution Amending the Hildale City Personnel Policies Manual to Institute Bereavement Leave**

Employees are not accruing leave time at a high rate because of how new they are. Recently one of the office staff lost a parent and did not have adequate leave time accrued.

There is really no additional cost to the city other than the administrative burden of organizing coverage when someone has to be gone. Staff recommends approval of the addition.

The entire policy manual was included so that the council could adopt it in its entirety. Council requested to table this item for one month to allow time for proper review. Christian explained that he has reviewed the manual cover to cover and assured the council that there are issues that need to be cleaned up. He suggested a vote to formally adopt the manual amendment with a thorough review to follow.

**Lawrence Barlow moved to approve Resolution 2019-07-001 amending the Hildale City Personnel Policies Manual to institute bereavement leave.**

**Stacy Seay seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**#9. Consideration and Possible Action on Adopting Official Hildale City Logo**

**Jared Nicol moved to approve resolution 2019-07-002 adopting an official logo for Hildale City.**

**Maha Layton seconded. Roll call vote:**

	YES	NO	ABSTAIN
Lawrence Barlow	X		
Maha Layton	X		
Jared Nicol	X		
Stacy Seay	X		

Motion carried.

**#10. Reports from Council and Mayor**

Mayor Jessop walked the council through the festivities for the 4<sup>th</sup> and encouraged councilmember attendance and participation.

**#11. Adjournment**

With no other business, meeting adjourned at 7:31 p.m.

I verify that a copy of the notice and agenda was delivered to the Mayor and City Council members and posted at the City Hall, 320 E. Newel Avenue, Hildale, Utah and sent to the Utah State Public Meeting Notice coordinator.

Minutes were approved at the City Council Meeting on \_\_\_\_\_.

\_\_\_\_\_

Vincen Barlow, City Recorder

# Hildale City Planning Commission Meeting

320 East Newel Avenue, Hildale, Utah 84784

Monday, July 15, 2019

## Present:

**Commissioners: Nathan Fischer, Derick Holm, Rex Jessop**

**Staff: Kyle Layton, Vincen Barlow, Mariah La Corti**

**Public: Toni Chatwin, Ray Chatwin**

**Court Monitor: Roger Carter (arrived 7:30)**

## #1 Call to Order

Meeting called to order at 6:30 pm by Vice-Chair Nathan Fischer.

## #2. Roll Call

Roll was taken, quorum present.

## #3. Pledge of Allegiance

The crowd joined in the pledge of allegiance.

## #4. Public Comment

Toni Chatwin read aloud a letter that she wrote regarding the disruption of the residential area in which she lives (640 N. Juniper Street) with the construction of a commercial lodge/restaurant (620 N. Juniper Street). She is concerned that the fence between the two does not provide sufficient privacy. She would like the city to require the business to construct a privacy fence no less than 6 feet tall and refuse a public restaurant, alcohol sales and additional dwellings. She feels that a town can have both tourism and residents, but that the two should not be combined into one area.

Maha Layton addressed the commission to thank them for establishing processes, and the Chatwins for going through the process properly for their concern.

## #5. Approval of Minutes of Previous Meetings

No corrections noted.

**Brigham Holm moved to approve the minutes of the June 17, 2019 meeting.**

**Derick Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		

Motion carried.

**#6. Public Hearing**

**Nathan Fischer moved to open the public hearing.  
Brigham Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		

Motion carried.

**A. Re-Zone Applications of the Following Lots:**

**a. HD-SCHR-3-10 (985 N. Juniper)**

Kyle Layton presented. Applicant is requesting a lot-split. Staff feels that this is a good location for a lot split and will create an excellent piece of property. However, no current utilities run east to west along Jessop Avenue which may cause added cost to developing the new property.

Brigham Holm explained the reason for the request.

No public comment.

**b. HD-SCHR-6-24&32 (660 & 680 N. Richard Street)**

Kyle Layton presented. Applicant is requesting a zone change from RM-2 to RM-2 with Planned Development Overlay. Staff feels that a planned development overlay is a good option for this property. It would not affect the current density of the area but would allow the developer the ability to create an attractive part of the community which would not only be beneficial for those in that development, but those surrounding that development as well.

Rex Jessop asked about curb and gutter and drainage. Kyle explained that according to the ordinance passed by the city council because the area is already developed, he would not be required to do curb and gutter.

Commissioners confirmed that proper noticing was mailed to all property owners within 250 feet of this property.

No public comment.

**B. Land Use Rates & Fees**

Kyle Layton presented. He walked the commission through the proposed changes. He is proposing these changes based on the actual costs associated with processing the applications.

No public comment.

**C. Possible Changes to Land Use Ordinance 152-39-3 Definition of “Joint Utility Committee”**

Kyle Layton presented. He is requesting a change of the definition of the change of a joint utility committee to more clearly define the members to include the city engineer and representatives from all major utility providers.

No public comment.

**Nathan Fischer moved to close the public hearing.  
Derick Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		

Motion carried.

**#7. Consider Rezone Applications on the Following Lots**

**A. HD-SCHR-3-10 (985 N. Juniper)**

Brigham Holm recused himself due to a conflict of interest.

**Rex Jessop moved to approve the zoning map amendment requested by Brigham Holm based on the findings set forth in the staff report.  
Derick Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm			X

Motion carried.

**B. HD-SCHR-6-24&32**

A planned development overlay will allow flexibility with setbacks while keeping the same density. There was brief discussion about sidewalks, curb and gutter.

**Nathan Fischer moved to approve the zoning map amendment requested by Charles Hammon based on the findings set forth in the staff report.  
Brigham Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		



Motion carried.

**#8. Work Session**

**A. Ordinance Pertaining to Off-Site Improvements**

Kyle Layton has mapped out the roads, the road type, surface and current condition. The discussion that needs to be had is how to pay for road improvements in the areas of town that are already developed. This item will be addressed again when more commissioners are present.

**B. Discussion on General Plan Updates**

The City Council budgeted in some money for a general plan. Kyle has talked with a company that does general plans for small rural communities and received numerous suggestions. This item will be addressed again when more commissioners are present.

**C. Rates and Fees Review**

**#9. Discussion and Possible Change to Rates and Fees**

There was brief discussion on how our fees compare to other cities.

**Nathan Fischer moved to recommend to City Council that we accept the proposed changes to the Rates and Fees schedule.**

**Brigham Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		

Motion carried.

**#10. Discussion and Possible Changes to Land Use Ordinance 152-39-3 Definition of “Joint Utility Committee”**

Each of the major utility providers have been contacted and will have a representative on the committee.

**Brigham Holm moved to recommend to City Council that we approve the proposed changes to land use ordinance 152-39-3 changing the definition of “Joint Utility Committee”.**

**Derick Holm seconded. Roll call vote:**

	YES	NO	ABSTAIN
Nathan Fischer	X		
Rex Jessop	X		
Derick Holm	X		
Brigham Holm	X		

Motion carried.

**#11. Adjournment**

With no other business, meeting adjourned. Next meeting will be August 12, 2019 at 6:30 pm.

Pending Minutes - Subject to Approval

## Report Criteria:

Report type: GL detail

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Discount Taken	Check Amount
07/19	07/01/2019	2472	5600	JENKINS BAGLEY	12184	Prosecution Service Fees - K. Forbes	11-43-310	.00	819.99
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43313	Air Filters for 580 N Backhoe	11-48-250	.00	85.31
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43575	Fuel additive for mower	11-48-272	.00	4.74
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43280	Sway Bar Links for Truck 4447	11-48-272	.00	42.54
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43371	Repairs for Mower	11-48-272	.00	43.28
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43453	Replacement Blades for Mower	11-48-272	.00	78.07
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43563	Air Hose for Truck 3131	65-41-250	.00	35.99
07/19	07/01/2019	2473	4694	PREFERRED PARTS	43016	Oil for Lift Station Generator	82-41-273	.00	25.90
07/19	07/01/2019	2474	4811	STEVE REGAN CO.	1044726	Herbicide for Grass	11-48-272	.00	565.00
07/19	07/01/2019	2475	4220	UTAH STATE TREASURER	TC 55 051	SURCHARGES	11-21332	.00	2,612.45
07/19	07/10/2019	2496	5356	BUCKS ACE HARDWARE	308844	Seal tape for water tanks	81-41-273	.00	87.10
07/19	07/10/2019	2497	4572	Codale Electric Supply Inc.	S6677003.	2" Fiber Optic Conduit	82-41-273	.00	3,300.00
07/19	07/10/2019	2498	1590	COLORLAND SALES & SERVIC	81263	Parks weed eater air filter	11-48-272	.00	16.99
07/19	07/10/2019	2498	1590	COLORLAND SALES & SERVIC	79979	Trimmer line & engine oil	11-48-275	.00	125.87
07/19	07/10/2019	2499	5518	ALMA R. ROUNDY	6.03002.6	6.03002.6 CUSTOMER DEPOSIT REFU	81-21350	.00	53.88
07/19	07/10/2019	2500	5518	ALETHEA HANSEN	3.03101.6	3.03101.6 CUSOTMER DEPOSIT REFU	81-21350	.00	37.43
07/19	07/10/2019	2501	5518	ALFRED BARLOW	3.36300.1	3.36300.1 CREDIT FOR GAS IN TANK	84-37-112	.00	94.72
07/19	07/10/2019	2502	5518	ALICIA A. BATEMAN	3.29100.3	3.29100.3 CUSTOMER DEPOSIT REFU	81-21350	.00	90.76
07/19	07/10/2019	2503	5518	AMMARON YOUNG	3.00700.6	3.00700.6 CUSTOMER DEPOSIT REFU	81-21350	.00	66.44
07/19	07/10/2019	2504	5518	ANA MICAELA LEBARON	6.42780.7	6.42780.7 CUSTOMER DEPOSIT REFU	81-21350	.00	199.86
07/19	07/10/2019	2505	5518	ANTHONY CHATWIN	6.45000.1	6.45000.1 CUSTOMER DEPOSIT REFU	81-21350	.00	183.12
07/19	07/10/2019	2506	5518	CLAYNE BARLOW	3.84460.1	3.84460.1 CUSTOMER DEPOSIT REFU	81-21350	.00	198.25
07/19	07/10/2019	2507	5518	DELBERT M. BARLOW	6.05300.5	6.05300.5 CUSTOMER DEPOSIT REFU	81-21350	.00	159.35
07/19	07/10/2019	2508	5518	MARCUS W. JEFFS	3.15700.4	3.15700.4 CUSTOMER DEPOSIT REFU	81-21350	.00	252.33
07/19	07/10/2019	2509	5518	MARVIN DARGER	3.13910.1	3.13910.1 CUSTOMER DEPOSIT REFU	81-21350	.00	146.57
07/19	07/10/2019	2510	5518	RODNEY C. BEGAY	3.27800.6	3.27800.6 CUSTOMER DEPOSIT REFU	81-21350	.00	70.62
07/19	07/10/2019	2511	5518	RUTH A. JESSOP	3.18203.4	3.18203.4 CUSTOMER DEPOSIT REFU	81-21350	.00	114.86
07/19	07/10/2019	2512	5518	STEWART G. HAMMON	3.49930.6	3.49930.6 CUSTOMER DEPOSIT REFU	81-21350	.00	394.99
07/19	07/10/2019	2513	5518	SUNNY PEAKS	3.21301.3	3.21301.3 CUSTOMER DEPOSIT REFU	81-21350	.00	200.00
07/19	07/10/2019	2513	5518	SUNNY PEAKS	3.21301.3	3.21301.3 CREDIT FOR GAS IN TANK	84-37-112	.00	124.86
07/19	07/10/2019	2514	5518	TOWN OF COLORADO CITY	3.32402.1	REFUND FOR OVERPAYMENT	81-21350	.00	126.00
07/19	07/10/2019	2515	2220	HOME DEPOT CREDIT SERVIC	7594481	Safety Glasses & Contractor Bags	11-48-272	.00	97.85
07/19	07/10/2019	2515	2220	HOME DEPOT CREDIT SERVIC	1042058	Credit Memo OAC-00000020	65-41-271	.00	.60-
07/19	07/10/2019	2515	2220	HOME DEPOT CREDIT SERVIC	25050	Pex Fittings	65-41-271	.00	16.68
07/19	07/10/2019	2515	2220	HOME DEPOT CREDIT SERVIC	1042058	Lab shop maintenance supplies	65-41-271	.00	207.87
07/19	07/10/2019	2515	2220	HOME DEPOT CREDIT SERVIC	3560690	Concrete repair for wells	81-41-273	.00	139.22
07/19	07/10/2019	2516	2470	JONES PAINT & GLASS	SGAGI001	Replacement windshield	65-41-250	.00	229.64
07/19	07/10/2019	2517	5605	NGL SUPPLY CO. LTD	NGL27500	Propane Commodity	84-41-432	.00	7,322.75
07/19	07/10/2019	2517	5605	NGL SUPPLY CO. LTD	NGL27509	Propane Contract deposit	84-41-432	.00	9,450.00
07/19	07/10/2019	2518	4694	PREFERRED PARTS	44007	Maintenance for mowers	11-48-272	.00	.37
07/19	07/10/2019	2518	4694	PREFERRED PARTS	43849	Maintenance for mowers	11-48-272	.00	12.14
07/19	07/10/2019	2518	4694	PREFERRED PARTS	43709	Trailer Ball	11-48-272	.00	12.39
07/19	07/10/2019	2518	4694	PREFERRED PARTS	43847	Batteries	11-48-272	.00	40.03
07/19	07/10/2019	2518	4694	PREFERRED PARTS	43865	Parts for Mower	11-48-272	.00	57.41
07/19	07/10/2019	2518	4694	PREFERRED PARTS	42952	Repairs for truck #4447	11-48-272	.00	81.17
07/19	07/10/2019	2518	4694	PREFERRED PARTS	44175	Polishing compound for trucks	65-41-250	.00	38.56
07/19	07/10/2019	2518	4694	PREFERRED PARTS	44160	Air Hose for Truck 3131	65-41-250	.00	38.99
07/19	07/10/2019	2519	4202	ROCKY MOUNTAIN POWER	68511976	Cathodic Protection Power	84-41-285	.00	11.10
07/19	07/10/2019	2520	3450	SCHOLZEN PRODUCTS COMPA	6395297-0	Digging bar & valve key	81-41-273	.00	122.48
07/19	07/10/2019	2520	3450	SCHOLZEN PRODUCTS COMPA	3023030-0	CHLORINE cylinder rental	81-41-432	.00	71.68
07/19	07/10/2019	2520	3450	SCHOLZEN PRODUCTS COMPA	6390612-0	Safety Glasses	82-41-273	.00	55.20
07/19	07/10/2019	2520	3450	SCHOLZEN PRODUCTS COMPA	6393467-0	Fusion Couplings	84-41-273	.00	54.98
07/19	07/10/2019	2521	3560	SOUTH CENTRAL COMMUNICA	8297800 0	CITY HALL PHONE & FAX LINES	11-41-287	.00	191.06

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Discount Taken	Check Amount
07/19	07/10/2019	2521	3560	SOUTH CENTRAL COMMUNICA	8277200 0	POLICE PHONE LINE	11-43-287	.00	55.34
07/19	07/10/2019	2521	3560	SOUTH CENTRAL COMMUNICA	8362600 0	Hildale City Police Phone	11-43-287	.00	129.90
07/19	07/10/2019	2521	3560	SOUTH CENTRAL COMMUNICA	9592500 0	PRI PHONE ACCOUNT	11-43-287	.00	514.20
07/19	07/10/2019	2522	5415	ST. GEORGE WATER STORE	48574	Bottled Water Service 4 bottles	11-41-235	.00	24.00
07/19	07/10/2019	2522	5415	ST. GEORGE WATER STORE	49208	Bottled Water Service 4 bottles	11-41-235	.00	24.00
07/19	07/10/2019	2523	1475	STAPLES CREDIT PLAN	23061299	PENS	11-41-240	.00	6.38
07/19	07/10/2019	2523	1475	STAPLES CREDIT PLAN	23067198	PENS	11-41-240	.00	6.38
07/19	07/10/2019	2523	1475	STAPLES CREDIT PLAN	23060767	Pens	11-41-240	.00	41.54
07/19	07/10/2019	2524	3740	SUNRISE ENGINEERING, INC.	0104028	Utah Ave. Safe Routes to School	11-47-953	.00	5,829.12
07/19	07/10/2019	2525	3930	TOWN OF COLORADO CITY	8293	Auto Insurance Premium Portion	65-41-510	.00	6,695.51
07/19	07/10/2019	2526	4011	USABlueBook	926027	Marking Paint	84-41-273	.00	136.04
07/19	07/10/2019	2527	4620	VERIZON WIRELESS	98321481	ON CALL PHONE	11-41-287	.00	147.97
07/19	07/10/2019	2528	4441	WHEELER MACHINERY CO.	PS000825	Window for skidder	65-41-250	.00	105.72
07/19	07/12/2019	2529	5083	JNJ ENGINEERING	190630	Safe Routes to School	11-47-953	.00	53,683.10
07/19	07/12/2019	2530	5083	JNJ ENGINEERING	190630	Uzona	11-47-954	.00	43,372.00
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	216138	Screwdriver Slot	11-48-272	.00	4.78
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	217165	Sprinkler nozzle	11-48-272	.00	6.57
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	21530	Water catch basin dam repair	11-48-272	.00	10.97
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	216744	Stripe white paint	11-48-272	.00	11.98
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	215734	Marking Wand	11-48-272	.00	24.99
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	217285	Duct tape, Chrome polish-sealer	11-48-272	.00	35.15
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	212032	Line Paint - White & Yellow	11-48-272	.00	38.95
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	218096	Cultivator attachment	11-48-272	.00	199.99
07/19	07/19/2019	2531	5637	BASIC AMERICAN SUPPLY	215455	Tools for water meter replacement	81-41-273	.00	31.97
07/19	07/19/2019	2532	5697	BLACK TIE PRESS	1042	Utilities ID Cards	65-41-250	.00	90.00
07/19	07/19/2019	2533	1632	BLUE STAKES OF UTAH, INC.	UT201914	BLUE STAKING	65-41-310	.00	129.91
07/19	07/19/2019	2534	1430	CASELLE, INC.	95901	CONTRACT for August 2019	11-41-310	.00	1,005.67
07/19	07/19/2019	2535	1580	COLORADO CITY FIRE DISTRIC	FIRE IGA	FIRE DEPT IGA BASE AMOUNT 06/19	11-44-980	.00	6,750.00
07/19	07/19/2019	2536	5518	CAROL PEINE	3.43500.5	3.43500.5 CUSTOMER DEPOSIT REFU	81-21350	.00	180.65
07/19	07/19/2019	2537	5518	ESTHER SHAPLEY	3.36201.2	3.36201.2 CREDIT FOR GAS IN TANK	84-37-112	.00	32.43
07/19	07/19/2019	2538	5518	KEITH DUTSON	3.15600.1	3.15600.1 CUSTOMER DEPOSIT REFU	81-21350	.00	577.08
07/19	07/19/2019	2539	5518	RICHARD BARLOW	3.21111.4	3.21111.4 CUSTOMER DEPOSIT REFU	81-21350	.00	60.83
07/19	07/19/2019	2540	4750	DJB GAS SERVICES, INC.	01152004	WELDER Cylinder Rental	82-41-273	.00	24.40
07/19	07/19/2019	2541	5607	DOMINION ENERGY	59485500	Natural Gas Transportation	84-41-434	.00	35,624.81
07/19	07/19/2019	2542	2160	HILDALE CITY	NAT 0619	ENERGY & USE TAX GAS	84-21376	.00	298.68
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	6.23190.1	Mulberry St. Office Building	11-41-280	.00	128.60
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	6.07700.1	CITY HALL UTILITIES	11-41-280	.00	271.42
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	6.21700.1	MAXWELL PARK UTILITIES	11-48-280	.00	283.60
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	3.84110.1	Academy Ave Well Power	65-41-280	.00	54.00
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	3.18000.1	Lab Shop Utilities	65-41-280	.00	247.65
07/19	07/19/2019	2543	2170	HILDALE CITY UTILITIES	6.42870.1	Propane Yard Lease	84-41-580	.00	100.00
07/19	07/19/2019	2544	2560	HINTON BURDICK CPAs & ADVI	208190	2019 FY Audit Progress Billing	11-41-313	.00	1,000.00
07/19	07/19/2019	2545	5530	INKBOXZ	1360	City 4th of July Banner	11-49-410	.00	238.00
07/19	07/19/2019	2546	5508	JAMES D. PETERSEN LOGGING	1800	Chip & Seal Paving for Safe Routes to S	11-47-953	.00	2,502.00
07/19	07/19/2019	2547	2470	JONES PAINT & GLASS	SGAGI001	Replacement Window for Dodge Durang	11-41-743	.00	260.00
07/19	07/19/2019	2548	2671	LES OLSON COMPANY	EA864401	MAINTENANCE CONTRACT	11-41-241	.00	358.87
07/19	07/19/2019	2549	5605	NGL SUPPLY CO. LTD	NGL27796	Propane Commodity	84-41-431	.00	7,450.59
07/19	07/19/2019	2549	5605	NGL SUPPLY CO. LTD	NGL27838	Propane Commodity	84-41-432	.00	7,658.43
07/19	07/19/2019	2549	5605	NGL SUPPLY CO. LTD	NGL26851	Propane Commodity	84-41-432	.00	14,911.87
07/19	07/19/2019	2550	3450	SCHOLZEN PRODUCTS COMPA	639586-00	4" repair clamp	81-41-273	.00	95.80
07/19	07/19/2019	2550	3450	SCHOLZEN PRODUCTS COMPA	6397652-0	Test guage, drill bit	81-41-273	.00	144.99
07/19	07/19/2019	2550	3450	SCHOLZEN PRODUCTS COMPA	1014995-0	CHLORINE	81-41-432	.00	215.67
07/19	07/19/2019	2550	3450	SCHOLZEN PRODUCTS COMPA	1014950-0	Chlorine	81-41-432	.00	431.34
07/19	07/19/2019	2550	3450	SCHOLZEN PRODUCTS COMPA	6397658-0	Guages	84-41-273	.00	48.46
07/19	07/19/2019	2551	5509	SOUTHWEST UTAH PUBLIC HE	300319	Bacteriological Water Tests	81-41-314	.00	160.00
07/19	07/19/2019	2552	5415	ST. GEORGE WATER STORE	50189	Bottled Water Service 4 bottles	11-41-235	.00	24.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Discount Taken	Check Amount
07/19	07/19/2019	2553	4605	SUMMIT ENERGY, LLC	06191HIL	Natural Gas Commodity	84-41-431	.00	3,516.51
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Secretarial Staff Payroll	11-41-111	.00	12,233.68
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Recorder Payroll	11-41-115	.00	3,217.84
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	General Fund Payroll Taxes	11-41-130	.00	1,069.79
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	General Fund Payroll Benefits	11-41-140	.00	3,607.60
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8332	Gasoline Used from Administration	11-41-257	.00	126.17
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8329	Verizon Wireless	11-41-287	.00	127.58
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Building Official Payroll	11-45-110	.00	5,463.64
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Public Works - Streets Payroll	11-47-110	.00	4,994.64
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8332	Gasoline Used from Streets & Roads	11-47-257	.00	644.47
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Public Works - Parks Payroll	11-48-110	.00	8,195.26
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8332	Gasoline Used from Parks	11-48-257	.00	210.76
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8334	DOJ Court Judgement Cost Sharing - Ro	63-41-310	.00	1,326.69
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8335	DOJ Court Judgement Cost Sharing - Ro	63-41-310	.00	2,496.81
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	7	TOCC Litigation Settlement	64-41-911	.00	6,266.67
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Utility Field Staff Payroll	65-41-110	.00	21,338.26
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Utility Field Staff Payroll Taxes	65-41-130	.00	2,556.03
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8326	Utility Field Staff Payroll Benefits	65-41-140	.00	2,572.74
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8332	Gasoline Used from Utilities	65-41-257	.00	1,699.71
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8325	Auto Insurance Premium Portion	65-41-510	.00	6,695.51
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	WAT0619	Total Water Tax	81-21371	.00	1,726.23
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	PROST06	Total Propane Tax	84-21371	.00	739.23
07/19	07/19/2019	2554	3930	TOWN OF COLORADO CITY	8332	Gasoline Used from Utilities	84-41-257	.00	104.67
07/19	07/19/2019	2555	5288	TOWN OF COLORADO CITY DIS	DISPATC	TOCC DISPATCH IGA	11-46-980	.00	922.89
07/19	07/19/2019	2556	5290	TOWN OF COLORADO CITY PO	POLICE I	POLICE IGA BASE AMOUNT 06/19	11-43-980	.00	12,950.16
07/19	07/19/2019	2557	4011	USABlueBook	933443	Safety tee shirts	84-41-140	.00	73.71
07/19	07/19/2019	2557	4011	USABlueBook	941329	Safety vests, hats	84-41-140	.00	266.48
07/19	07/19/2019	2558	4220	UTAH STATE TREASURER	TC 55 061	SURCHARGES	11-21332	.00	455.14
07/19	07/10/2019	201983	5057	GARKANE ENERGY	1755203 0	Green Trailer Power	11-41-285	.00	29.98
07/19	07/10/2019	201983	5057	GARKANE ENERGY	1945500 0	Academy Ave Well Power	81-41-285	.00	37.75
07/19	07/10/2019	201983	5057	GARKANE ENERGY	1734500 0	East Water Tanks	81-41-285	.00	64.90
07/19	07/10/2019	201983	5057	GARKANE ENERGY	1775500 0	Water Plant Power	81-41-285	.00	1,676.92
07/19	07/10/2019	201983	5057	GARKANE ENERGY	1782501 0	Well #22, 24, & 11 Power	81-41-285	.00	3,643.46
07/19	07/10/2019	201984	5646	XPRESS BILL PAY	41182	Xpress Bill Pay Trans. & Account Mainte	11-41-521	.00	405.80
07/19	07/19/2019	201985	1155	ARIZONA STRIP LANDFILL COR	COLL 061	LANDFILL SERVICES	11-13119	.00	28,654.39
07/19	07/19/2019	201986	4221	UTAH STATE TAX COMMISSION	STC 0619	Taxes Collected for Hildale	84-21375	.00	247.36
07/19	07/19/2019	201987	4221	UTAH STATE TAX COMMISSION	TC-941 2	Utah Withholding 2nd Qtr. 2019	11-41-130	.00	1,615.00
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 05	Social Security - FICA Deposit 0519	11-22211	.00	1,032.06
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 07	Social Security - FICA Deposit 0719	11-22211	.00	1,088.66
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 05	Medicare - FICA Deposit 0519	11-22212	.00	241.31
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 07	Medicare - FICA Deposit 0719	11-22212	.00	254.61
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 05	Tax Withholding - FICA Deposit 0519	11-22213	.00	356.65
07/19	07/19/2019	201988	4701	ZIONS FIRST NATIONAL BANK	EFTPS 07	Tax Withholding - FICA Deposit 0719	11-22213	.00	391.57
07/19	07/30/2019	201989	4470	BANKCARD CENTER	190625 (3)	Buckets for 4th July Cold Brew	65-41-235	.00	71.51
07/19	07/30/2019	201989	4470	BANKCARD CENTER	190701 (4)	Food Service Permit	65-41-235	.00	92.15
07/19	07/30/2019	201989	4470	BANKCARD CENTER	190625 (2)	Buckets for 4th July Cold Brew	65-41-235	.00	94.57
07/19	07/30/2019	201989	4470	BANKCARD CENTER	190607 (1)	Background Check	65-41-310	.00	84.90
07/19	07/30/2019	201990	4470	BANKCARD CENTER	190624 (2)	Textedly Software	11-41-210	.00	25.00
07/19	07/30/2019	201990	4470	BANKCARD CENTER	190626 (3)	Adobe Software	11-41-210	.00	31.85
07/19	07/30/2019	201990	4470	BANKCARD CENTER	190622 (1)	Computer Monitor	11-41-272	.00	329.00
07/19	07/30/2019	201991	4470	BANKCARD CENTER	190618 (2)	ICC Test	11-45-330	.00	209.00
07/19	07/30/2019	201991	4470	BANKCARD CENTER	190617 (1)	Construction Exam	11-45-330	.00	795.00
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190611 (2)	Lunch for Trip SLC Presentation Water B	11-41-235	.00	20.09
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190618 (4)	Fuel for Trip to SG School Board Meeting	11-41-257	.00	46.58
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190611 (1)	Fuel for Trip to SLC Presentation Water	11-41-257	.00	56.05
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190611 (3)	Fuel for Trip to SLC Presentation Water	11-41-257	.00	60.68

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Discount Taken	Check Amount
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190628 (5)	T-Shirts for 4th July Event	11-49-410	.00	121.99
07/19	07/30/2019	201992	4470	BANKCARD CENTER	190702 (6)	T-Shirts for 4th July Event	11-49-410	.00	371.00
07/19	07/30/2019	201993	4470	BANKCARD CENTER	190619 (2)	Snacks for Field Staff	65-41-235	.00	137.78
07/19	07/30/2019	201993	4470	BANKCARD CENTER	190627 (3)	Snacks for Field Staff	65-41-235	.00	190.90
07/19	07/30/2019	201993	4470	BANKCARD CENTER	190619 (2)	Batteries	65-41-250	.00	69.46
07/19	07/30/2019	201993	4470	BANKCARD CENTER	190611 (1)	Tires	65-41-250	.00	177.00
07/19	07/30/2019	201994	4470	BANKCARD CENTER	190608 (1)	Trip to Young Automotive - Christian	11-41-230	.00	123.97
07/19	07/30/2019	201994	4470	BANKCARD CENTER	190618 (3)	Mayor's Visit with INFAB	11-41-230	.00	194.58
07/19	07/30/2019	201994	4470	BANKCARD CENTER	190619 (4)	Office Supplies	11-41-240	.00	13.88
07/19	07/30/2019	201994	4470	BANKCARD CENTER	190612 (2)	Fuel for Malibu	11-41-257	.00	10.00
07/19	07/30/2019	201995	4470	BANKCARD CENTER	190626 (2)	IT Server Software	11-41-272	.00	80.00
07/19	07/30/2019	201995	4470	BANKCARD CENTER	190625 (1)	IT Server Software	11-41-272	.00	189.99
07/19	07/30/2019	201996	4470	BANKCARD CENTER	190606 (1)	Google Storage	11-41-210	.00	1.99
07/19	07/30/2019	201996	4470	BANKCARD CENTER	190614 (3)	LT Governor Entity Registry	11-41-210	.00	50.00
07/19	07/30/2019	201996	4470	BANKCARD CENTER	190612 (2)	Black Toner for Copier	11-41-240	.00	36.85
07/19	07/30/2019	201996	4470	BANKCARD CENTER	190626 (4)	Credit From Zion's Amazing Deals	11-41-310	.00	47.50-
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190701 (1)	Office Coffee	11-41-235	.00	12.08
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190626 (5)	City Council Snacks	11-41-235	.00	15.97
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190611 (4)	Memorial Flowers for Orlin Black Family	11-41-240	.00	60.00
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190606 (1)	Fuel for Vehicle Trade-in Trip	11-41-257	.00	40.01
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190607 (2)	Fuel for Vehicle Trade-in Trip	11-41-257	.00	82.70
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190701 (9)	Court - First Class Letter	11-42-550	.00	6.85
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190611 (3)	Credit Return Soccer Equipment	11-49-274	.00	277.98-
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190626 (6)	Field Paint & Whistle Lanyard for HCCO	11-49-274	.00	54.33
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190628 (7)	City 4th July Float	11-49-410	.00	16.26
07/19	07/30/2019	201997	4470	BANKCARD CENTER	190628 (8)	City 4th July Float	11-49-410	.00	35.93

Grand Totals:

.00 370,128.25

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

Report Criteria:

Report type: GL detail

# Utility Departments of Hildale/Colorado City

Utility Board Meeting Minutes  
320 East Newel Ave, Hildale Utah  
Tuesday, June 25, 2019 6:00 P.M.

## **Present:** Utility Board

Board Members:	Present	Absent	Excused
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X (by phone)		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Staff Present: Harrison Johnson, Weston Barlow, Nathan Fischer, Ralph Johnson Jr., Vincen Barlow, Mariah La Corti

Public Present: Maha Layton

### **#1 Call to Order**

Meeting called to order at 6:00 pm. Roll was taken, quorum present.

### **#2 Prayer and Pledge of Allegiance**

Haven Barlow offered a prayer and the crowd joined in the pledge of allegiance.

### **#3 Approval of Minutes from June 6, 2019 Meeting**

**JVar Dutson moved to approve the minutes of the June 6, 2019 meeting.**

**Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

### **#4 Public Comment**

None

**#5 Consideration of Utility Waiver Requests**

The customer at 220 West Arizona Avenue had a water leak during January 2019, this is a fairly standard request. Staff recommends approval of the request, excluding January’s usage from the calculations.

**JVar Dutson moved to approve the staff recommendation.**

**Michael Cawley seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#6 Director Report**

Harrison Johnson presented. He updated the board on how UEP evictions have affected utility accounts, Division of Drinking Water grant application and water remediation plan, the outcome of the wire fraud from last month, and fiber department.

**#7 Financial Report**

Harrison Johnson presented. Revenues and expenditures with comparison to budget and invoice register were provided for board review. The Utility Department is in a good position financially.

**#8 Consideration of Approval to Pay Bills**

**JVar Dutson moved to pay the bills as they become due and the funds become available.**

**Michael Cawley seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.



**#11 Consideration and Possible Action on Final 2020 Budget**

Chairman moved this item to be discussion prior to #9.

Harrison Johnson presented. He walked the board through a few adjustments that were made including attorney salary, benefits, and transfers to joint admin fund. There was lengthy discussion on the projected budgetary shortfall due to evictions, and Utah State Retirement.

**Jason Black moved to approve the FY2020 budget and recommend it to the City Councils.**

**Haven Barlow seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#9 Consideration and Possible Action on Large Purchase**

Weston Barlow presented. This is a request for purchase of a Hexcoder Pro GPS, a direct current voltage gradient and close interval potential survey instrument with integrated GPS.

It is anticipated that once the repairs are made there will be no maintenance costs and the equipment will save on man hours.

**JVar Dutson moved to approve the large purchase from Brown Corrosion Services, Inc.**

**Michael Cawley seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#10 Consideration and Possible Action on FY2019 Retirement Bonus**

Harrison Johnson presented. The Department is looking to post a year end retirement bonus in the amount of \$2,000 per employee, through the transfer of salaries of permanent employees to

benefits. This would be processed through payroll and will be taxable income, it would be the responsibility of the employee to place this into a retirement account, if desired.

Michael asked that years of service be taken into account when calculating bonuses. Harrison indicated that that and performance will be considered for next year after researching the state laws more thoroughly.

**JVar Dutson moved to approve the \$18,000 FY2019 retirement bonus.**

**Jason Black seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#12 Consideration and Possible Action on Temporary Labor and Budget Adjustment**

Harrison Johnson presented. The Department is looking to hire three temporary laborers to complete the leak survey in Colorado City to make the July 29<sup>th</sup> deadline for completion. The intent is to hire for approximately 240 man hours total at a rate of \$12.00 an hour.

**JVar Dutson moved to approve the temporary labor and budget adjustment.**

**Stacy Seay seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.	X		
Ralph Johnson	X		
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#13 Consideration and Possible Action on Interfund Transfer to Fiber Department**

Harrison Johnson presented. The Department would like the Utility Board to schedule an interfund transfer of \$10,000 from the Gas Department to the Fiber Department to establish a central office and allow for easy switch of fiber networks. The Department will provide hardware infrastructure for internet service providers. Both Hildale and Colorado City councils will need to approve this. Board members briefly discussed the benefits and disadvantages.

**JVar Dutson moved to approve the transfer to the fiber department.  
Jason seconded. Roll call vote:**

Board Members:	Yes	No	Abstain
Haven Barlow	X		
Sterling Jessop, Jr.		X	
Ralph Johnson		X	
Arvin Black	X		
Jason Black	X		
Nathan Burnham	X		
JVar Dutson	X		
Stacy Seay	X		
Michael Cawley	X		

Motion carried.

**#14 Review of Expedited Payment Invoice Requests Policy**

In light of the security breach from last month, a policy has been created for processing of expedited invoice requests. The policy was put before the Board for review, and they unanimously agreed that it should be put into effect.

**#15 Review Scope of Work for Bowen Collins and Associates and SRF Application**

Bowen Collins and Associates provided a scope of services to provide a feasibility study for the development of a new groundwater source in the Navajo Sandstone aquifer. Board members were provided with a copy of such.

**#16 Discussion on Guarantee of Water Availability**

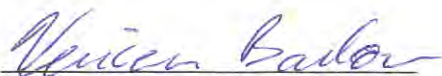
JVar Dutson presented. The Washington County School District approached him requesting a guarantee of water availability to sustain their expansion plans. Jason pointed out that this has been discussed previously. Harrison explained that, based on the water impact study, there is not a shortage of water and water availability should not be an issue. Possible use of irrigation water was briefly discussed.

**#17 Adjournment**

In closing, Arvin expressed his appreciation to the Board and staff for their dedication and hard work.

With no other business, meeting adjourned at 8:20 pm.

Minutes were approved at the meeting on July 25, 2019.

  
Vincen Barlow, Hildale City Recorder

  
Vance Barlow, Colorado City Town Clerk

**Summary of Board Actions:**

**Approval of Minutes of Previous Meetings**

**Approval of Wastewater Waiver**

**Approval to Pay Bills**

**Approval of the FY 2020 Budget and recommend it to the City Councils**

**Approval of Purchase of Hexcorder Pro GPS**

**Approval of FY2019 Retirement Bonus**

**Approval of Transfer to Fiber Department**



# TOWN OF COLORADO CITY

P. O. Box 70 \* Colorado City, Arizona 86021

Phone & TDD: 928-875-2646 \* Fax: 928-875-2778

## AIRPORT MANAGER'S REPORT

**July 9, 2019**

June, though hot, was relatively nice for flying before and after the turbulence usually present in the hot afternoons. Traffic continued as usual, and there were still only a few training operations. June's operation counts were approximately 290. The St. George closure did affect the operation counts a little, but not too much. We have only a couple of aircraft from St. George temporarily based. Last month, Jeffery Jessop Sr. and I flew to the FAA Western-Pacific Region 10<sup>th</sup> Airports Conference in Torrance, California, which was a 3-day conference. It was very informative as usual, covering reports from airports and airports districts from all over the region, then breaking into individual sessions where we listened in on reauthorization and new legislation, fuel and fire safety, airport emergency exercises, the non-fed program (inspection and maintenance for nav-aids like our NDB and AWOS), critical processes related to federal financial assistance, non-aeronautical approval and management, vehicle/pedestrian deviation procedures, and land use inspections.

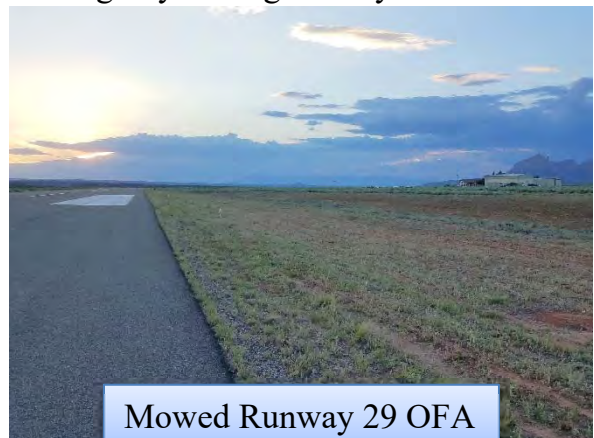
Project activity throughout May:

- Land Acquisition: The private land east easement is still expected to be signed off soon. The BLM land transfer is still moving forward.
- Airport Pavement Maintenance Project: Bidding started on June 26 and will end on July 18. There was a pre-bid on July 11<sup>th</sup>. The project should be completed this year.
- Access Road Project: The FAA has recommended that we revise the grant to a design and construction admin grant only as the BLM land still does not have a ROW completed on it, thus making construction ineligible. The construction will take place next year.
- Other Project/Maintenance Items: A lot of mowing. Below is a picture of the extent of mowed area next to Runway 29. We are mowing all the way to the perimeter fence. We also updated our National Based Aircraft Registry amongst many other maintenance as usual items.

Thank you,

LaDell Bistline Jr.

**NDB** – Non-Directional Beacon  
**AWOS** – Automated Weather Observation System  
**ROW** – Right-of-Way  
**OFA** – Object Free Area



# HILDALE - COLORADO CITY FIRE DEPARTMENT

## FIRE CHIEF'S REPORT TO THE BOARD

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**June 25, 2019**

**ADMINISTRATIVE ACTIONS:** Kevin attended a session at Hildale City by the Utah Division of Purchasing. It was a good review of state purchasing policies and the services that the division can provide to municipalities.

Kevin attended the Mohave County LEPC meeting on June 5 in Kingman.

All fire department business staff attended the annual HintonBurdick Local Government Seminar in St. George on June 6. The seminar included sessions on how to prepare for an audit, how to use their system for uploading documents, fraud prevention and detection, and federal grant compliance. An Audit Engagement letter was submitted to HintonBurdick to begin the audit process for the 2018-19FY Audit.

Kevin also attended the National Weather Service Stakeholders Summer meeting at Fire Station 1 in Las Vegas. The extreme grass growth due to an extraordinarily wet spring is a region-wide concern. They noted that predictions are for a delayed monsoon season, with the main part of the season coming in late August into September.

The renewal document for the VFIS Liability, Property and Auto insurance was submitted for a quote for the new policy beginning September 1.

Kevin represented the department at the Washington County LEPC meetings on June 13. He attended the DRMC Trauma Committee early in the morning. Dr. Watson, who has led the process to help DRMC reach Level II Trauma Center designation, is stepping down as chairman of the committee. Other meetings included the Southwest Utah Public Health Coalition, Washington County EMS Council, Washington County Fire Chief's Association, the Planning, Training and Exercise Committee, and the Local Emergency Planning Committee.

The new Memorandum of Understanding with Hildale Fire Department and the Utah Division of Forestry and Fire was signed and returned. The MOU allows HFD to be a cooperator on local, state and federal fire responses.

Kevin and Lily attended the MCC Advisory Committee in Kingman on June 18. The North Mohave Campus students are doing very well with almost 100% pass rates and employment offers.

**TRAINING REPORT:** The June ALS Inservice was on 6/4/19. There were two case reviews relating to a rollover MVC with one fatality. The training was on coronary blood flow in relation to ECG changes.

The two evenings of fire training covered engine and ladder company operations. A few more firefighters have completed their wildland pack tests required to renew their Red Cards.

The May Special Operations training was a refresher on swiftwater response. The crews conducted a drill just downstream from the Hildale Street creek crossing. A rope highline was stretched across the creek

bed using a special weighted slingshot device with first fishing line, then heavy string, then the rope. The rope was then rigged with a system to control a raft and lower it to a sandbar in the middle of the stream to simulate a rescue.

Two members attended a Utah Resuscitation Academy in St. George on June 2. The course teaches best practices for high quality CPR, with verified improvements in survival rates in many areas of the country.

The UFRA Recruit Academy in Hurricane will be complete this week. All six of our recruits are planning to continue right into the Haz Mat Operations course.

**MAINTENANCE REPORT:** The Water Tender is still out of service for major repairs.

The all-wheel drive DRMO truck has the shelving installed and all of the technical rescue gear has been switched over. The truck will be a great asset to the special operations program, making the rope and water rescue gear much more accessible.

Ambulance 108 was delivered to the REV factory on June 10 in Jefferson, NC. Daniel Roy Barlow and Hyrum Steed drove the vehicle and had to opportunity to tour the factory. The box will be removed from the chassis and modifications will begin immediately. The new Ford chassis was yet to be delivered to the factory. They flew home from Charlotte, NC.


All vehicles on the Utah wildland MOU were cycled through to St. George for the required motor vehicle safety inspections. The brush trucks are serviced and ready for the season. Both D.R. and Sam Y. attended a Utah MVD course to become certified state safety inspectors for Hildale Fire Department. The HFD site is not yet approved, so the vehicles were taken to Rush Truck Center in St. George due to timing.

**FIRE PREVENTION:** Four community First Aid - CPR courses have been held, with about 50 students total. Due to the bumper cheat grass crop and the high potential for wildland fires, the Marshal's Office have been asked to help curtail the use of illegal fireworks. Public education is being increased to inform the public of legal dates, times and types of permissible fireworks.

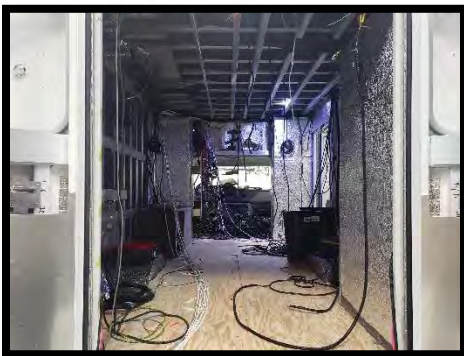
**OTHER:**

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RESPECTFULLY SUBMITTED:



Kevin J. Barlow, Chief



6/10/19 – REV Ambulance Shop in Jefferson, NC.



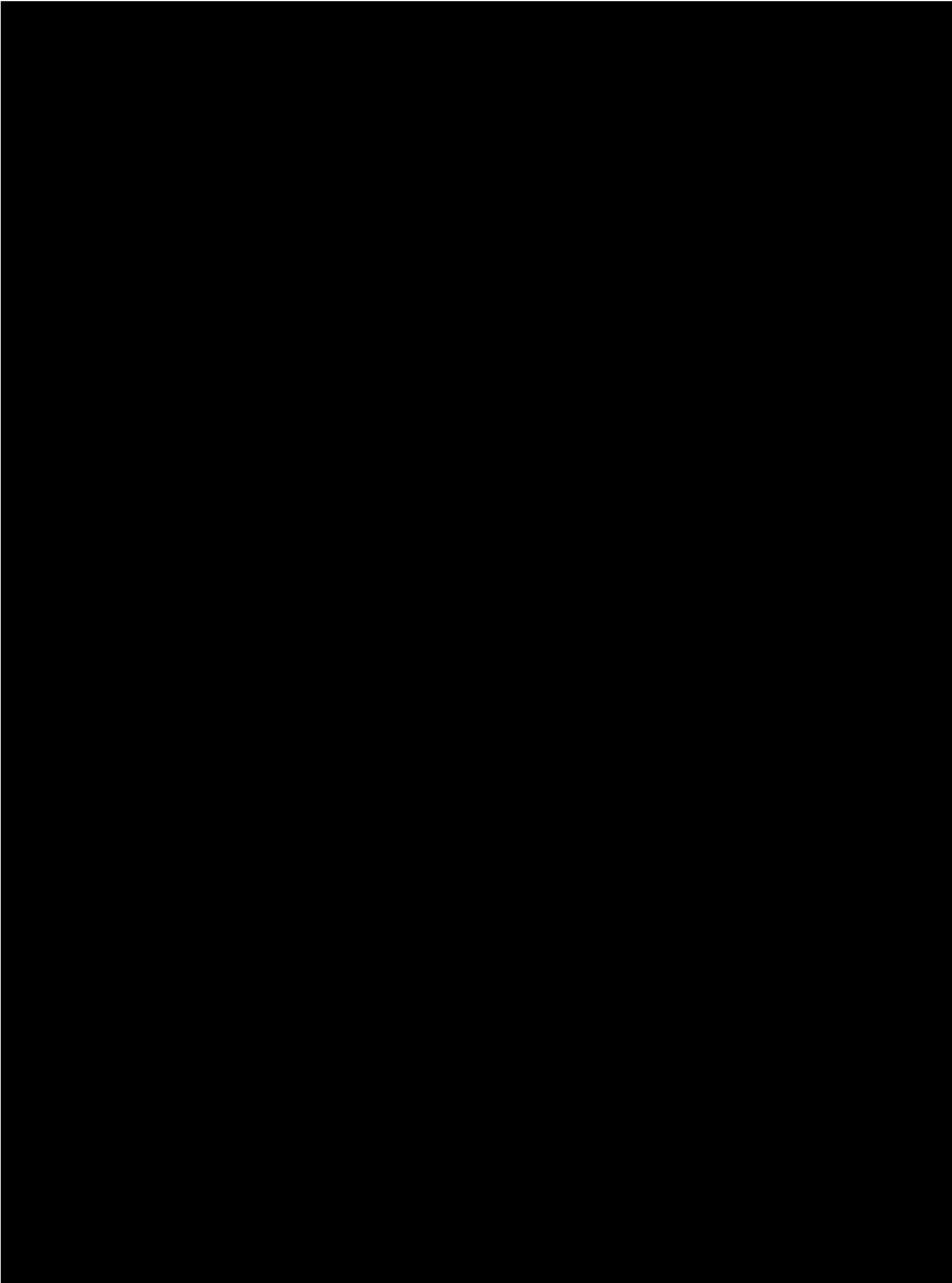


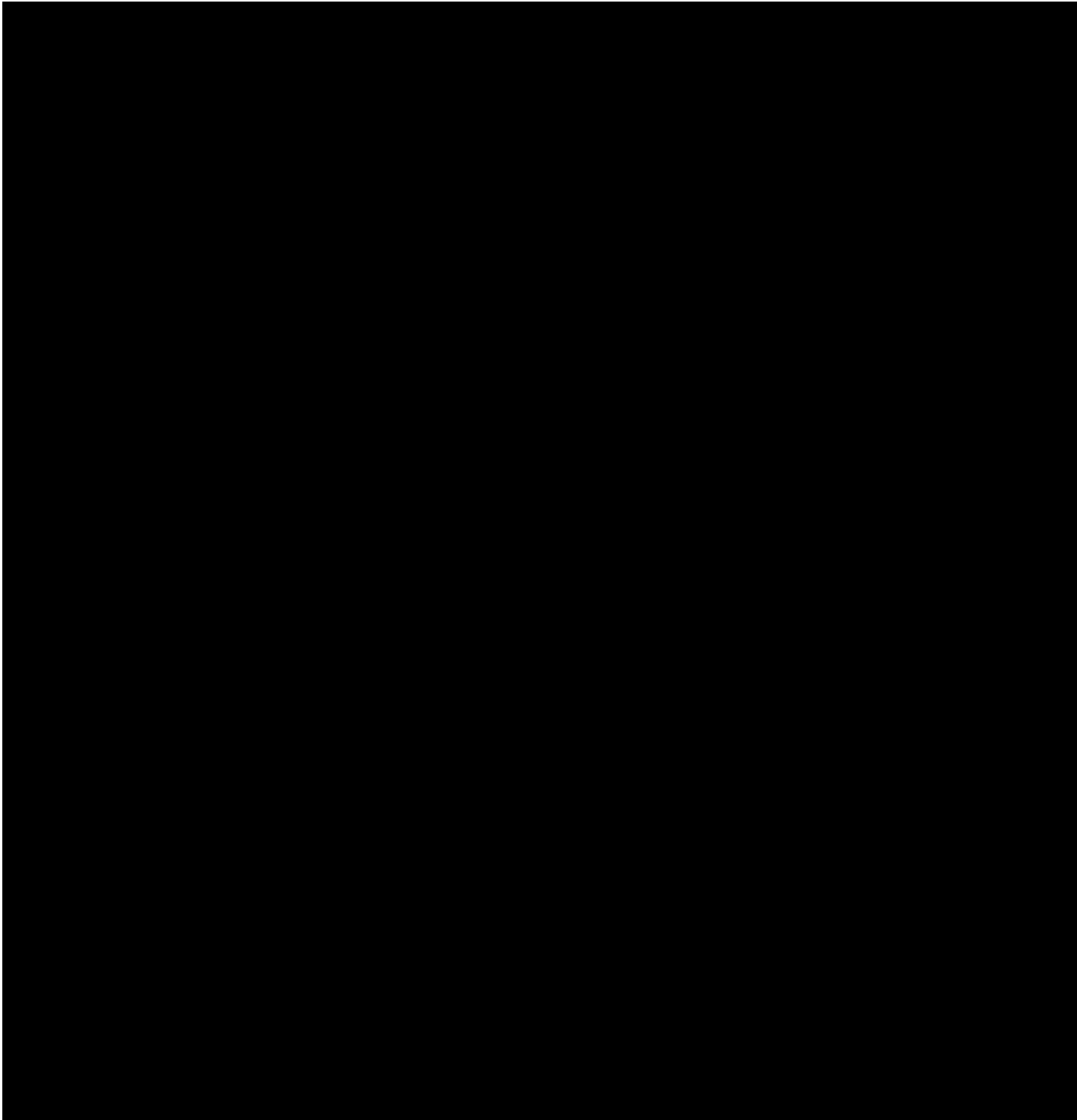
## Economic Development Report for the month of July 2019

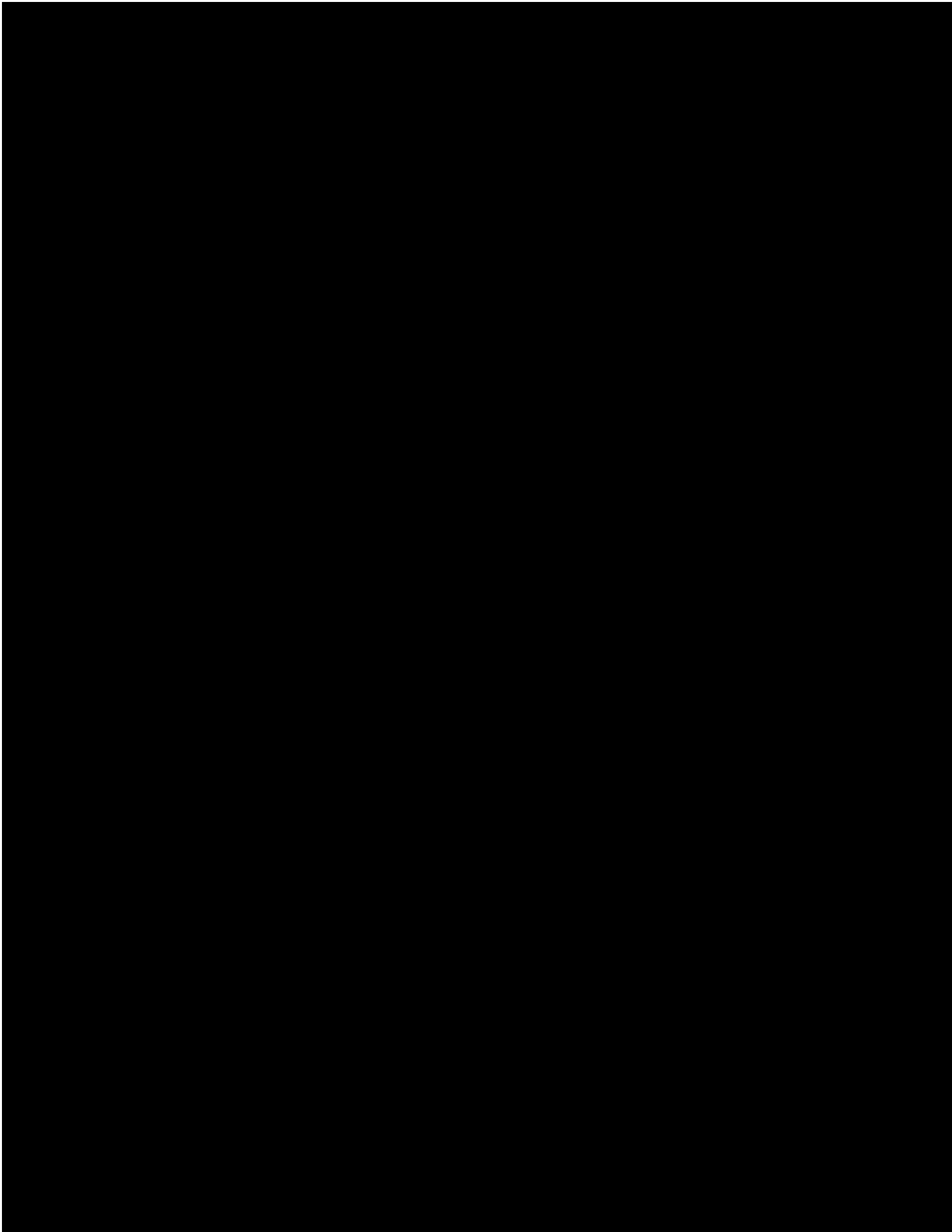
Economic Development has proven to be a project that takes time to see results, but with the continued effort in networking, Economic Development has made great strides this month:

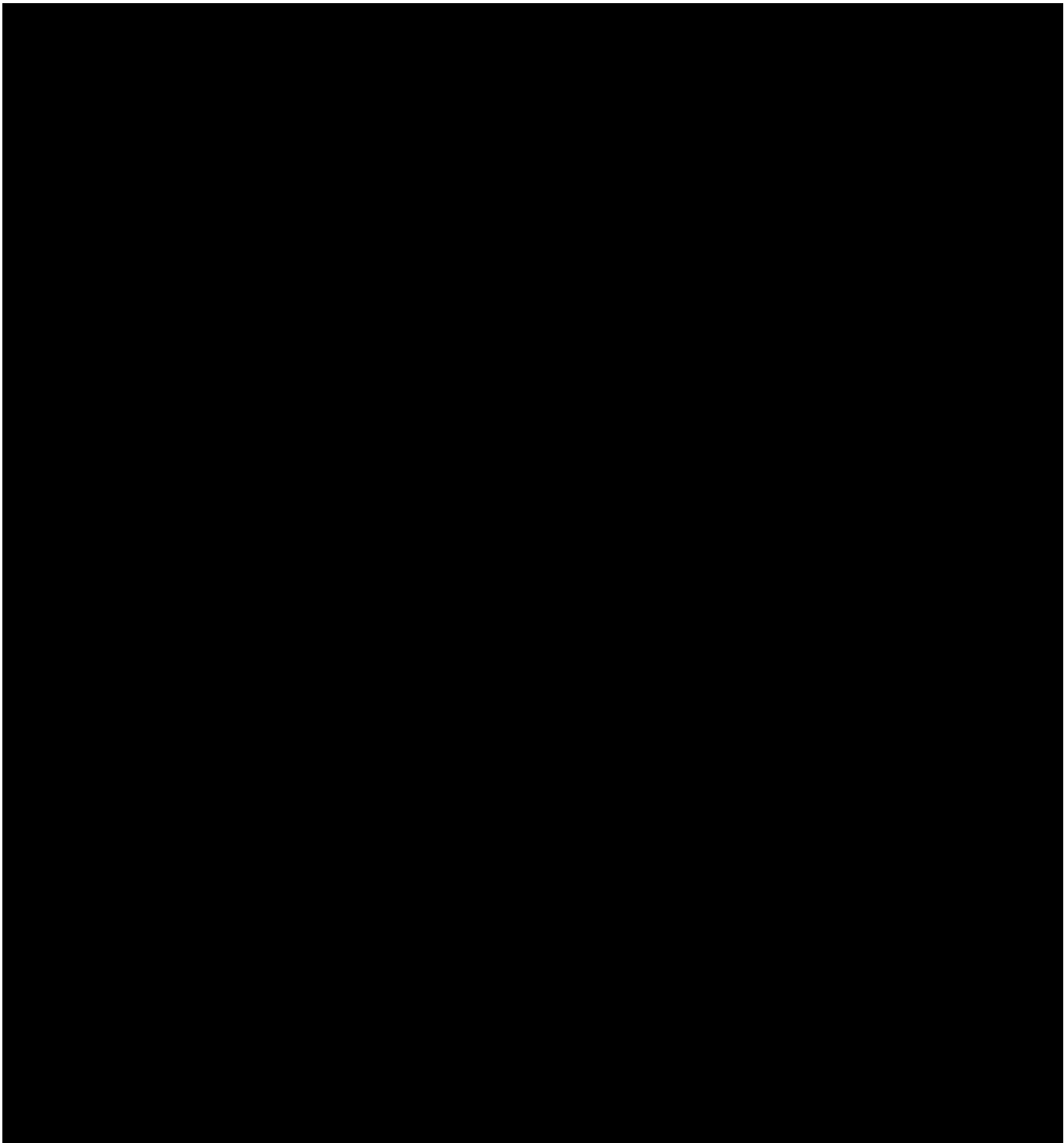
- Much of the month was devoted to planning the Health Fair, which occurred on July 27<sup>th</sup> at the Water Canyon Gymnasium. It is estimated that we had double, possibly even triple the attendance from the previous year, making it a huge success. We had 26 vendors and many outside health professionals visiting to take part in our efforts.
- Contact has been made with Kenny Miller, the Regional President of Zions Bank. He showed vested interest in the city's Economic Development efforts and I expect to hear from him shortly regarding the addition of a branch in our city.
- I have been sought out by a few entrepreneurs hoping to open shops in our area. They were excited about having a contact person from the City to aide their business efforts. I am continuing to work with them on finding a location to open for business.
- The groundbreaking for Bee's Marketplace took place. Bringing this establishment to the highway should improve Economic Development in both cities, due to the idealistic prospect of having a business close to a high-traffic location, such as a grocery store.
- The City continues to see applications for business licenses steadily flowing in.
- The Health Department has \$22,000 available to appropriate to a community who is in need of combating the drug epidemic, which is an unfortunate reality in our community. In conjunction with Southwest Behavioral Health, we will be applying for these funds by creating a plan/program related to education and strong community bonding.













State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

Department of  
Environmental Quality

L. Scott Baird  
Interim Executive Director

DIVISION OF DRINKING WATER  
Marie E. Owens, P.E.  
Director

**Drinking Water Board**  
Betty Naylor, Chair  
Roger G. Fridal, Vice-Chair  
Kristi Bell  
Brett Chynoweth  
Jeff Coombs  
Tage Flint  
Eric Franson, P.E.  
L. Scott Baird  
David Stevens, Ph.D.  
Marie E. Owens, P.E.  
Executive Secretary

July 5, 2019

The Honorable Donia Jessop, Mayor  
Hildale City  
320 East Newell Avenue  
PO Box 840490  
Hildale, Utah 84784

Dear Mayor Jessop:

Subject: Planning Agreement (System# 27006, SRF# 3F1722P).

On July 3, 2019, the Drinking Water Board authorized a planning loan of \$100,000 with 100% principal forgiveness to Hildale City to partially fund a master plan to include drinking water treatment and new source development to the Town's drinking water system.

Please review the enclosed planning agreement between the Town and the Drinking Water Board.

If you have any changes that you would like to see in the document you may mark-up the proposed agreement and return it to our office. If not, please fill in any blanks such as dates and Tax ID #, and sign in the spaces so indicated. Please include a project description and scope of work as part of the planning loan agreement.

If you have any questions please contact Heather Pattee or myself at 536-4200.

Sincerely,

Michael J. Grange, P.E.  
Assistant Executive Secretary

MJG:hp

Enclosures

Cc: Paul Wright, DEQ District Engineer, [pwright@utah.gov](mailto:pwright@utah.gov)  
Donia Jessop, Hildale City, [hildale@hildalecity.com](mailto:hildale@hildalecity.com)

Contract # 3F1722P  
Amount: \$100,000.00  
Grantee: Hildale City  
Tax ID # 86-0266404

PLANNING GRANT AGREEMENT

DRINKING WATER BOARD STATE REVOLVING FUND

STATE OF UTAH

Department of Environmental Quality  
Division of Drinking Water

This planning grant agreement is entered into by and between the State of Utah, Department of Environmental Quality, Division of Drinking Water, Drinking Water Board (hereinafter the "BOARD") and the

Hildale City

an applicant for a planning grant under the Drinking Water Board provisions contained in R309-700-5 of the Utah Administrative Code as authorized by Title 73, Chapter 10c, Utah Code Annotated 1953 (hereinafter the "GRANTEE"). Pursuant to the provisions of the Statute, and the powers and functions of the Drinking Water Board, the BOARD hereby finds and determines, based upon the formal application of the GRANTEE, the evidence provided by the GRANTEE to the BOARD and its staff, and information developed by the BOARD in its own investigations and at the hearings on the application of the GRANTEE, the following, that:

1. The GRANTEE is a political subdivision pursuant to Section 73-10c-2(9) of the laws of the State of Utah.
2. The BOARD has determined that a planning grant is necessary to complete the proposed Project as described hereafter as Exhibit-1.
3. The GRANTEE has been authorized by the BOARD pursuant to Section R309-700-5 of the Utah Administrative Code and as authorized by Section 73-10c-4(4) to receive a planning grant.

Based upon these findings, the BOARD is authorized and empowered to, and does hereby, enter into the following agreement with the GRANTEE.

## GENERAL PROVISIONS

1. The BOARD shall provide the GRANTEE the amount of \$100,000.00 (GRANT AMOUNT) for the completion of the Project as described in Exhibit-1, Work Description and Cost Breakdown.
2. The GRANTEE shall complete the Project described in Exhibit-1, Work Description and Cost Breakdown. If work on the Project is not completed by \_\_\_\_\_ 20\_\_, this planning grant may be canceled by written notice from the BOARD to the GRANTEE. No work completed after receipt of the notice shall be reimbursable.
3. The GRANTEE shall notify the BOARD in writing of any proposed modifications to the Project which alters Exhibit-1, Work Description and Cost Breakdown. If such notification is not received, the cost of the proposed modification will be disallowed.
4. The GRANT AMOUNT shall be deposited with other funds, including other grant monies, necessary to complete the Project into a supervised escrow account at the time this planning grant agreement is executed and shall be disbursed only after all other loan funds have been disbursed on a pro-rata basis with other grant monies. All disbursements from the escrow account must be reviewed and approved in advance by the GRANTEE and the BOARD. Any unused funds remaining in the escrow account upon completion of the Project, limited to the GRANT AMOUNT or a pro-rata share, must be returned to the BOARD. Surplus funds returned to the BOARD shall be applied as a reduction of the GRANT AMOUNT.
5. The GRANTEE shall comply with all laws which normally govern its affairs in regard to contacts, fiscal procedures and procurement procedures.
6. The GRANTEE shall indemnify and hold harmless the State of Utah, the Department of Environmental Quality, the Division of Drinking Water, the BOARD and their officers, agents and employees from and against any and all loss, damage, injury, liability, and claims, including claims for personal injury or death, damages to personal property and liens of workmen and materialmen, howsoever caused, resulting directly or indirectly from the performance of this planning grant agreement by the GRANTEE, or the operations of the Project and the culinary water system for which this Project is a part including attorneys fees and costs in the investigation or defense of any claim, whether or not the claim has merit.
7. The GRANTEE shall be an independent contractor, and, as such, shall have no authorization, express or implied, to bind the State of Utah, the Department of Environmental Quality, the Division of Drinking Water, or the Drinking Water Board to any agreement, settlement, liability, or understanding whatsoever, nor to perform any acts as agent for the State of Utah, except as herein expressly set forth.

8. GRANTEE expenditures under this planning grant agreement determined by audit to be ineligible for reimbursement because they were not authorized by the terms and conditions of the grant, or that are inadequately documented, and for which payment has been made to the GRANTEE will be immediately refunded to the BOARD by the GRANTEE upon written demand of the BOARD. The GRANTEE further agrees that the BOARD shall have the right to withhold any or all subsequent payments under this or other contracts to GRANTEE until recoupment of overpayment is made.
9. This planning grant agreement may be altered, modified, or supplemented only by written amendment, executed by the parties hereto, and attached to the original signed copy of this agreement. No claim for services furnished by the GRANTEE, not specifically authorized by this agreement will be allowed by the BOARD.
10. If it is determined that in any manner the planning grant was improperly made or entered into, or if the monies are or were used improperly or contrary to the terms of this agreement, the GRANTEE shall pay to the BOARD the amount of all monies and benefits received by the GRANTEE by the BOARD.



EXECUTION

NOW, THEREFORE, by virtue of the authority contained in Title 73, Chapter 10, Utah Code Annotated, 1953, as amended, the parties hereto mutually agree to perform this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this day of \_\_\_\_\_, 20\_\_\_. This contract will take effect upon approval as evidenced by the appropriate signatures.

**GRANTEE**

**STATE**

Hildale City  
520 East Newell Avenue  
PO Box 840490  
Hildale, Utah 84784

APPROVED - DRINKING WATER BOARD

By:  
Donia Jessop  
Mayor

By:  
Michael J. Grange, P.E.  
Assistant Executive Secretary

By:  
Vincent Barlow  
Treasurer

APPROVED - DIVISION OF FINANCE

By:  
Director

APPROVED - AVAILABILITY OF FUNDS

By:  
Division of Finance

JURAT

CITIES

STATE OF UTAH )  
 :ss  
COUNTY OF: Washington )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, personally appeared before me Donia Jessop and Vincent Barlow being by me duly sworn did say they are the duly elected Mayor and Treasurer respectfully, of Hildale City, a political subdivision of the State of Utah, and that the foregoing instrument was signed in behalf of said political subdivision by authority of a motion of its governing body passed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, and said persons acknowledged to me that said political subdivision executed the same.

Notary Public, residing at

My Commission Expires:

Exhibit No. 1

WORK DESCRIPTION & COST BREAKDOWN

Hildale City

**PLANNING GRANT**

PROJECT DESCRIPTION

Hildale City has requested and been approved for a planning grant from the Drinking Water Board. This planning grant is for the cost of a feasibility study for Hildale City. To fund this work the Board authorized a planning grant of \$100,000 to the City.

SCOPE OF WORK

(Obtain and insert a copy of the Scope of Work to be approved prior to the release of funds)

**AGREEMENT FOR PROFESSIONAL SERVICES  
BOWEN, COLLINS & ASSOCIATES, INC.**

This AGREEMENT, dated \_\_\_\_\_, is made and entered into between Bowen, Collins & Associates, Inc., a Utah Corporation (herein called CONSULTANT) and Hildale City (herein called COMPANY). This AGREEMENT is for the Hildale City Groundwater Feasibility Study (herein called PROJECT).

In consideration of the mutual promises herein contained, CONSULTANT and COMPANY agree as follows:

**1. AUTHORIZATION TO PROCEED**

Execution of this AGREEMENT by COMPANY will be authorization for the CONSULTANT to proceed with the PROJECT, pursuant to the terms and conditions of this AGREEMENT.

**2. CONSULTANT'S SERVICES**

- A. The CONSULTANT agrees to provide the services as outlined in Attachment A "Scope of Services". The Scope of Services and project schedule described in Attachment A and the CONSULTANT's compensation, identified in Attachment B, are good faith estimates only and may be revised as required, to meet PROJECT needs. The CONSULTANT will perform the aforementioned services in a professional manner using the degree of care and skill that is normally employed by professional engineers or consultants on similar projects of equal complexity.
- B. The relationship of the CONSULTANT to the COMPANY is that of an independent contractor and nothing in this AGREEMENT or the attachments hereto, creates any other relationship. As an independent contractor, the CONSULTANT shall have the sole responsibility for paying taxes, workers compensation, employee benefits (if any), and all similar obligations.

**3. COMPENSATION AND PAYMENT**

- A. Compensation for CONSULTANT's services is identified in Attachment B. Additionally, CONSULTANT will be reimbursed for actual costs and expenses incurred in performance of the PROJECT.
- B. Invoicing will occur following the last Friday of each month. Payments shall be due within 30 days of receipt of the invoice.

- C. A service charge of 10 percent will be applied to expenses incurred in performance of the PROJECT. All sales, use, value added, business transfer, gross receipts, or other similar taxes will be reimbursed to CONSULTANT.
- D. An interest rate of 1.5% per month will be applied to all invoices that are not paid in full after 30 days following the invoice date. Payments will be applied to the outstanding interest first and then to the principal.
- E. The CONSULTANT may discontinue work on the PROJECT by issuing the COMPANY a written seven-day notice if full payment for an invoice is not received within 60 days of the date of the invoice. Suspension of work will continue until full payment is made for all outstanding invoices including interest. The CONSULTANT accepts no liability for damages or delays that result from its suspension of work. The COMPANY may not use information or work product provided by the CONSULTANT until full payment is made including applicable interest.
- F. ANNUAL INFLATION ADJUSTMENT. Within the first sixty (60) days of every calendar year, Bowen, Collins & Associates, Inc. (BC&A) reserves the right to adjust established billing rates with COMPANY to cover specific direct cost increases. BC&A will submit a revised Attachment A reflecting the billing rate adjustment at the effective date of change to the COMPANY for documentation purposes. Any rate adjustment will be applicable on a go forward basis only.

**4. INSURANCE**

- A. The CONSULTANT will maintain insurance coverage throughout the term of the AGREEMENT. Insurance coverage will include:
  - 1) Worker’s Compensation
 

State	Statutory
Employer’s Liability	\$100,000
  - 2) Comprehensive General Liability
 

Bodily Injury and Property Damage	\$1,000,000
Combined Single Limit	\$1,000,000
  - 3) Automobile Liability
 

Combined Single Limit	\$1,000,000
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  - 4) Professional Liability
 

	\$1,000,000
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## **5. LIMITATION OF LIABILITY**

- A. The CONSULTANT shall not be liable for damages or delays resulting from actions or inaction of a third party that is not under the direct control of the CONSULTANT, such as government agencies that have review and permit authority.
- B. The COMPANY shall indemnify and hold harmless the CONSULTANT, its subcontractors, agents and employees for all liability, other than that caused by the negligent acts, errors, or omissions of the CONSULTANT.
- C. The COMPANY shall indemnify and hold harmless the CONSULTANT, its subcontractors, agents and employees for all liability resulting from construction of the PROJECT, if the CONSULTANT is not retained to perform construction phase services on the PROJECT.
- D. The CONSULTANT's maximum extent of liability, for any cause or combination of causes, shall be limited to direct damages and shall not exceed the amount of total compensation for the CONSULTANT's services on the PROJECT.
- E. The CONSULTANT is not responsible for delays or damages caused by acts of God such as floods or earthquakes, or other circumstances beyond control of CONSULTANT.
- F. The CONSULTANT, its subcontractors, agents and employees shall not be liable for consequential damages or indirect liability from a third party. The COMPANY will defend, indemnify and hold harmless the CONSULTANT, its subcontractors and agents from such an occurrence.

## **6. DEFECTS IN SERVICE**

- A. The COMPANY shall promptly report to the CONSULTANT any defects or suspected defects in the CONSULTANT's services of which the COMPANY becomes aware, so that the CONSULTANT may take measures to minimize the consequences of such a defect. The COMPANY further agrees to impose a similar notification requirement on all contractors in its COMPANY/CONTRACTOR contract and shall require all subcontracts at any level to contain a like requirement. Failure by the COMPANY and the COMPANY's contractors or subcontractors to notify the CONSULTANT shall relieve the CONSULTANT of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

**7. TERMINATION**

- A. This Agreement may be terminated by either party in the event that the other party has not performed any material covenant or has otherwise breached any material term of this Agreement (i) upon receipt of written notice thereof if the nonperformance or breach is incapable of cure, or (ii) upon the expiration of ten (10) calendar days (or such additional cure period as the non-defaulting party may authorize) after receipt of written notice thereof if the nonperformance or breach is capable of cure and has not been cured.
- B. Upon termination, CONSULTANT is entitled to full compensation as computed under this Agreement for the work completed.
- C. Either party may terminate this Agreement without cause at any time upon thirty (30) days prior written notice to the other party.

**8. ASSIGNMENT**

This AGREEMENT shall be binding on the heirs, successors and assignees of the parties. This AGREEMENT may not be assigned, transferred, conveyed, or encumbered, whether voluntarily or by operation of law, by either party without the prior written consent of the other party. Unauthorized assignment is void and nonbinding.

**9. OPINION OF PROBABLE CONSTRUCTION COST**

Opinions of probable construction cost prepared by the CONSULTANT are based on its experience with past projects of similar construction. It is understood that the CONSULTANT has no control over economical factors or unknown conditions that may have a significant impact on actual PROJECT cost. The CONSULTANT does not guarantee its cost estimates and accepts no liability for problems created by the difference in actual costs and opinions of probable construction cost.

**10. DOCUMENTS**

Contract documents, calculations, electronic information and survey information created by the CONSULTANT as “instruments of service” are the property of the CONSULTANT. COMPANY’s use of the documents and other “instruments of service” on any other project is prohibited and the CONSULTANT accepts no liability for such action.

**11. ADHERENCE TO APPLICABLE LAWS**

- A. The laws of the State of Utah shall govern all aspects of this AGREEMENT.
- B. The CONSULTANT shall comply with the applicable requirements of the Equal Employment Opportunity Laws and the Fair Labor Standards Act.

**12. HAZARDOUS WASTE**

- A. COMPANY will indemnify CONSULTANT from all claims, damages, losses, and costs, including attorney's fees, arising out of or relating to the presence, discharge, release, or escape of hazardous substances or contaminants from the PROJECT. COMPANY recognizes that CONSULTANT assumes no risk and/or liability for waste or the waste site.

**13. SEVERABILITY**

The provisions of this AGREEMENT are severable, and should any provision hereof be void, overly broad or unenforceable, such void, overly broad or unenforceable provision shall not affect any other portion or provision of this AGREEMENT.

**14. WAIVER**

Any waiver by any party hereto of any breach of any kind or character whatsoever by any other party, whether such waiver be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this AGREEMENT on the part of the other party.

**15. NOTICES**

All notices, demands, and requests required or permitted to be given hereunder shall be in writing and shall be deemed duly given if delivered or if mailed by registered or certified mail, postage prepaid, addressed to the following:

CONSULTANT      Todd Olsen  
Bowen, Collins & Associates  
20 North Main, Suite No. 107  
St. George, Utah 84770

COMPANY          Harrison Johnson  
Hildale City



320 Newel Ave  
Hildale, Utah 84784

Either party shall have the right to specify in writing another address to which subsequent notices to such party shall be given. Any notice given hereunder shall be deemed to have been given as of the date delivered or mailed to the other party.

**16. ATTACHMENTS**

The following attachments are included as part of the AGREEMENT:

Attachment A – Scope of Services

Attachment B – Compensation

This AGREEMENT constitutes the entire understanding and agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, and may only be changed by written amendment executed by both parties.

Approved for COMPANY

Accepted for Bowen, Collins & Associates

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

# ATTACHMENT A



20 NORTH MAIN, SUITE NO. 107 • ST. GEORGE, UTAH 84770  
TEL: (435) 656-3299

June 6, 2019

Harrison Johnson  
Managing Director  
Hildale/Colorado City Utility Departments  
P.O. Box 840490  
Hildale, UT 84784

**Subject: Proposed Scope of Services for Hildale City Groundwater Source Development Feasibility Study**

Dear Harrison:

In accordance with your request, this letter has been prepared for your review and consideration. Below is a scope of services and an associated fee from Bowen Collins & Associates (BC&A) to provide a feasibility study for the development of a new groundwater source in the Navajo Sandstone aquifer. The scope of services presented herein describes the individual tasks that will be performed to accomplish this objective. The tasks are summarized as follows:

Task	Description
Task 1	Kickoff Meeting and Site Visit
Task 2	Compile and Evaluate Existing Hydrogeologic Information
Task 3	Water Rights Evaluation
Task 4	Water Quality/Age Dating Analysis
Task 5	Geophysical Investigation Survey
Task 6	Groundwater Modeling
Task 7	Document Results in Groundwater Supply Feasibility Report

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## PROPOSED SCOPE OF SERVICES

### ***Task 1: Kickoff Meeting and Site Visit***

BC&A's Team will prepare for and conduct a project kickoff meeting with Hildale representatives. The purpose of the meeting is to review the scope, budget, and schedule and begin the data collection task. We request that Hildale provide BC&A with copies of existing pertinent project information, such as previous hydrogeologic studies and reports, well logs, water rights, water system maps and GIS data. A site visit will be conducted to tour the existing Hildale spring collection systems in the Navajo Formation.

#### ***Deliverables:***

- Meeting Agenda
- Meeting Notes with action items

***Task 2: Compile and Evaluate Existing Hydrogeologic Information***

BC&A will compile existing hydrogeologic information from public sources such as the USGS, Utah Geologic Survey, and the Divisions of Water Rights and Oil, Gas & Mining. BC&A will compile existing well logs from the Utah Division of Water Rights and from the Arizona Department of Water Resources. Data gathering will include published hydrogeologic studies, geologic studies/maps, well drillers logs, and GIS shapefiles. BC&A will evaluate the information and prepare a technical memorandum on the findings as part of Task 7. Interim deliverables will include tables and figures summarizing the data. BC&A will gather information on the existing spring sources and their collection systems. We anticipate that this will include discussions or interviews with Hildale City personnel that are familiar with their original construction and operation.

***Deliverables:***

- Tables and figures summarizing hydrogeologic data (interim deliverables pending the Feasibility Study Report as Task 7)

***Task 3: Water Rights Evaluation***

BC&A will compile and conduct an evaluation of Hildale's water rights that are available or potentially available for development of new Navajo aquifer sources. The goal of the water rights evaluation is to identify the water rights, their volume or amount, and place and type of use. From this, an assessment into the total quantity of available water rights and need for change applications will be performed. The evaluation is not an in-depth assessment of the legal standing or other complexities of the water rights.

***Deliverable:***

- Table summarizing available water rights

***Task 4: Water Quality/Age Dating Analysis***

BC&A will compile and evaluate existing water quality information for the Navajo Sandstone Formation. BC&A will collect water samples from the existing 2 spring sources completed in the Navajo Formation for age dating analyses. The goal is to better understand the spring flow and local precipitation/climate data to define the vulnerability of the springs to drought and climate change. BC&A will utilize the University of Utah Dissolved and Noble Gas Laboratory and Dr. Kip Solomon for the specialty analytical work. BC&A's scope for this task is the data evaluation and reporting. Analytical and reporting costs from the University of Utah have a budgetary cost estimate of \$6,000 at this time. The analyses will include dissolved and noble gases (14 parameters), tritium, helium, chlorofluorocarbons (CFC's), and common ions. The lab typically requires several months to complete most of the isotope analyses. The geochemistry data will be used for determining the groundwater time of travel to the springs and infer the recharge elevation of the source water. We assume that a total of 2 samples (Jans Canyon and Maxwell Canyon Springs) will be collected for the study. If available, BC&A will also compile the available spring flow records and compare them to local recent meteorological data (precipitation records) to evaluate the relationship and vulnerability of spring flow to climate changes, with the knowledge gained from the geochemistry study. The results of the age dating analyses will be summarized in a Technical Memorandum report.

***Deliverable:***

- Technical Memorandum Report on Age Dating Analyses

***Task 5: Geophysical Investigation Survey***

The intent of this task is to perform a geophysical survey(s) to investigate the Navajo Sandstone Formation for preferential flow paths due to fractures, joints, bedding planes, and contact with the Kayenta Formation. This information would be used to further the hydrogeologic characterization of the Navajo Formation and for the site selection and design of future water supply wells. It is recommended that the scoping and selection of the geophysical survey technique be made after the existing hydrogeologic information is compiled and evaluated. BC&A will solicit a proposal from Willow Stick, a geophysical survey company located in Sandy, Utah. Willow Stick has previous experience with surveys of the Navajo Formation. We have contacted Willow Stick and obtained a budgetary cost estimate of \$60,000 at this time. BC&A will coordinate the survey work performed by Willow Stick. A report on the findings of the geophysical survey will be prepared by Willow Stick.

***Deliverable:***

- Geophysical Survey Report

***Task 6: Groundwater Modeling***

BC&A will develop a conceptual hydrogeologic model of the Navajo Sandstone aquifer. We are currently not aware of a published USGS numerical groundwater flow model (MODFLOW model) for the site. We understand that Sunrise Engineering may have previously developed a numerical model of the aquifer. If so, it would be helpful to obtain a copy of it. BC&A will develop a basic numerical model (MODFLOW) of the Navajo aquifer. BC&A will use the MODFLOW model to make predictive simulations of groundwater extraction (groundwater pumping) for the purpose of assessing the feasibility and sustainability of developing an adequate water supply for Hildale. It is anticipated that there is limited existing well information and that developing a robust, calibrated model will not be possible or feasible.

***Deliverable:***

- Basic MODFLOW model of the Navajo Aquifer and up to 3 predictive groundwater extraction simulations

***Task 7: Groundwater Supply Feasibility Report***

BC&A will prepare a report summarizing the data and results from the study and above described tasks. The report will focus on recommendations for potential development of new water supply from the Navajo aquifer and include recommendations for a test drilling program (horizontal/vertical), and conceptual well drilling cost estimates. In addition, any critical flaws or issues associated with the development of groundwater in the Navajo aquifer identified at this point will be included.

***Deliverable:***

- Draft and Final Groundwater Supply Feasibility Study Report

**PROPOSED SCHEDULE**

BC&A proposes to complete this feasibility study within a time period of approximately 6 months. Table 1 shown below provides the estimated time required to complete each task outlined in the scope of services.

**Table 1. Proposed Project Schedule**

Hildale Source Development Feasibility Study								
Task	Task Item	Duration (Weeks)	Month					
Objective	Objective Description		1	2	3	4	5	6
1	Kickoff Meeting and Site Visit	1	█					
2	Compile and Evaluate Hydrogeologic Information	5	█	█	█			
3	Water Rights Evaluation	3			█	█		
4	Water Quality/Age Date	18			█	█	█	█
5	Geophysical Investigation Survey	4			█	█		
6	Groundwater Modeling	7			█	█	█	
7	Groundwater Supply Feasibility Report	5						█

**COST SUMMARY**

BC&A has tabulated the estimated man-hours and costs to complete each task outlined in the previously defined scope of services. As presented in the attached exhibit, we propose to complete the scope of services for a fee not to exceed \$113,379. This fee includes the budgetary cost estimates for the geophysical survey and water quality/age dating services.

We are willing to negotiate the scope of work, schedule, and fee if there is something in this proposal that does not meet the needs of Hildale City. We look forward to working with Hildale City on this feasibility study. We are available to start work immediately. Please call if you have any questions or if you need additional information.

Sincerely,

BOWEN COLLINS AND ASSOCIATES



Todd Olsen, P.E.  
 Project Manager

Attachment

# ATTACHMENT B

**Groundwater Supply Feasibility Study  
Hildale City  
Engineering Man-hours and Fee Estimate**



6/6/2019

		Office		Engineers					Subtotal Hours	Subtotal Labor	Subtotal Expenses	Total Cost
Labor Category		Account	Editor	Eng 3	Eng 1	Eng 3	PM	Sr Hydro				
Staff		Buhler	Hilbert	Anderson	Trow	DeKorver	Olsen	Mikell				
Task	Task Description											
<b>Groundwater Supply Feasibility Study</b>												
1	Kickoff Meeting and Site Visit	1			8	8	4	6	27	\$ 3,810	\$ 525	\$ 4,335
2	Compile and Evaluate Hydrogeologic Information	1		8	40	40	2	8	99	\$ 12,750	\$ 923	\$ 13,673
3	Water Rights Evaluation			2		4	2	8	16	\$ 2,610	\$ -	\$ 2,610
4	Water Quality/Age Date				3				3	\$ 342	\$ -	\$ 342
5	Geophysical Investigation Survey	1		2	16		2	4	25	\$ 3,222	\$ 563	\$ 3,785
6	Groundwater Modeling			2	50	24	4	12	92	\$ 12,024	\$ -	\$ 12,024
7	Groundwater Supply Feasibility Report	1	4	4	24	24	4	16	77	\$ 10,496	\$ 525	\$ 11,021
<b>TOTAL HOURS</b>		<b>4</b>	<b>4</b>	<b>18</b>	<b>141</b>	<b>100</b>	<b>18</b>	<b>54</b>	<b>339</b>		<b>\$ 2,535</b>	<b>\$ 47,789</b>
	Geophysical Survey										\$ 60,000	\$ 60,000
	Water Quality/Age Dating Sampling										\$ 6,000	\$ 6,000
<b>TOTAL OUTSIDE EXPENSES</b>												<b>\$ 66,000</b>
<b>TOTAL COST NOT TO EXCEED</b>											<b>\$ 45,254</b>	<b>\$ 68,535</b>

Expenses include:

- Mileage reimbursement at \$0.75/mile
- Travel per diem
- 10% Markup on other project related expenses

RULES OF ORDER AND PROCEDURE  
OF THE HILDALE CITY COUNCIL

The City Council for the City of Hildale, Utah has adopted these Rules of Order and Procedure (the “Rules”) to govern its public meetings, with the objective that the Public’s business should be carried out in a fair, open, civilized and orderly manner, in order to preserve the democratic principles that are necessary to good government. These Rules do not diminish the existing powers or authority of the Mayor and City Council under the Constitution of the State of Utah or under Utah law, including the Utah Municipal Code, Utah Code Annotated Section 10-1-101 *et seq.*, and the Open and Public Meetings Act, Utah Code Annotated Section 52-4-101 *et seq.* Where these Rules may conflict with applicable provisions of state law, the latter shall govern.

**1. Conduct of Meetings**

**1.1. Role of the Mayor.**

- 1.1.1. The Mayor shall serve as meeting chair.
- 1.1.2. If the Mayor is absent, unable or unwilling to serve as chair of any meeting or portion thereof, the Council may elect a Councilmember to serve as Mayor Pro Tempore, who shall retain the voting rights of a Councilmember.
- 1.1.3. The Mayor has the primary responsibility for ensuring that these Rules are followed.

**1.2. Types of Council Meetings**

Meetings of the Council shall be categorized as follows:

- 1.2.1. Regular Council Meetings. A regular council meeting is convened at the date, time and place established by the Council for its regular meetings and published in the annual meeting schedule, or as rescheduled in a duly posted and published public notice. The purpose of a public meeting is for the Council to discuss or take final action on items of Council business that are permitted or required by law to be considered in a regular meeting. Regular council meetings are ordinarily open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.
- 1.2.2. Work meetings. A work meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor or the Mayor’s designee. The purpose of a work meeting is for the Council to discuss or study items of Council business that are not ready for final action, or to receive and discuss special training or presentations. No final action shall be taken in a work meeting unless the Council votes to

suspend its Rules as provided for below. In a work meeting, the Mayor and Council may sit around a conference table or in any other informal arrangement that may facilitate the subject under discussion. Work meetings must be open to the public.

- 1.2.3. Special meetings. A special meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor. The purpose of a special meeting is for the Council to discuss or take final action on items of Council business that are permitted or required by law to be considered in a special meeting. The order convening the meeting shall be included in the minutes and shall state the reason for calling a special meeting. Regular council meetings are ordinarily open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.
- 1.2.4. Emergency Meetings. An emergency meeting may be called by the Mayor or by two Councilmembers and shall be chaired by the Mayor or **the Mayor's designee. The purpose of an emergency meeting is for the Council to discuss or take final action on matters of an emergency or urgent nature, when unforeseen circumstances make it necessary to meet without advance public notice.** The order convening the meeting shall be included in the minutes and shall state the reason for calling an emergency meeting. The Council must give the best notice practicable to the public and attempt to notify every Councilmember. An emergency meeting may only be convened after at least three **hours' notice, and after** a majority of the Councilmembers vote to do so. Emergency meetings must be open to the public, unless closed in accordance with these Rules and the Open and Public Meetings Act.
- 1.2.5. Public Hearings

### **1.3. The Agenda**

- 1.3.1. Before any item of Council business may be discussed in a meeting of the City Council, such item shall have been listed under an agenda item included in a public notice, unless:
  - 1.3.1.1. The item is the proper subject of a closed meeting convened in accordance with the provisions of the Open and Public Meetings Act; or
  - 1.3.1.2. The item is raised by a member of the public, but only at the discretion of the Mayor.
- 1.3.2. Before any final action may be taken on an item of Council business, such item shall have been listed under an agenda item included in a public notice, unless the item is the proper subject of an emergency meeting convened in accordance with the provisions of the Open and Public Meetings Act.
- 1.3.3. Items may be placed on the agenda by the Mayor, by the City Manager, or by any two Councilmembers.



- 1.3.4. To allow the Council adequate time to study agenda items in advance of meetings, all agenda items and packet materials must be received by the Mayor or City Manager by 8:00 a.m. on the Friday preceding the meeting in which the item will be considered, or the item will be placed on the agenda for the next following meeting.

#### **1.4. Order of Business**

Each regular meeting shall be conducted in the following order:

##### 1.4.1. Opening Ceremonies

- 1.4.1.1. Welcome, Introduction and Preliminary Matters
- 1.4.1.2. Serious Moment of Reflection/Pledge of Allegiance
- 1.4.1.3. Special recognitions

- 1.4.2. Approval of Minutes. Councilmembers will have had prior opportunity to review the minutes of prior meetings. The Mayor will ask the Council if there are any changes or corrections. Requests for verbatim transcriptions are disfavored. Once changes and corrections have been made, if any, the Mayor will solicit a motion to adopt the minutes, and a vote will be taken. Once the minutes have been adopted, they become the final, official record of the relevant meeting.

- 1.4.3. Public Comment. Members of the public are encouraged to address the Council. Comments on any topic relevant to the public interest in the City are welcome **but, at the Mayor's discretion, comments relating** to items on the agenda may be reserved until such agenda items are taken up. Commenters shall begin by stating their full name, place of residence, and any position or relationship relevant to the comment. If numerous public comments are anticipated, each commenter may be limited to three minutes per comment, at the discretion of the Mayor. **In the Mayor's discretion**, she or he may respond or ask questions to a commenter after a comment is made or may allow a Councilmember or member of the administration to respond or ask questions. No Council action can be taken on a topic raised in public comment until a subsequent council meeting.

- 1.4.4. Council Comments. Councilmembers may address brief comments to the Council or to the public at large, but the Council shall not **discuss or take any action on councilmembers' comments.**

##### 1.4.5. Oversight Items

- 1.4.5.1. Financial and Check Registry Review and Approval
- 1.4.5.2. Ratification of Utility Board Actions
- 1.4.5.3. **City Manager's Report.** The City Manager reports to the Council every month in writing. This report is intended to be a

brief oral summary of the written report, and an opportunity for Councilmembers to ask questions regarding the written report.

1.4.5.4. **Mayor's Report.** The Mayor will report, and councilmembers **will have the opportunity to ask questions on the Mayor's recent** activities, as well as any other matters the Mayor desires to present that do not require Council action, such as community events or correspondence to the City.

#### 1.4.6. Action Items

1.4.6.1. Consent Agenda. The consent agenda lists Council action items which require no further discussion or which are routine in nature, such as contracts negotiated by the city administration. The Mayor may ask if any Councilmember has a question regarding a consent agenda item. All items on the consent agenda shall be adopted by a single motion and roll call vote. Prior to the motion to adopt the consent agenda, any Councilmember may have an item removed from the consent agenda in order to permit discussion on that item.

1.4.6.2. Appointments. After the Council has had the opportunity in a work meeting to be introduced to and ask questions of a candidate subject to appointment by the Mayor or City Manager to a board, committee, or public official position, the City Council gives its advice and consent for the appointment in a regular meeting.

1.4.6.3. Unfinished Council Business. Items of Council business that have been previously considered in a prior council meeting, may after discussion be taken up by motion for final action, or may be referred to another council meeting for further consideration.

1.4.6.4. New Council Business. New items of business being **recommended for the Council's** consideration for the first time will be presented by **the item's sponsor (councilmember, mayor, staff member, or other presenter)**, whose name will be listed with **the item on the agenda. If, in the Mayor's discretion, she or he** deems that immediate action on the new business item is advisable, or the Council votes to suspend these Rules, the Council may take final action on the item by motion. Otherwise, the Council will discuss the new business item and may by motion (a) decline to address the proposed item, (b) postpone considering the item to a New Council Business agenda on a subsequent regular meeting, (c) refer the item to a work meeting for further study, or (d) refer the item to a future Council agenda for further action.

- 1.4.6.5. Public Hearing (if required). A public hearing provides an opportunity for all interested parties to be heard on a particular item of Council business. Public hearings are sometimes required by law before final action can be taken but may be called by the Council on any topic that the Council would like public input on. First, the Mayor or a member of the administrative staff having knowledge about the issue will present information about it and answer questions. Then, before the Council holds any discussion or takes any action, all parties interested in addressing the issue will be invited to speak. When all input has been heard, the Mayor will close the public hearing. After discussion, the Council will take action on the topic of the public hearing by motion.
- 1.4.7. Executive Session. In certain circumstances, the Council may discuss a matter in a closed meeting with only the Councilmembers and essential administrative staff present. Such a meeting may be held upon the affirmative vote of 2/3 of the Councilmembers present at the meeting. (U.C.A. Sec. 52-4-204(1)(a)(iii)). Closed meetings may only be held for purposes deemed lawful under Utah State law, as provided in U.C.A. § 52-4-205, as amended, which are:
- (a) Discussion of the character, professional competence, or physical or mental health of an individual;
  - (b) Strategy sessions to discuss collective bargaining;
  - (c) Strategy sessions to discuss pending or reasonably imminent litigation;
  - (d) Strategy sessions to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration, or prevent the public body from completing the transaction on the best possible terms;
  - (e) Strategy sessions to discuss the sale of real property including any form of a water right or water shares, if: (1) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms; (2) the public body previously gave public notice that the property would be

offered for sale; and (3) the terms of the sale are publicly disclosed before the public body approves the sale;

(f) Discussion regarding deployment of security personnel, devices or systems; and

(g) Investigative proceedings regarding allegations of criminal misconduct.

The reason for holding a Closed Meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved in a Closed Meeting. Unless a meeting is closed to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the City Council shall record the closed portion of the meeting, and may keep detailed written minutes that disclose the content of the closed portion of the meeting. Recordings and written minutes of closed meetings are protected records under Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA) and unauthorized disclosure triggers criminal penalties. If the City Council closes a meeting exclusively to discuss the character, professional competence, or physical or mental health of an individual, or to discuss the deployment of security personnel, devices or systems, the person presiding shall sign a sworn statement affirming that such was the sole purpose for closing the meeting. Actions challenging the legality of a closed meeting are governed by U.C.A. § 52-4-304.

1.4.8. Calendar of Upcoming Events

1.4.9. Scheduling. The Recorder will inform those in attendance of the next regular council meeting. The Mayor will consult with the Council and schedule additional dates for work sessions or special meetings, as necessary.

1.4.10. Adjournment.

## **1.5. Processing of Action Items**

Each council meeting shall progress according to the agenda, unless the Mayor by general consent takes up an agenda item out of sequence or postpones an agenda item until later in the meeting. Individual action items on the agenda shall proceed as follows:

- 1.5.1. The Mayor clearly announces the agenda item number and clearly states what the agenda item subject is.
- 1.5.2. The Mayor invites the appropriate person to report on the agenda item, including any recommendation that they might have.
- 1.5.3. The Mayor asks members of the Council if they have any technical questions of clarification.
- 1.5.4. If in the context of a public hearing, the Mayor invites public input on the agenda item. If numerous members of the public are anticipated to offer public input, the mayor may limit the time of public speakers. At the conclusion of the public input, the Mayor will announce that the public hearing is closed.
- 1.5.5. If there is no public hearing, the Mayor may invite public comment.
- 1.5.6. The Mayor invites a motion on the action item.
- 1.5.7. If no motion is forthcoming, the Mayor may ask for discussion and then invite a motion again.
- 1.5.8. Once a motion is made, the Mayor asks if any other Councilmember wishes to second the motion.
- 1.5.9. If there is no second for the motion, then the motion is deemed to have died.
- 1.5.10. If the motion is seconded, the Mayor will announce the name of the Councilmember who made the motion and the name of the Councilmember who seconded the motion, and restate the motion that has been made.
- 1.5.11. The Mayor invites discussion of the motion on the table. The sponsor of the motion will be allowed to speak first and last.
- 1.5.12. During discussion, any of the following procedural motions will be considered without debate:
  - 1.5.12.1. Motion to recess
  - 1.5.12.2. Motion to adjourn
  - 1.5.12.3. Motion to adjourn at a set time
  - 1.5.12.4. Motion to suspend the rules (requires a two-thirds majority)
  - 1.5.12.5. Motion to call for a vote
  - 1.5.12.6. Motion to table the motion to later in the same meeting
  - 1.5.12.7. Motion to table the motion to a set time and date
  - 1.5.12.8. Motion to table the motion indefinitely
  - 1.5.12.9. Motion to refer the motion to a committee
  - 1.5.12.10. Motion to limit debate on a motion
  - 1.5.12.11. Motion to amend the motion
- 1.5.13. At any time before motion amendment or voting, the sponsor of the motion may withdraw the motion, with the consent of the Mayor.

- 1.5.14. Any Councilmember who wishes to speak must raise their hand after the current speaker finishes. The Mayor will call upon each member by name. Once a member has been recognized, they have the floor and may begin speaking. No interruptions will be allowed, except to answer questions posed by the Councilmember who has the floor.
- 1.5.15. If there is no discussion, or after the discussion has ended, the Mayor will call for a vote on the motion. The Mayor should repeat the motion again if there has been substantial discussion.
- 1.5.16. After a roll call vote, the Mayor announces the result of the vote and what action (if any) the Council has taken.

## **1.6. General Consent**

- 1.6.1. For procedural motions that do not require a roll call vote, the Mayor may use general consent. After a motion has been made and seconded, and the Mayor feels the council is all in agreement, the Mayor asks if there are any objections to the motion. After a pause, if there are no objections the Mayor states that the motion is approved. If there is an objection then the motion is put to a regular vote. A Councilmember may vote in favor of a motion after objecting, as when the member feels it is important to have a formal vote.
- 1.6.2. Motions to Reconsider. A Councilmember who voted on the prevailing side of an item previously voted on in the same or an immediately preceding meeting may make a motion to reconsider the decision. A vote shall not be taken on a motion to reconsider made at a subsequent special meeting unless the number of Councilmembers present at the special meeting is greater than or equal to the number of Councilmembers who voted on the original motion. Any discussion on a motion to reconsider shall relate to the reason for reconsideration only, such as any new information received or mistake discovered since the action was taken, and not to the merits of the original motion. If the motion to reconsider is successful, the Mayor shall announce the names of the members who made and seconded the original motion, and restate the motion, then call for any discussion. If there is no discussion, or after discussion has concluded, the Mayor shall call for a new vote on the original motion.
- 1.7. Motions to Amend. The intent of an amendment is to modify the original motion by inserting, adding to, striking out, and striking out and inserting language in the original motion. A motion to amend a motion should relate to the same subject as the original motion. This ensures that the Council will vote on one matter at a time. A motion to amend should not have as its intent a reversal of the main motion. For example, if the main

motion is to adopt an ordinance, it is not a proper motion to submit an amendment to "not" adopt the ordinance. Amendments to the main motion are discussed and voted on before the main motion. Only the amendment is discussed - not the main motion. If the amendment fails, then discussion and voting on the main motion, as originally stated, follows. If the amended motion passes, the amended motion becomes the main motion. The Mayor will proceed with an amendment motion in the same manner as a main motion. In conducting a Council discussion on an amendment motion, the sponsor of such motion is allowed to speak first. All other Council Members are allowed to address the issue after that. The author of the amendment motion is also allowed to make a summation. 19 Any Council Member may move to amend any proposed ordinance or proposed resolution; provided, however, that no amendment shall change the original purpose. Any amendments to a proposed ordinance or proposed resolution recommended by a committee of the Council shall be made to the appropriate document prior to its appearing on the Consent Agenda. Such amendment will be noted in the Council minutes

#### 1.8. Voting

1.8.1. **Voting shall be in the form of "yes," "no," or "abstain."** All votes requiring a majority shall be a majority of the quorum present, except where State law require otherwise.

1.8.2. An **expression of "abstain" during voting shall** not be counted as either a yes or a no vote. A Councilmember who abstains on a question, or is absent, may not move to reconsider that question.

1.8.3. In the case of a tie vote, the Mayor shall cast the deciding vote.

1.8.4. Council members shall not explain their votes during the call of the roll or at the time of a voice vote. However, at the conclusion of the vote, any Council member may request a point of personal privilege to give an explanation of their vote.

#### 1. Committees

a. The City Council may, from time to time, create, revise, or abolish any and all Council committees, or make any changes to the committee structure. The City Council may create any special or ad hoc committee for any specific purpose proper for Council consideration. When such committee is created, its purpose and a relevant time frame will be established. After the final report of the committee, the special or ad hoc committee of the Council will be abolished. The City Council may or may not elect to formally participate, either by its own membership or its designees, in a committee being established by the Mayor. Any standing committee, or the Council as a whole, may resolve to sit as an

oversight committee for the purpose of investigating items relating to the conduct of City business. However, no powers are accorded the committee other than those provided by state law. All meetings of Council committees, standing, ad hoc, oversight, shall provide notice in conformance with the Utah Open and Public Meetings Act.

## 2. Suspension of the Rules

- a. If a person presenting a matter to the Council informs the Council Members, by information delivered in Council packets prior to a regular Council meeting, why a matter must be acted upon/voted on at its first reading, Council Members may suspend their rules and vote on it. If the Council Members do not vote to suspend the rules on such matter, it will go to Unfinished Business or to the Consent Agenda for the next regular Council meeting. No rule shall be suspended except by the affirmative vote of the Council Members.

## 3. Rules to Govern Council Member Conduct

### a. Decorum

- i. At regular meetings of the City Council, Council members shall speak only after being recognized by the Chair. Any meeting designated as a work meeting shall be more informal and Council Members may freely participate as long as proper decorum is maintained.
- ii. Council members shall conduct themselves at all times with decorum and respect.
- iii. Council members shall refrain from making any disparaging remarks concerning any other member of the governing body or the public.
- iv. Council members shall avoid references to personalities, and refrain from questioning motives of other members or staff.
- v. No Council member shall walk about, in or out of the Council Chamber while the Chair is calling the vote.
- vi. Council members should avoid engaging in private discourse or committing any other act which may tend to distract the attention of the Council or the audience from the business before the **Council, or interfere with any person's right to be heard after** recognition by the Chair.
- vii. When debating a specific subject before the Council, Council members shall confine their remarks to the topic under discussion or debate. Anyone engaging in discussion or debate beyond the topic before the Council shall be ordered to stop by



the Chair and no further discussion or debate will be allowed by said person.

- b. Expulsion of a Member
  - i. Two-thirds vote: (a) disorderly conduct at the open public meeting; (b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or (c) a commission of a crime during the open public meeting.
- 4. Rules to Govern Conduct of Members of the Public
  - a. Other than at public hearing or public comment portions of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by the Mayor or a member of the Council.
  - b. No member of the public shall be heard until recognized by the Mayor.
  - c. Members of the public shall avoid personal attacks, demonstrations, or outbursts without being recognized.
  - d. Members of the public must address their remarks directly to the Council as a body concerning the agenda business.
  - e. Members of the public shall observe proper decorum and must not behave disruptively.
  - f. When speaking or discussing before the Council, members of the public shall confine their remarks to the question under discussion, avoiding personalities. Anyone engaging in discussion beyond the question before the Council shall be ordered to stop by the Mayor, and no further discussion will be allowed by said person.
  - g. **It is the Council's goal that residents of the City resolve their complaints for service or regarding employees' performance at the staff level.** However, it is recognized that residents may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, the City Council expects any person presenting to the city council to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.
  - h. Personal attacks made publicly toward any person or city employee are not allowed. Speakers are encouraged to bring their complaints regarding employee performance through the supervisory chain of **command in accordance with the City's Personnel Policies.**
  - i. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed to have disrupted a public meeting and,

upon a two-thirds vote of the Council, shall be removed from Council chambers by Police Department personnel or other agent designated by City Council or City Manager

5. Investigations

- a. Hildale City takes seriously allegations of official misconduct of all kinds, whether malfeasance and nonfeasance; particularly regarding fraud, misrepresentation, theft, and ethical breaches of elected or appointed public officials and employees, and discrimination based on membership in any class protected by law.
- b. If a member of the City Council or the public alleges or suspects that official misconduct has been or is being committed by a public official or city, they should notify the Mayor, the City Manager and the City Attorney. If the Mayor, City Manager and City Attorney determine there is a reasonable suspicion of official misconduct, the matter should be placed on the next council meeting agenda for an executive session. In the discretion of the Mayor, the individual accused of misconduct may or may not be invited to participate in the executive session. After the conclusion of the executive session provided for hereunder, the Mayor shall in an open meeting call for a motion to refer the matter for an investigation into the conduct discussed in the executive session, without being specific as to the nature of the alleged conduct or the identity of the alleged perpetrator. If such a motion is made and is successful, the Mayor shall direct the Recorder to prepare a summary of the executive session recording in a memorandum to the City Attorney. The City Attorney shall thereafter investigate the allegations and report their findings in writing to the Mayor and City Manager. If the City Attorney finds that official misconduct probably occurred, the Mayor and City Manager shall take any appropriate administrative action, then they shall place the matter on the next council meeting agenda for an executive session and there review their findings and actions taken with the members of the City Council.
- c. No member of the public or the City Council may initiate investigative proceedings within the City except through the process described herein but may resort to any other processes and remedies provided by state law.

**SUNRISE ENGINEERING**  
**FEE SCHEDULE**  
**EXHIBIT A**

Work Code	Work Classification	Hourly Rate	Work Code	Work Classification	Hourly Rate
101	Engineer Intern (E.I.T.) I	\$99	404	CAD Drafter IV	\$104
102	Engineer Intern (E.I.T.) II	\$108	451	Training Specialist I	\$130
103	Engineer III	\$137	456	Training Manager	\$156
104	Engineer IV	\$154	460	Training Director	\$180
105	Engineer V	\$174	500	Funding Specialist	\$126
110	Principal Engineer	\$196	510	Plan Reviewer	\$110
121	Electrical Engineer Intern (E.I.T.) I	\$109	511	Building Inspector I	\$65
122	Electrical Engineer Intern (E.I.T.) II	\$122	512	Building Inspector II	\$87
123	Electrical Engineer III	\$138	513	Building Inspector III	\$108
124	Electrical Engineer IV	\$159	525	Building Official	\$126
125	Electrical Engineer V	\$175	601	GIS Tech	\$68
126	Principal Electrical Engineer	\$196	602	GIS Tech II	\$78
301	Engineering Tech I	\$77	611	GIS Specialist I	\$98
302	Engineering Tech II	\$95	613	GIS Analyst	\$112
303	Engineering Tech III	\$108	614	GIS Programmer	\$98
304	Engineering Tech IV	\$133	615	GIS Team Lead	\$128
311	Electrical Tech I	\$84	51	Administrative I	\$45
312	Electrical Tech II	\$95	52	Administrative II	\$59
313	Electrical Tech III	\$105	53	Administrative III	\$74
314	Electrical Tech IV	\$116	712	Project Manager II	\$165
315	Electrical Tech V	\$127	723	Water Rights Specialist III	\$123
351	Construction Observer I	\$67	921	Survey Tech	\$80
352	Construction Observer II	\$88	930	Survey CAD Tech	\$115
353	Construction Observer III	\$98	935	One Man Survey Crew	\$150
354	Construction Observer IV	\$108	940	Survey Manager	\$160
401	CAD Drafter I	\$69	945	Registered Surveyor	\$170
402	CAD Drafter II	\$79	950	Principal Surveyor	\$185
403	CAD Drafter III	\$94			

**REIMBURSABLE EXPENSE SCHEDULE**

Expense	Rate	Mark-Up
Mileage	\$0.59 per mile	N/A
Field Vehicle (on site)	\$50 per day	N/A
Per Diem Meals	\$57 per day	N/A
Troxler Nuclear Density Gauge	\$40 per day	N/A
High Density Scanner	\$150 per hour	N/A
Material Testing Lab Work	Actual Cost	15%
Outside Consultants, Aerial Photography, etc.	Actual Cost	15%
Lodging	Actual Cost	10%
Other Expenses incurred	Actual Cost	10%

Fees automatically change after the beginning of the year and are subject to change on other occasions.

Base 01-2019

# Land Use Fees

Current Rate	Proposed Rate	Difference	Date Reviewed	Description
\$500.00	\$500.00	\$ -		Abandonment (Easement or Right of Way) Base Fee (Plus Staff Time Fee)
\$25.00	\$25.00	\$ -		Staff Time per hour fee
same as original plat fee	Same as original plat fee			Amended Plat (after Council approval)
\$500.00	\$500.00	\$ -		Annexation - up to 200 Acres
\$100.00	\$100.00	\$ -		Annexation - per acre over 200 Acres
\$10.00	\$10.00	\$ -		Appeals
\$50.00	\$100.00	\$ 50.00		Conditional Use Permit
\$100.00	\$100.00	\$ -		General Plan Amendment
\$650.00	\$650.00	\$ -		Lot Line Adjustment Fee
\$650.00	\$650.00	\$ -		Minor Land Division/ <u>Lot Split</u>
\$30.00	\$30.00	\$ -		Recording Fees charge per page
\$500.00	\$500.00	\$ -		Reversion to Acreage Base Fee (Plus Staff Time Fee)
\$650.00	\$650.00	\$ -		Revision of Plat
\$100.00	\$100.00	\$ -		Re-Zoning Application Base Fee
\$25.00	\$25.00	\$ -		Sketch Plan Base Fee (Plus the Sketch Plan Per Acre Fee)
\$20.00	\$20.00	\$ -		Sketch Plan Per Acre Fee (Plus the Sketch Plan Base Fee)
\$25.00	\$25.00	\$ -		Special Use Permit
\$1,400.00	\$400.00	\$ (1,000.00)		Subdivision Final Plat Base Fee (Plus the Subdivision Final Plat Per <del>Acre</del> <u>Lot</u> Fee)
\$25.00	\$160.00	\$ 135.00		Subdivision Final Plat Per <del>Acre</del> <u>Lot</u> Fee (Plus the Subdivision Final Plat Base Fee)
\$1,600.00	\$300.00	\$ (1,300.00)		Subdivision Preliminary Plat <del>Base Fee (Plus the Subdivision Preliminary Plat Per Acre Fee)</del>
<del>\$35.00</del>	<del>\$-</del>	<del>\$ (35.00)</del>		Subdivision Preliminary Plat Per Acre Fee (Plus the Subdivision Preliminary Plat Base Fee)
\$50.00	\$200.00	\$ 150.00		Variance Application Fee (Commercial) <del>Rate per square foot</del>
\$25.00	\$100.00	\$ 75.00		Variance Application Fee (Residential) <del>Rate per square foot</del>
\$25.00	\$25.00	\$ -		All other Zoning Application Fees (Plus Staff Rate Plus Consultant Rate)
\$20.00	\$25.00	\$ 5.00		All other Zoning Application Staff Rate (Per Hour)
At Cost	At Cost			All other Zoning Application Consulting Rate
\$50.00	\$-	\$ (50.00)		Zoning Verification Fee

## HILDALE CITY PLANNING DEPARTMENT STAFF REPORT

**Project/Applicant Name:** Hildale City Land Use Rates and Fees changes

### **Summary**

Hildale City Land Use Fees are meant to reflect the cost that Hildale City bears when processing applications. Staff has taken the time to go over some of these costs to make changes to reflect the amount of time, resources, and outside consultant fees that may be required to process certain applications.

### **Analysis/Recommendation**

The following changes are being recommended:

#### **Conditional Use Permit:**

**Current:** \$50.00

**Proposed:** \$100.00

**Change:** + \$50.00

**Reasoning:** This was based on the Staff Time per Hour Fee. The minimum time for staff to process any land use application will be at least 4 hours.

#### **Subdivision Final Plat Base Fee:**

**Current:** \$1,400.00

**Proposed:** \$400.00

**Change:** - \$1,000.00

**Reasoning:** This fee represents the time to process the Final Plat. It will include Staff time for processing as well as time in front of several committee's for approval. The reduction in cost is due to the fact that there is an increase in the Final Plat Per Lot Fee that will be discussed later on. This reduction would make smaller subdivisions more feasible.

#### **Subdivision Final Plat Per Lot Fee:**

**Current:** \$25.00

**Proposed:** \$160.00

**Change:** + \$135.00

**Reasoning:** This fee is to reflect the amount of time it takes to process each lot in a subdivision. Note that this item used to be a Per Acre Fee and it is proposed to change it to a Per Lot fee. This is due to the fact that each lot will need to be checked for certain development standards. This fee is also used for inspection of the off site improvements which will need to be checked on a per lot basis.

### Subdivision Preliminary Plat

**Current:** \$1,600.00

**Proposed:** \$300.00

**Change:** - \$1,300.00

**Reasoning:** The preliminary plat is the first step in subdivision and doesn't involve as much consulting time from professionals such as engineers. It will have to be processed and go through a couple of committees before being passed or denied and moving on to the next step.

### Subdivision Preliminary Plat Per Acre Fee:

**Current:** \$35.00

**Proposed:** \$0.00

**Change:** - \$35.00

**Reasoning:** Because the preliminary plat doesn't require on site inspections it is suggested that we remove this fee entirely.

### Variance Application Fee (Commercial)

**Current:** \$50.00

**Proposed:** \$200.00

**Change:** + \$150.00

**Reasoning:** The main change in this is the wording on this fee. Originally it was \$50 per square foot. This would lead to some pretty large costs when asking for a variance on a commercial building. It was decided that a flat rate would better suite this purpose.

### Variance Application Fee (Residential)

**Current:** \$25.00

**Proposed:** \$100.00

**Change:** + \$75.00

**Reasoning:** The main change in this is the wording on this fee. Originally it was \$25 per square foot. This would lead to some pretty large costs when asking for a variance on a residential building. It was decided that a flat rate would better suite this purpose.

### All other Zoning Application Staff Rate (Per Hour)

**Current:** \$20.00

**Proposed:** \$25.00

**Reasoning:** This was changed to match the Staff Time per Hour Fee listed early in the fee schedule.

**HILDALE CITY RESOLUTION NO. 2019-08-01**

**A RESOLUTION ADOPTING A SCHEDULE OF LAND USE RATES AND FEES FOR HILDALE CITY, WASHINGTON COUNTY, UTAH.**

WHEREAS, Hildale City has established a Schedule of Rates and Fees, which was last amended by Hildale City Resolution No. 2018-11-03, to be charged for municipal services,

WHEREAS, the Utah Land Use, Development and Management Act allows the City Council to enact a land use regulation that imposes a fee by resolution;

WHEREAS, on July 15, 2019, the Hildale Planning Commission held a duly convened public hearing for the purpose of obtaining public input on a proposed amendment to the Land Use Fees portion of the Schedule of Rates and Fees, and has recommended that the City Council adopt the amendment; and

WHEREAS, the City Council wishes to adopt the Planning Commission’s recommended amendment after making any revisions that the Council considers appropriate.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Hildale City, Washington County, Utah, that the official Schedule of Rates and Fees for Hildale City is hereby amended to include the attached Land Use Fees.

**PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 7TH DAY OF AUGUST, 2019.**

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
Jared Nicol	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				

\_\_\_\_\_  
Donia Jessop, Mayor

Attest:

\_\_\_\_\_  
(seal)  
City Recorder

# Land Use Fees

Current Rate	Proposed Rate	Difference	Description
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Same as original plat fee	Same as original plat fee		Amended Plat (after Council approval)
\$500.00	\$500.00	\$ -	Annexation - up to 200 Acres
\$100.00	\$100.00	\$ -	Annexation - per acre over 200 Acres
\$10.00	\$10.00	\$ -	Appeals
\$50.00	\$100.00	\$ 50.00	Conditional Use Permit
\$100.00	\$100.00	\$ -	General Plan Amendment
\$650.00	\$650.00	\$ -	Lot Line Adjustment Fee
\$650.00	\$650.00	\$ -	Minor Land Division/ <u>Lot Split</u>
\$30.00	\$30.00	\$ -	Recording Fees charge per page
\$500.00	\$500.00	\$ -	Reversion to Acreage Base Fee (Plus Staff Time Fee)
\$650.00	\$650.00	\$ -	Revision of Plat
\$100.00	\$100.00	\$ -	Re-Zoning Application Base Fee
\$25.00	\$25.00	\$ -	Sketch Plan Base Fee (Plus the Sketch Plan Per Acre Fee)
\$20.00	\$20.00	\$ -	Sketch Plan Per Acre Fee (Plus the Sketch Plan Base Fee)
\$25.00	\$25.00	\$ -	Special Use Permit
\$1,400.00	\$400.00	\$ (1,000.00)	Subdivision Final Plat Base Fee (D9:E19 the Subdivision Final Plat Per Acre Lot Fee)
\$25.00	\$160.00	\$ 135.00	Subdivision Final Plat Per <del>Acre</del> Lot Fee (Plus the Subdivision Final Plat Base Fee)
\$1,600.00	\$300.00	\$ (1,300.00)	Subdivision Preliminary Plat <del>Base Fee (Plus the Subdivision Preliminary Plat Per Acre Fee)</del>
\$35.00	\$50.00	\$ 15.00	Subdivision Preliminary Plat Per <del>Acre</del> Lot Fee (Plus the Subdivision Preliminary Plat Base Fee)
\$50.00	\$200.00	\$ 150.00	Variance Application Fee (Commercial) <del>Rate-per square-foot</del>
\$25.00	\$100.00	\$ 75.00	Variance Application Fee (Residential) <del>Rate-per square-foot</del>
\$25.00	\$25.00	\$ -	All other Zoning Application Fees (Plus Staff Rate Plus Consultant Rate)
\$20.00	\$25.00	\$ 5.00	All other Zoning Application Staff Rate (Per Hour)
At Cost	At Cost		All other Zoning Application Consulting Rate
\$50.00	\$-	\$ (50.00)	Zoning Verification Fee



# ZONE CHANGE APPLICATION

City of Hildale  
320 East Newel Avenue  
Hildale, UT 84784  
(435) 874-1160  
FAX (435) 874-2603

Fee: \$100

For Office Use Only:

File No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Name: Brigham Holm Telephone: 801.404.2505

Address: 985 North Juniper St Fax No. N/A

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: brighamholm@gmail.com

Address/Location of Subject Property: 985 North Juniper St

Tax ID of Subject Property: 926646 Existing Zone District: RA-1

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

I would like to divide my lot in half so that I can sell the half my house is not on. In order to that I would need to be in a zone that allows for smaller lots.

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

**Note:** It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

\*\*\*\*\*

(Office Use Only)

Date Received: \_\_\_\_\_ Application Complete: YES  NO

Date application deemed to be complete: 6/24/19 Completion determination made by: KL

## **ZONE CHANGE APPLICATION (General Information)**

### **PURPOSE**

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc). Zoning occurs as a means to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

### **WHEN REQUIRED**

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

### **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE**

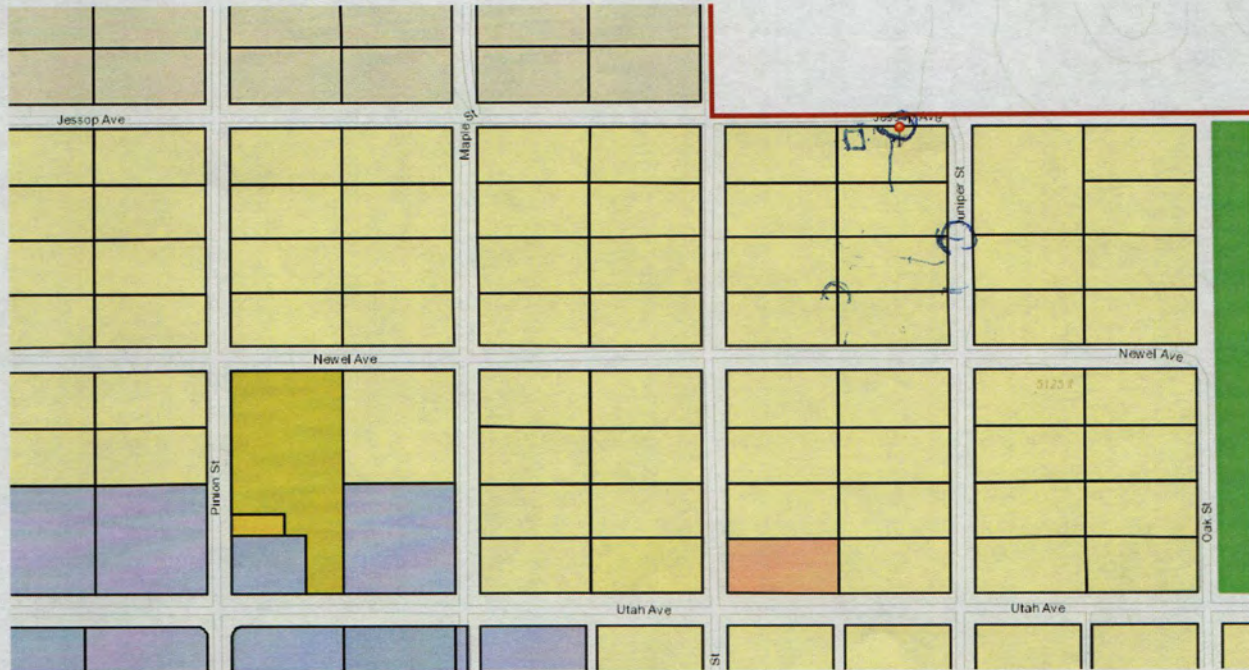
When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the City's General Plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

### **PROCESS**

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report, and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

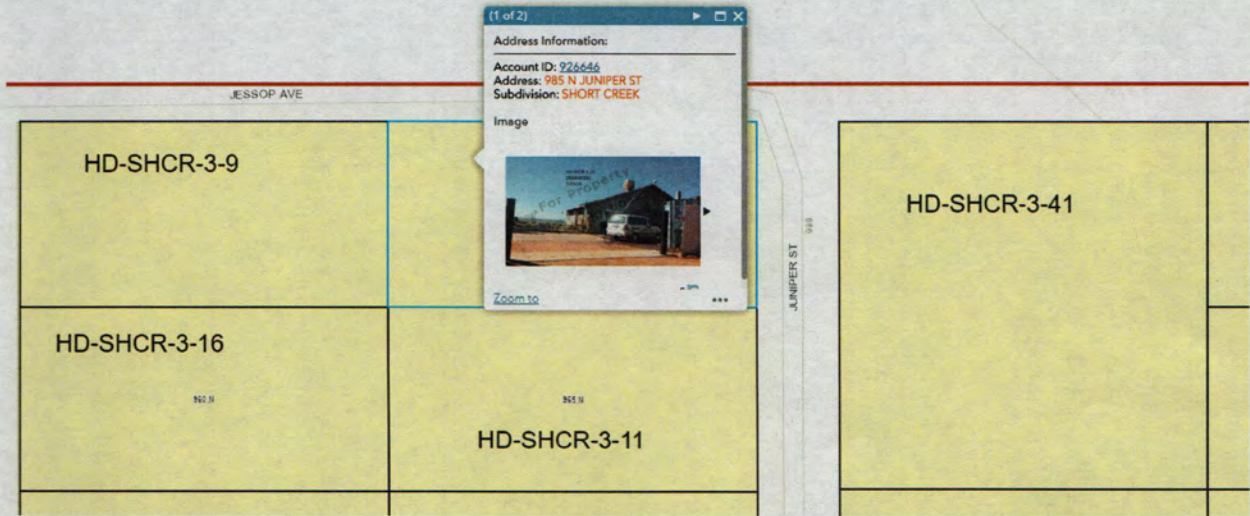
Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.



**An accurate property map showing the existing and proposed zoning classifications;**



BLM/OUTSIDE CITY BOUNDARIES



Map showing all abutting properties showing present zoning classifications

**Legal Description:**

**Account Number** 0926646  
**Parcel Number** HD-SHCR-3-10  
**Tax District** 02 - Hildale Town  
**Acres** 1.01  
**Situs** 985 N JUNIPER , HILDALE  
**Legal** Subdivision: SHORT CREEK 3 (HD) Lot: 10  
**Parent Accounts** 0148117  
**Parent Parcels** HD-0-3-33-421

**Property Owners within 250 Feet:**

**HD-SHCR-3-41**  
**Name** HALCYON HOLDINGS LLC  
PO BOX 840159  
HILDALE, UT 84784-0159

**HD-SHCR-3-47**  
**Name** STEED LEEPO BOX 843185  
845 N OAK ST  
HILDALE, UT 84784-3185

**HD-SHCR-3-12**  
**Name** WILLIAMS DANIELPO BOX 842112  
HILDALE, UT 84784-2112

**HD-SHCR-3-11**  
**Name** UNITED EFFORT PLAN  
PO BOX 959  
HILDALE, UT 84784

**HD-SHCR-3-15**  
**Name** CHATWIN MARVIN RAY & JESSICA RAE TRS  
PO BOX 841464  
HILDALE, UT 84784-1464

**HD-SHCR-3-16**  
**Name** SUNSET CAPITAL GROUP LLC  
PO BOX 1490  
COLORADO CITY, AZ 86021-1490

**HD-SHCR-3-9**  
**Name** JOHNSON LESTER

640 N OAK ST  
PO BOX 840537  
HILDALE, UT 84784-0537

AFFIDAVIT  
PROPERTY OWNER

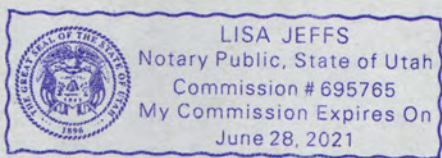
STATE OF UTAH )  
                          :SS  
COUNTY OF Washington

I (we), Brigham Holm and Megan Cooke, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hildale City Planning staff have indicated they are available to assist me in making this application.

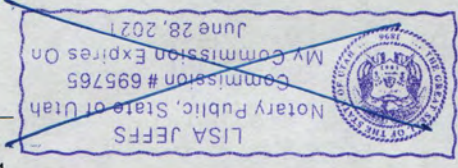
Brigham Holm  
(Property Owner) *Brigh Holm*

Megan Cooke  
(Property Owner) *Megan Cooke*

Subscribed and sworn to me this 7<sup>th</sup> day of June 2019.



Lisa Jeffs  
(Notary Public)



985 North Juniper, Hildale, Utah 84784  
Residing in: Washington Co., Utah  
My Commission Expires: 6/28/21

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) \_\_\_\_\_ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

~~Brigh Holm  
(Property Owner)  
Megan Cooke  
(Property Owner)~~

Subscribed and sworn to me this 7<sup>th</sup> day of June 2019.

~~Lisa Jeffs  
(Notary Public) *LJ*~~

~~Residing in: Washington Co., Utah  
My Commission Expires: 6/28/21~~





June 24, 2019

RE: Notice of Public Hearing — Re-zone Request

Parcel Numbers: HD-SHCR-3-10

Address: 985 N Juniper St.

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from RA-1 to RA.5. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Hildale City Land Use Ordinance, available in the City Recorder's office or at <http://hildalecity.com/wp-content/uploads/2018/11/LU-Ordinance-V2.pdf>. The hearing will be held July 15, 2019 at 6:30 PM. MDT, at Hildale City Hall, which is located at 320 East Newel Avenue, Hildale, Utah.

Any objections, questions or comments can be directed by mail to the City of Hildale, Attn: Planning and Zoning Administrator, P.O. Box 840490, Hildale, Utah 84784, or in person at the Hildale City Hall. The Planning and Zoning Administrator can be reached by phone at (435) 874-2323, or by email at [kylel@hildalecity.com](mailto:kylel@hildalecity.com). Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Hildale City Council.

Sincerely,

**Kyle Layton**  
**Planning and Zoning Director**  
**Tel: (435) 819-0128**



**CITY OF HILDALE**  
P.O. Box 840490 • 320 E. NEWEL AVE.  
HILDALE, UT 84784

## **HILDALE CITY PLANNING COMMISSION APPLICATION STAFF REPORT**

**Project/Applicant Name:** Brigham Holm

**Project Address:** 985 North Juniper St.

**Current Zoning:** RA-1

**Proposed Zoning:** RA.5

### **Summary of Application**

The Applicant is requesting an amendment to the zoning map to change one (1) lot(s) located on the southwest corner of Jessop Ave, and Juniper St. from RA-1 (Residential Agricultural 1 acre) to RA.5 (Residential Agricultural ½ acre) zoning, for the stated purpose to divide the lot into two building lots.

### **Background**

Current zoning was given during the creation of the initial zoning map. Lot consists of approximately 1.01 Acres. Consists of a single family residential home of about 1600 SQ FT located on the west side of the lot.

### **General Plan and Zoning**

The property is currently surrounded by RA-1 on the West, South, and East with BLM bordering the property to the north. The current General Plan Map shows this area being low density residential.

### **Analysis**

Being a corner lot it would be a good choice for a lot split. The rezoning for RA.5 would still maintain a relatively low density for that area.

#### **Utility Connections**

Water and sewer run north to south along Juniper Street.

Water Sewer and Gas run north to south along Elm Street.

No current utilities running east to west along Jessop Ave could cause potential issues or added cost to developing the new property. However there is not major changes in elevation surrounding the property.

### **Staff Recommendation**

This is a good location for a lot split and will create an excellent piece of property. As long as the applicant is aware that there will most likely be additional costs associated with developing the property in order to connect to utilities.

### **Planning Commission Recommendation**

The Planning Commission didn't have much discussion on this application and it was recommended that the City Council approve this re-zone.

### **Sample Motions**

1. (Approve without conditions) **I move we approve the zoning map amendment requested by Brigham Holm based on the findings set forth in the staff report and the recommendation from the Planning Commission.**
2. (Approve with conditions) **I move we approve the zoning map amendment requested by Brigham Holm with the following conditions: [list conditions].**
3. (Deny) **I move we deny the zoning map amendment requested by Brigham Holm based on the following findings [list findings].**

# ZONE CHANGE APPLICATION

City of Hildale  
320 East Newel Avenue  
Hildale, UT 84784  
(435) 874-1160  
FAX (435) 874-2603

Fee: \$100

For Office Use Only:  
File No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

Name: Charles Hammon Telephone: 435-619-4586

Address: 1185 West Utah Avenue, Ste 102, Hildale, UT 84784 Fax No. 435-608-4586

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: charles@exceldesign.us

Address/Location of Subject Property: 680 North Richard Street

Tax ID of Subject Property: HD-SHCR-6-24 Existing Zone District: RA-1 Rmd

**Proposed Zoning District and reason for the request** (Describe, use extra sheet if necessary)

Proposing to change this property, along with another request for parcel HD-SHCR-6-32, from RM-2 to RM-2 w/ PDO to allow

well designed homes at medium density.

**Submittal Requirements:** The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

**Note:** It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

\*\*\*\*\*

(Office Use Only)  
Date Received: 10.10.19 Application Complete: YES  NO

Date application deemed to be complete: 10.10.19 Completion determination made by: \_\_\_\_\_



**EXCEL DESIGN**  
— ASSOCIATES —

June 10, 2019

Charles Hammon  
1185 West Utah Avenue, Suite 102  
Hildale, UT 84784  
Cell: 435-619-4586  
Email: Charles@ExcelDesign.us

Hildale City  
320 East Newel Avenue  
Hildale, UT 84784

Dear Planning Administrator:

Please find the enclosed zone change application for Lot 24 and 32 of the Short Creek Subdivision #6. The properties addresses are 660 and 680 North Richard Street. My intention is to rezone the properties from RM-2 to RM-2 with PDO to allow for well-designed homes at medium density.

Submittal requirement "a" requires the name and address of every person or company the applicant represents. I am the Owner/Principal of both Excel Design Associates and Excel Realty Consultants. Both companies operate from 1185 West Utah Avenue, Suite 102, Hildale, UT 84784.

If you have any questions about these applications, please don't hesitate to contact me.

Sincerely,

Charles Hammon





RA-1: RESIDENTIAL AGRICULTURAL, 1 ACRE
  RM-2: MULTI-FAMILY RESIDENTIAL

NC: NEIGHBORHOOD COMMERCIAL

**LOT 24 LEGAL DESCRIPTION:** LOT 24, SHORT CREEK SUBDIVISION #6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.

**LOT 32 LEGAL DESCRIPTION:** LOT 32, SHORT CREEK SUBDIVISION #6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.

C-1.1 SHEET 1 OF 1	REZONE VACINITY MAP	DATE	PROJECT NO.	CAD/DWG FILE	DESIGNED BY	DRAWN BY	CHECKED BY
		FIELD NO.	REVISIONS	DATE	DESCRIPTION		

**RICHARD STREET LOTS**  
**CHARLES HAMMON**  
 660 & 680 NORTH RICHARD STREET  
 HILDALE, UTAH  
 LOCATED IN THE S.E. 1/4 OF SEC. 33, T43S, R10W, SLB&M

**EXCEL DESIGN ASSOCIATES**  
**"ENGINEERING EXCELLENCE"**  
 DESIGN - ENGINEERING - LAND PLANNING - REAL ESTATE  
 321 NORTH MALL DRIVE, SUITE J-101, ST. GEORGE, UTAH 84790  
 TEL. (435) 619-4586 FAX (435) 608-4586  
 E-MAIL: Charles@ExcelDesign.us WEB SITE AT www.exceldesign.us



Warranty Deed Page 1 of 2  
Russell Shirts Washington County Recorder  
01/17/2019 03:17:59 PM Fee \$12.00 By FIRST  
AMERICAN ST. GEORGE MAIN

Recording Requested by:  
First American Title Insurance Company  
90 East 100 South, Suite 100  
St. George, UT 84770  
(435)673-5491

Mail Tax Notices to and  
AFTER RECORDING RETURN TO:  
Charles Hammon  
PO Box 190  
Hildale, UT 84784

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

**WARRANTY DEED**

Escrow No. **363-5951482 (JB)**  
A.P.N.: **HD-SHCR-6-24**

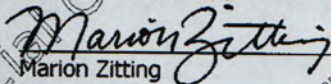
**Marion Zitting and Julene Zitting, husband and wife as joint tenants**, Grantor, of **Hildale, Washington** County, State of **UT**, hereby CONVEY AND WARRANT to

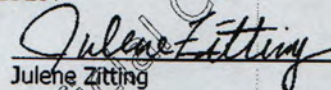
**Charles Hammon**, Grantee, of **Hildale, Washington** County, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Washington** County, State of **Utah**:

**LOT 24, SHORT CREEK SUBDIVISION #6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.**

Subject to easements, restrictions and rights of way appearing of record and general property taxes for the year 2019 and thereafter.

Witness, the hand(s) of said Grantor(s), this **January 17, 2019**.

  
Marion Zitting

  
Julene Zitting



A.P.N.: HD-SHCR-6-24

Warranty Deed - continued

File No.: 363-5951482 (JB)

STATE OF Arizona )

County of Mohave ) ss.

On Jan 17, 2019, before me, the undersigned Notary Public, personally appeared **Marion Zitting and Julene Zitting**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: Aug 11, 2022 Notary Public



Hildale City  
320 East Newel Avenue  
P. O. Box 840490  
Hildale UT 84784-0490 435-874-2323

Receipt No: 1.045880 Jun 10, 2019

EXCEL DESIGN

Previous Balance: .00  
MISCELLANEOUS  
Land Use 100.00

Total: 100.00  
-----  
=====

Check - Zions Bank  
Check No: 1244 100.00  
Payor:  
EXCEL DESIGN  
Total Applied: 100.00

Change Tendered: .00  
-----  
=====

06/10/2019 12:32 PM

# ZONE CHANGE APPLICATION

City of Hildale  
320 East Newel Avenue  
Hildale, UT 84784  
(435) 874-1160  
FAX (435) 874-2603

Fee: \$100

For Office Use Only:

File No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Name: Charles Hammon Telephone: 435-619-4586

Address: 1185 West Utah Avenue, Ste 102, Hildale, UT 84784 Fax No. 435-608-4586

Agent (If Applicable): \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: charles@exceldesign.us

Address/Location of Subject Property: 660 North Richard Street

Tax ID of Subject Property: HD-SHCR-6-32 Existing Zone District: RA-1 Rm2

**Proposed Zoning District and reason for the request** (Describe, use extra sheet if necessary)

Proposing to change this property, along with another request for parcel HD-SHCR-6-24, from RM-2 to RM-2 w/ PDO to allow for

well designed homes at medium density.

**Submittal Requirements:** The zone change application shall provide the following:

- X a. The name and address of every person or company the applicant represents;
- X b. An accurate property map showing the existing and proposed zoning classifications;
- X c. All abutting properties showing present zoning classifications;
- X d. An accurate legal description of the property to be rezoned;
- X e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- X f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

**Note:** It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

\*\*\*\*\*

(Office Use Only)

Date Received: 6.10.19 Application Complete: YES  NO

Date application deemed to be complete: 6.10.19 Completion determination made by: \_\_\_\_\_



**EXCEL DESIGN**  
— ASSOCIATES —

June 10, 2019

Charles Hammon  
1185 West Utah Avenue, Suite 102  
Hildale, UT 84784  
Cell: 435-619-4586  
Email: Charles@ExcelDesign.us

Hildale City  
320 East Newel Avenue  
Hildale, UT 84784

Dear Planning Administrator:

Please find the enclosed zone change application for Lot 24 and 32 of the Short Creek Subdivision #6. The properties addresses are 660 and 680 North Richard Street. My intention is to rezone the properties from RM-2 to RM-2 with PDO to allow for well-designed homes at medium density.

Submittal requirement "a" requires the name and address of every person or company the applicant represents. I am the Owner/Principal of both Excel Design Associates and Excel Realty Consultants. Both companies operate from 1185 West Utah Avenue, Suite 102, Hildale, UT 84784.

If you have any questions about these applications, please don't hesitate to contact me.

Sincerely,

Charles Hammon





- RA-1: RESIDENTIAL AGRICULTURAL, 1 ACRE
- RM-2: MULTI-FAMILY RESIDENTIAL
- NC: NEIGHBORHOOD COMMERCIAL

**LOT 24 LEGAL DESCRIPTION:** LOT 24, SHORT CREEK SUBDIVISION #6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.

**LOT 32 LEGAL DESCRIPTION:** LOT 32, SHORT CREEK SUBDIVISION #6, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.

<b>C-11</b> SHEET 1 OF 1	REVISIONS								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION					
NO.	DATE	DESCRIPTION							
SHEET TITLE REZONE VACANTLY MAP	PROJECT NO. CAD DRAWN BY DRAWN BY CHECKED BY DATE								

**RICHARD STREET LOTS**  
**CHARLES HAMMON**

660 & 680 NORTH RICHARD STREET  
HILDALE, UTAH

LOCATED IN THE S.E. 1/4 OF SEC. 33, T43S, R10W, SL8&M

**EXCEL DESIGN ASSOCIATES**  
*"ENGINEERING EXCELLENCE"*

DESIGN - ENGINEERING - LAND PLANNING - REAL ESTATE  
321 NORTH MALL DRIVE, SUITE J-101, ST. GEORGE, UTAH 84790  
TEL. (435) 619-4586 FAX (435) 608-4586  
E-MAIL: Charles@ExcelDesign.us WEB SITE AT www.exceldesign.us



Special Warranty Deed Page 1 of 2  
Russell Shirts Washington County Recorder  
04/10/2019 09:19:24 AM Fee \$12.00 By  
UNITED EFFORT PLAN TRUST

**WHEN RECORDED, RETURN TO:**

Charles Hammon  
PO Box 190  
Colorado City, AZ 86021

(HD-SHCR-6-32)

**SPECIAL WARRANTY DEED**

For good and valuable consideration, JEFF J BARLOW, Executive Director of THE UNITED EFFORT PLAN TRUST ("Grantor"), does hereby convey to CHARLES HAMMON ("Grantee"), the following described real property situated in Washington County, Utah, together with all rights, privileges, easements and appurtenant benefits relating thereto and all improvements located thereon (the "Property"):

LOT 32 of SHORT CREEK SUBDIVISION 6, according to the official plat thereof on file and of record in the Washington County Recorder's Office.

SUBJECT TO: easements, rights of way, restrictions, reservations, and encumbrances of record and those enforceable in law and equity.

EXCEPT FOR all water rights, if any, appurtenant to the Property, which Grantor does not convey and retains for itself;

AND THE GRANTOR hereby binds itself and its successors to warrant and defend the title against the acts of the Grantor and no other, subject to the matters set forth above.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of  
the 28 day of March, 2019.

**GRANTOR:**

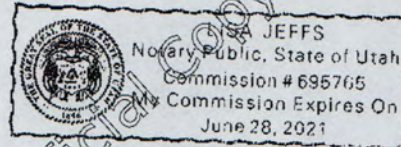
**THE UNITED EFFORT PLAN TRUST**

By: [Signature]  
Its: Executive Director

STATE OF UTAH )  
 ) ss.  
COUNTY OF WASHINGTON)

On the 28<sup>th</sup> day of March, 2019, before me Lisa Jeffs, a notary public,  
personally appeared Jeff J Barlow, proved on the basis of satisfactory evidence to be the  
person whose name is subscribed to in this document, and acknowledged he executed the  
same.

[Signature]  
Notary Public





Hildale City  
320 East Newel Avenue  
P. O. Box 840490  
Hildale UT 84784-0490 435-874-2323

Receipt No: 1.045879 Jun 10, 2019

EXCEL DESIGN

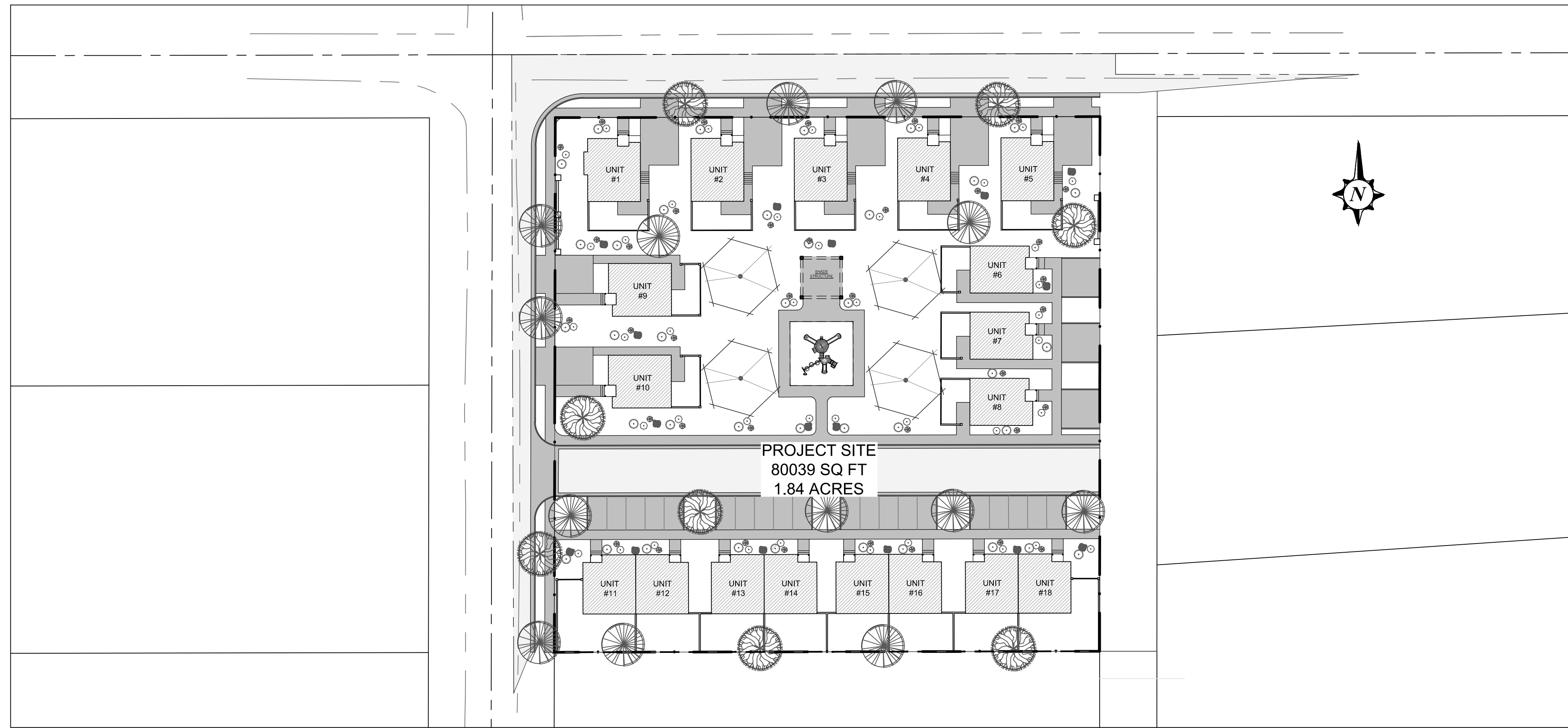
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MISCELLANEOUS	
Land Use	100.00
	-----
Total:	100.00
	=====
Check - Zions Bank	
Check No: 1243	100.00
Payor:	
EXCEL DESIGN	
Total Applied:	100.00
	-----
Change Tendered:	.00
	=====

06/10/2019 12:33 PM

# CLIFFVIEW COTTAGES

## PRELIMINARY SITE PLAN

HILDALE, UTAH



### PROJECT INFORMATION

#### BOUNDARY DESCRIPTION

LOT 24 & 32, SHORT CREEK SUBDIVISION #6, LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 33, T43S, R10W, SLB&M, HILDALE, WASHINGTON COUNTY, UTAH

CONTAINS 1.82 ACRES

#### TOPOGRAPHY

TOPOGRAPHY & AERIAL IMAGERY GENERATED BY THE SITE SURVEY PERFORMED BY EXCEL DESIGN ASSOCIATES ON JANUARY 9, 2019.

#### OWNER:

CHARLES HAMMON  
1185 WEST UTAH AVENUE, SUITE 102  
HILDALE, UT 84784  
PHONE: (435) 619-4586

#### SITE DATA:

EXISTING ZONING: RM-2  
PROPOSED ZONING: RM-2 (PDO)  
PARCEL NUMBERS: HD-SHCR-6-24 & HD-SHCR-6-32  
PROJECT AREA: 80,039 SQ. FT. (1.82 AC.)  
TOTAL PARCELS: 2  
PROPOSED DENSITY: 18 / 1.82 = 9.89 UNITS / ACRE

#### PARKING SUMMARY:

REQUIRED:  
2 SPACES PER DWELLING UNIT

REQUIRED PARKING: 36  
PROVIDED PARKING: 40

#### FEMA FLOOD DESIGNATION:

THIS SITE IS LOCATED IN ZONE 'X' (NOT A FLOOD ZONE) PER FEMA MAP #49053C1165G, EFFECTIVE DATE APRIL 2, 2009.

#### PROPOSED SETBACKS:

FRONT: 20' TO BACK OF CURB  
REAR: 10'  
SIDE: 10' FEET BETWEEN BUILDINGS  
PUBLIC STREET SIDE: 15'

#### UTILITY PROVIDERS

WATER	HILDALE / COLORADO CITY UTILITIES
SEWER	HILDALE / COLORADO CITY UTILITIES
ELECTRIC	GARKANE ENERGY COOPERATIVE
TELEPHONE	SOUTH CENTRAL COMMUNICATIONS
GAS	HILDALE / COLORADO CITY UTILITIES
REFUSE	HILDALE / COLORADO CITY UTILITIES
LANDFILL	ARIZONA STRIP LANDFILL CORPORATION (9.5 MILES)
FIRE DISTRICT	COLORADO CITY FIRE DEPARTMENT

### PROJECT VICINITY

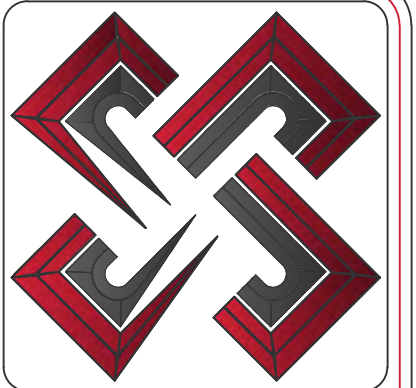


### DRAWING INDEX

C - CIVIL DRAWINGS  
C1.1 - COVER SHEET  
C2.1 - PRELIMINARY SITE PLAN  
C3.1 - PRELIMINARY UTILITY PLAN

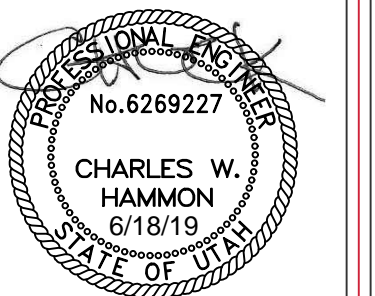
### ABBREVIATIONS LEGEND

AC	ACRE	EX	EXISTING	NTS	NOT TO SCALE	ROW	RIGHT-OF-WAY	T	TOWNSHIP
B&C	BAR & CAP	FFE	FINISHED FLOOR ELEVATION	OG	ORIGINAL GROUND	SLB&M	SALT LAKE BASE & MERIDIAN	TBC	TOP BACK OF CURB
BM	BENCHMARK	FG	FINISHED GRADE	PC	POINT OF CURVATURE	S	SOUTH	TOA	TOP OF ASPHALT
C	CENTERLINE	FT	FEET	PCC	POINT OF COMPOUND CURVE	SAD	SEE ARCHITECTURAL DRAWINGS	TOC	TOP OF CONCRETE
CP	CONTROL POINT	HDPE	HDPE	PI	POINT OF INTERSECTION	SS	SANITARY SEWER	TOS	TOP OF SIDEWALK
CU FT	CUBIC FOOT	HW	HIGH WATER	PRC	POINT OF REVERSE CURVE	SD	STORM DRAIN	TOW	TOP OF WALL
CU YD	CUBIC YARD	HWY	HIGHWAY	PT	POINT OF TANGENCY	SEC	SECTION	TRANS	TRANSFORMER
CONC	CONCRETE	IE	INVERT ELEVATION	POC	POINT OF CONNECTION	SPEC	SPEC	U.N.O.	UNLESS NOTED OTHERWISE
CONST	CONSTRUCTION	IRR	IRRIGATION	PWR	POWER	SQ	SQUARE	WTR	WATER
CMP	CORRUGATED METAL PIPE	LF	LINEAR FEET	P	PROPERTY LINE	SQ FT	SQUARE FEET	WV	WATER VALVE
DIA Ø	DIAMETER	MAX	MAXIMUM	PVC	POLYVINYL CHLORIDE PIPE	SQ YD	SQUARE YARD	W	WEST
E	EAST	MIN	MINIMUM	R	RANGE	STA	STATION		
EOA	EDGE OF ASPHALT	MON	MONUMENT	RCP	REINFORCED CONCRETE PIPE	STD	STANDARD		
ELEV	ELEVATION	N	NORTH	REV	REVISION	STM	STORM		



**EXCEL DESIGN ASSOCIATES**  
"ENGINEERING EXCELLENCE"  
DESIGN - ENGINEERING - LAND PLANNING - REAL ESTATE

321 NORTH MALL DRIVE, J-101, ST. GEORGE, UTAH 84790  
TEL: (435) 619-4586 FAX: (435) 608-4586  
E-MAIL: Charles@ExcelDesign.us WEB SITE: AT: www.exceldesign.us



**CLIFFVIEW COTTAGES**  
**CHARLES HAMMON**

680 NORTH RICHARD STREET  
HILDALE, UTAH  
LOCATED IN THE S.E. 1/4 OF SEC. 33, T43S, R10W, SLB&M

#### REVISIONS

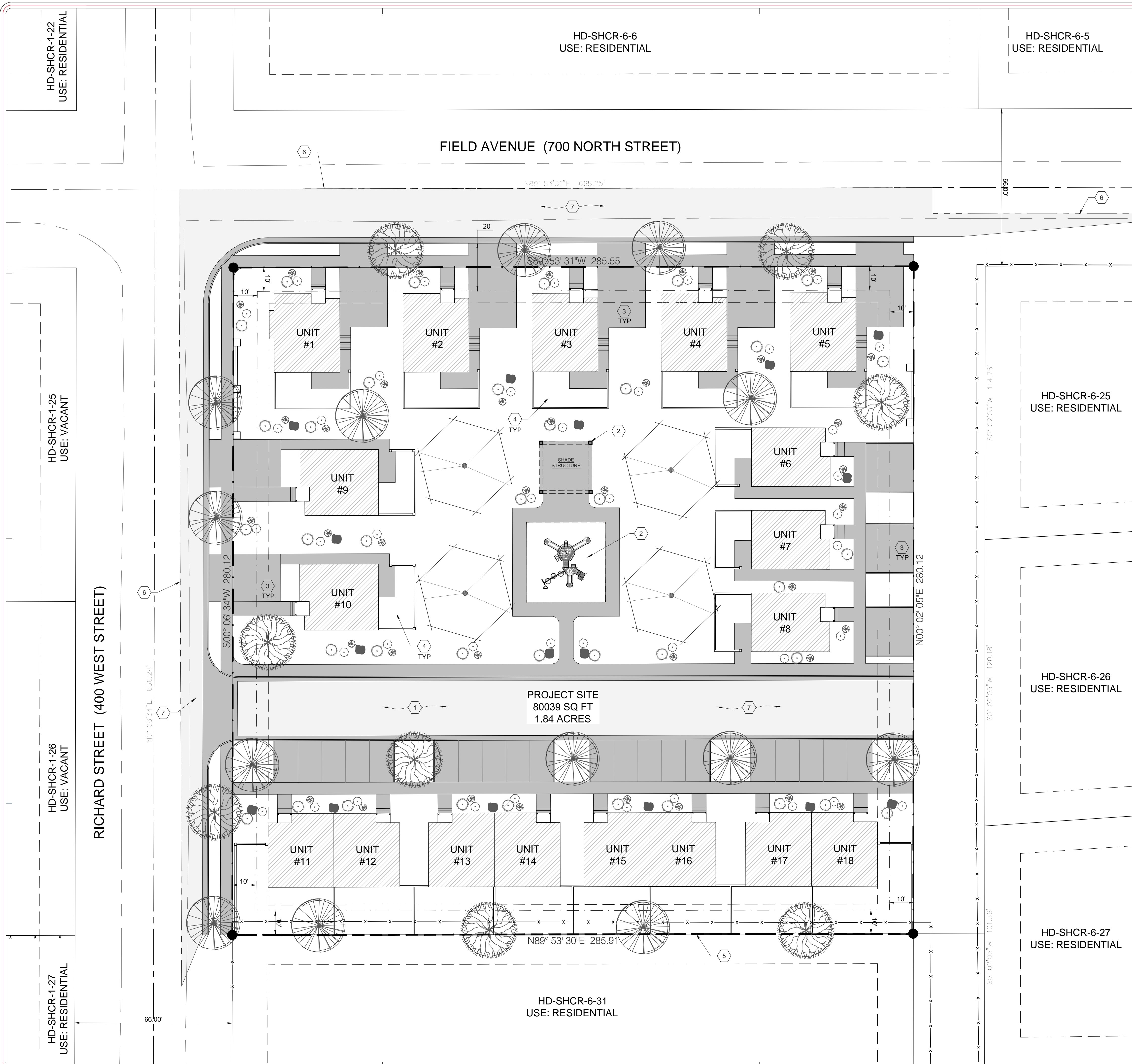
REV.	DATE	DESCRIPTION

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CAD DWG. FILE: 00-100-05\_SITE  
DRAWN BY: CWH  
DESIGNED BY: CWH  
FIELD CREW:  
CHECKED BY:  
DATE: 6/18/19

#### SHEET TITLE:

**COVER SHEET**

**C-1.1**  
SHEET: 1 of 3

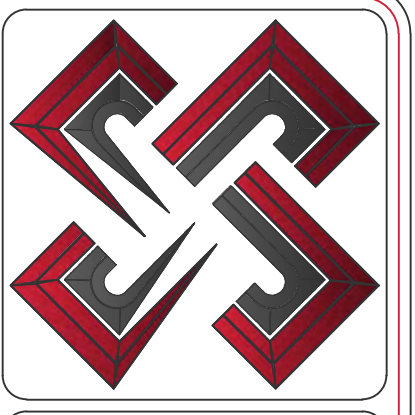


**SITE PLAN NOTES**

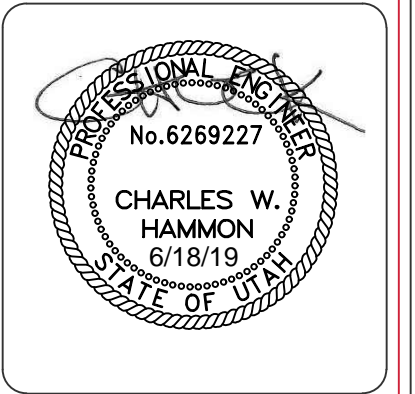
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. RECORDED PLAT SHOWS 15' PUBLIC UTILITY & DRAINAGE EASEMENT ALONG PUBLIC STREETS AND ALLEY AS WELL AS 12.5' PUBLIC UTILITY EASEMENT & DRAINAGE EASEMENTS ALONG INTERIOR LOT LINES. THIS PROJECT PROPOSES TO REDUCE ALL PUBLIC UTILITY & DRAINAGE EASEMENTS TO 10'.
3. PROJECT INCLUDES PARCELS HD-SHCR-6-24 AND HD-SHCR-6-32. APPLICANT INTENDS TO COMBINE THE TWO LOTS INTO ONE PARCEL AND ELIMINATE THE INTERIOR LOT LINE AND EASEMENTS.
4. PROPOSED LOTS WILL BE GRADED SUCH THAT STORM WATER FLOWS TO RICHARD STREET.
5. THE EXISTING FENCE BETWEEN PROJECT BOUNDARY AND SOUTH ADJACENT LOT 31 IS 5 FEET NORTH OR PROPERTY LINE. APPLICANT INTENDS TO REMOVE AND REPLACE FENCE AT PROPERTY LINE.

**KEY NOTE LEGEND**

- ① PRIVATE DRIVE
- ② COMMON AREA AMENITY
- ③ PRIVATE DRIVEWAY
- ④ PRIVATE COURTYARD
- ⑤ NEW 6' BLOCK PRIVACY WALL. SEE SITE NOTE 5.
- ⑥ ASPHALT CUT LINE
- ⑦ NEW ASPHALT PAVING



**EXCEL DESIGN ASSOCIATES**  
**"ENGINEERING EXCELLENCE"**  
 DESIGN - ENGINEERING - LAND PLANNING - REAL ESTATE  
 321 NORTH MALL DRIVE, J-101, ST. GEORGE, UTAH 84790  
 TEL. (435) 619-4686 FAX (435) 608-4686  
 E-MAIL: Charles@ExcelDesign.us WEB SITE: AT: www.exceldesign.us



**CLIFFVIEW COTTAGES**  
**CHARLES HAMMON**  
 680 NORTH RICHARD STREET  
 HILDALE, UTAH  
 LOCATED IN THE S.E. 1/4 OF SEC. 33, T4S, R10W, SLB&M

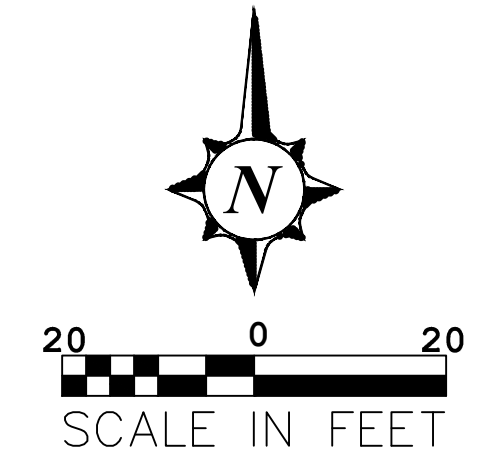
**REVISIONS**

REV.	DATE	DESCRIPTION

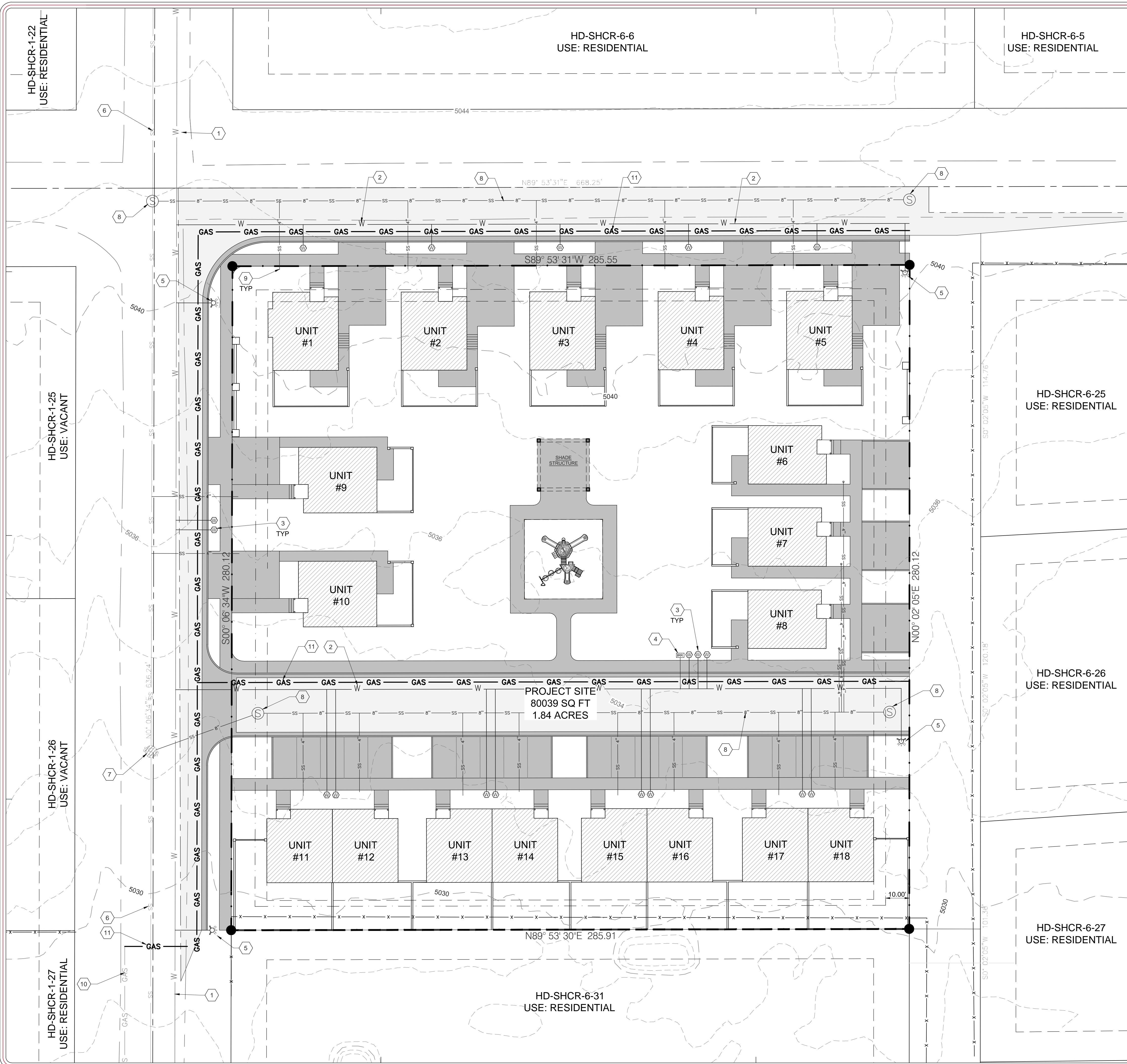
PROJECT NO: 00-100-05  
 CAD DWG. FILE: 00-100-05\_SITE  
 DRAWN BY: CWH  
 DESIGNED BY: CWH  
 FIELD CREW:  
 CHECKED BY:  
 DATE: 6/18/19

SHEET TITLE:  
**PRELIMINARY**  
**SITE**  
**PLAN**

**C-2.1**  
 SHEET: 2 OF 3



\\NW-HD4502\353\Excel\Projects\00-100-05\_SITE\_6-15-19.dwg Jun 19, 2019 - 12:45pm



**UTILITY PLAN NOTES**

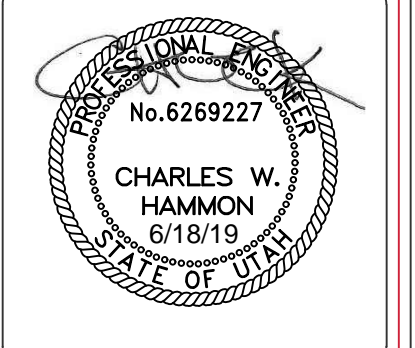
1. EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF PLANS, AND NO GUARANTEE IS MADE AS TO ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTOR'S FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION IN THEIR VICINITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT.
2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL MUNICIPALITY CODES, STANDARDS, AND SPECIFICATIONS. INSTALLATION OF UTILITIES SHALL CONFORM TO HILDALE CITY STANDARDS AND SPECIFICATIONS.
3. COORDINATE ALL UTILITY SERVICES WITH APPROPRIATE PROVIDER. EASEMENTS AND PERMITS TO BE OBTAINED BY DEVELOPER PRIOR TO CONSTRUCTION.
4. INSTALLATION OF ELECTRIC POWER AND COMMUNICATION FACILITIES SHALL BE COORDINATED WITH UTILITY PROVIDER AND CONFORM TO THE MOST CURRENT EDITION OF THE NATIONAL ELECTRICAL SAFETY CODE.
5. NEW WATER LINES SHALL CONFORM TO THE AMERICAN WATER WORKS ASSOCIATION (AWWA) SPECIFICATIONS C200-86, AND ANY LOCAL RESTRICTIONS. WATER LINES SHALL BE INSTALLED 4' (MIN.) BELOW FINISH GRADE FOR FROST PROTECTION.
6. FOR WORK PERFORMED WITHIN THE RIGHT-OF-WAY, A TRAFFIC CONTROL PLAN SHALL BE DEVELOPED AND IMPLEMENTED IN ACCORDANCE WITH THE CURRENT FEDERAL HIGHWAY ADMINISTRATION'S "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD).
7. ALL EXCAVATIONS AND BACKFILL SHALL CONFORM TO HILDALE CITY STANDARDS AND SPECIFICATIONS.
8. 14 GAUGE WIRE SHALL BE TAPED TO THE BOTTOM OF ALL WATER LINES FOR LOCATING PURPOSES. THE WIRE SHALL ALSO BE BROUGHT UP AT EACH VALVE BOX AND HYDRANT.
9. INSTALL JOINT RESTRAINTS ON THE NEW PIPELINE. USE MEGA-LUG ON THE FITTINGS AND FIELD LOCK GASKETS ON THE REQUIRED LENGTH OF RESTRAINED PIPE.
10. ALL MANHOLES, VALVE BOXES AND OTHER SIMILAR ITEMS SHALL HAVE CONCRETE COLLAR PER HILDALE CITY STANDARDS.
11. ALL SEWER STUBS SHALL BE END CAPPED AND INCLUDE A STAND-PIPE INDICATOR.

**KEY NOTE LEGEND**

- ① EXISTING 6" WATERLINE
- ② PROPOSED 6" WATER LINE
- ③ PROPOSED WATER SERVICE LINE & METER SET
- ④ PROPOSED IRRIGATION SERVICE LINE & METER SET
- ⑤ PROPOSED FIRE HYDRANT ASSEMBLY
- ⑥ EXISTING SEWER LINE
- ⑦ EXISTING SEWER MANHOLE
- ⑧ PROPOSED SEWER LINE & SEWER MANHOLES
- ⑨ PROPOSED 4" PVC SEWER LATERAL
- ⑩ EXISTING GAS LINE
- ⑪ NEW GAS SERVICE LINE



**EXCEL DESIGN ASSOCIATES**  
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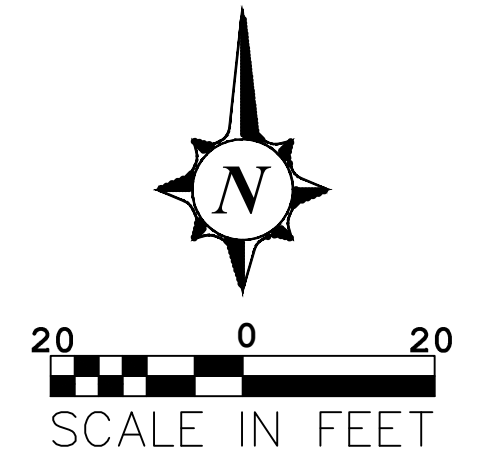
**REVISIONS**

REV.	DATE	DESCRIPTION

PROJECT NO: 00-100-05  
 CAD DWG. FILE: 00-100-05\_SITE  
 DRAWN BY: CWH  
 DESIGNED BY: CWH  
 FIELD CREW:  
 CHECKED BY:  
 DATE: 6/18/19

SHEET TITLE:  
**PRELIMINARY UTILITY PLAN**

**C-3.1**  
 SHEET: 3 OF 3





June 24, 2019

RE: Notice of Public Hearing — Re-zone Request

Parcel Numbers: HD-SHCR-6-24  
HD-SHCR-6-32

Address: 660 N Richard St.  
680 N Richard St.

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from RM-2 to RM-2 W/PDO. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Hildale City Land Use Ordinance, available in the City Recorder's office or at <http://hildalecity.com/wp-content/uploads/2018/11/LU-Ordinance-V2.pdf>. The hearing will be held July 15, 2019 at 6:30. MDT, at Hildale City Hall, which is located at 320 East Newel Avenue, Hildale, Utah.

Any objections, questions or comments can be directed by mail to the City of Hildale, Attn: Planning and Zoning Administrator, P.O. Box 840490, Hildale, Utah 84784, or in person at the Hildale City Hall. The Planning and Zoning Administrator can be reached by phone at (435) 874-2323, or by email at [kylel@hildalecity.com](mailto:kylel@hildalecity.com). Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Hildale City Council.

Sincerely,

Kyle Layton  
Planning and Zoning Director  
Tel: (435) 819-0128



CITY OF HILDALE  
P.O. Box 840490 • 320 E. NEWEL AVE.  
HILDALE, UT 84784

## **HILDALE CITY PLANNING COMMISSION APPLICATION STAFF REPORT**

**Project/Applicant Name:** Charles Hammon

**Project Address:** 660 & 680 North Richard St.

**Current Zoning:** RM-2

**Proposed Zoning:** RM-2 W/ PDO

### **Summary of Application**

The Applicant is requesting an amendment to the zoning map to change 2 lot(s) located on the south east corner of Field Ave, and Richard St. from RM-2 (Residential Multi Family) to RM-2 W/ PDO (Residential Multi Family with Planned Development Overlay) zoning, for the stated purpose to allow for well designed homes at medium density.

### **Background**

The property was given RA-1 Zoning during the original creation of the zoning map. Rezone to RM-2 was granted by the City Council in March of 2019. The lot consists of approximately 1.84 Acres and is currently vacant land.

### **General Plan and Zoning**

The property is surrounded on all sides by RA-1 properties. The general map shows this area being low density residential.

### **Analysis**

Planned Development Overlay would allow the ability to be creative in the design of this property. In May of 2019 the Planning Commission voted to reduce the minimum acreage for a planned development overlay, which was approved by City Council at their following meeting. That change was made to support projects like this.

#### Utility Connections

Water, Sewer, and Gas run north to south along Richard St.

Lack of utilities running East to West along Field Ave could cause additional costs to the applicant in order to provide utility services to some of the property.

### **Staff Recommendation**

Design flexibility is something that needs to be considered in Hildale. A planned development overlay is a good option for this property. It would not affect the current density of the area but would allow the developer the ability to create an attractive part of the community which would not only be beneficial for those in that development but those surrounding that development as well.

### **Planning Commission Recommendation**

The Planning Commission had some minor discussion on curb, gutter, and drainage for this property. Because of the location the applicant would not be required to put in those improvements as per Hildale City Ordinance No. 2019-007 regarding off-site improvements, however, the proposed plan does show curb and gutter installed around this property as part of the improvements. The Planning Commission is recommending that the City Council approve this re-zone application.

### **Sample Motions**

1. (Approve without conditions) **I move we approve the zoning map amendment requested by Charles Hammon based on the findings set forth in the staff report and the Planning Commission's recommendation.**
2. (Approve with conditions) **I move we approve the zoning map amendment requested by Charles Hammon with the following conditions: [list conditions].**
3. (Deny) **I move we deny the zoning map amendment requested by Charles Hammon based on the following findings [list findings].**

**HILDALE CITY ORDINANCE No. 2019-**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HILDALE, UTAH,  
ADOPTING AMENDMENTS TO HILDALE CITY LAND USE ORDINANCE.**

**WHEREAS**, the City of Hildale is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah Law, and is authorized pursuant to the Municipal Land Use Development and Management Act, Utah Code Annotated, Title 10, Chapter 9a to enact and amend land use regulations;

**WHEREAS**, on July 15, 2019, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input on a proposed amendment to the Land Use Ordinance of Hildale City, and considered each written objection filed prior to the public hearing;

**WHEREAS**, the Planning Commission has prepared and recommended this proposed amendment for adoption by the City Council, and has forwarded to the City Council all objections that the Commission received;

**WHEREAS**, the City Council has considered the Planning Commission's recommendations, has provided notice and held a public meeting on the date set forth below, and hereby adopts the recommended land use regulation after making revisions, if any, that the Council considers appropriate;

**WHEREAS**, Section 152-39-3 of the Hildale City Code currently defines "JOINT UTILITY COMMITTEE" as "Colorado City-Hildale Utility Department Advisory Board";

**WHEREAS**, the City Council finds that the functions of a Joint Utility Committee – reviewing preliminary plats and subdivision construction plans and providing feedback on or approval of them – are better suited to an ad-hoc committee with broad representation among the major utilities; and

**WHEREAS**, the City Council desires to change the definition of Joint Utility Committee as provided herein.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF HILDALE, UTAH:**

**Section 1.** The definition of "Joint Utility Committee" in Section 152-39-3 of the Hildale City Code of Ordinances is hereby amended as follows:

JOINT UTILITY COMMITTEE:

~~Colorado City-Hildale City Utility Department Advisory Board.~~ A committee consisting of representatives from each major utility provider, including but not limited to water, gas, power, sewer, phone, and public works, and chaired by the Public Works Director.

**Section 2.** This ordinance shall become effective immediately after publication or posting as required by law.



HILDALE CITY ORDINANCE No. 2019-

**PASSED AND ADOPTED** BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
Jared Nicol	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				

\_\_\_\_\_  
Donia Jessop, Mayor

Attest:

\_\_\_\_\_  
(seal)  
City Recorder

**HILDALE CITY ORDINANCE No. 2019-**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HILDALE, UTAH,  
ADOPTING AMENDMENTS TO HILDALE CITY ZONING MAP.**

**WHEREAS**, the City of Hildale is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah Law, and is authorized pursuant to the Municipal Land Use Development and Management Act, Utah Code Annotated, Title 10, Chapter 9a to enact and amend its zoning map;

**WHEREAS**, on July 15, 2019, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input on a proposed amendment to the Zoning Map, and considered each written objection filed prior to the public hearing;

**WHEREAS**, the Planning Commission has prepared and recommended a modified amendment for adoption by the City Council, and has forwarded to the City Council all objections that the Commission received;

**WHEREAS**, the City Council has considered the Planning Commission's recommendations, has provided notice and held a public meeting on the date set forth below, and hereby adopts amendments to the Zoning Map after making revisions, if any, that the Council considers appropriate;

**WHEREAS**, Applicant Brigham Holm has requested a zone change for one parcel comprising approximately 1.01 acres in the northwest of Hildale, Parcel ID HD-SHCR-3-10 from RA-1 to RA-.5 zoning, for the stated purpose to divide the lot into two smaller lots; and

**WHEREAS**, the City Council finds that it is in the best interests of the health, safety and welfare of the inhabitants of Hildale to grant the Zoning Map amendment requested by the Applicant.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF HILDALE, UTAH:**

**Section 1.** The Hildale City Zoning Map is hereby amended to change the following described property from Residential-Agricultural 1 (RA-1) to Residential Agricultural 0.5 (RA-.5):

**LOT 10 OF SHORT CREEK SUBDIVISION #3, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASHINGTON COUNTY RECORDER'S OFFICE.**

**Section 2.** This ordinance shall become effective immediately after publication or posting as required by law.

HILDALE CITY ORDINANCE No. 2019-

**PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 7TH DAY OF AUGUST 2019.**

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
Jared Nicol	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				

\_\_\_\_\_  
Donia Jessop, Mayor

Attest:

\_\_\_\_\_  
(seal)  
City Recorder

The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this chapter and adopted pursuant thereto.

GENERAL PLAN:

A plan, labeled "General Plan of Hildale City", including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time.

JOINT UTILITY COMMITTEE:

~~Colorado City-Hildale City Utility Department Advisory Board.~~ A committee consisting of the City Engineer as well as representatives from all major utility providers, including but not limited to water, gas, power, sewer, internet, and public works. The committee will be chaired by the Public Works director.

LOT:

A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

LOT RIGHT OF WAY:

A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

OFFICIAL ZONING MAP:

A zoning map adopted by the city council pursuant to the provisions of section 152-9a-501, Utah Code Annotated, 1953, as amended.

OPEN SPACE:

Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

PERSON:

Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

## **HILDALE CITY PLANNING DEPARTMENT STAFF REPORT**

**Project/Applicant Name:** Change to Hildale City Land Use Ordinance 152-39-3  
Definition of “Joint Utility Committee”

### **Summary**

The Joint utility committee is established in order to provide major utility providers with the opportunity to review certain land use applications, and suggest changes to the applicant in order to make the process of providing those utilities simpler. In some cases, such as construction documents for a final plat, they will make sure that utilities can be provided to each lot and will be required to sign off on the documents before the applicant may continue with their application. This committee is generally not appointed by the Mayor or the City council. Each utility provider will assign a representative from their company/department to sit on this committee.

### **Analysis/Recommendation**

The current Land Use Ordinance defines the “Joint Utility Company” in section 152-39-3 as follows:

“Colorado City Hildale City Utility Department Advisory Board”

Due to the fact that the above generally doesn’t consist of any employees from the major utilities it is proposed that we change the definition to the following:

A committee consisting of the City Engineer as well as representatives from all major utility providers, including but not limited to water, gas, power, sewer, internet, and public works. The committee will be chaired by the Public Works director.

**August 2018**

**MODEL CODE FOR MUNICIPALITIES**

**National League of Cities**

**and**

**National Association of Telecommunications Officers and Advisors**

**NOTE: WHEN CONSIDERING ADOPTION OF THIS MODEL CODE, LOCAL GOVERNMENTS SHOULD CONSIDER THAT THERE MAY BE FEDERAL, STATE OR LOCAL LAWS THAT COULD LIMIT OR OTHERWISE AFFECT VARIOUS TERMS AND PROVISIONS SET FORTH HEREIN. CIRCUMSTANCES OF EACH LOCAL GOVERNMENT MAY REQUIRE MODIFICATIONS OF THIS MODEL CODE. THE MODEL CODE IS NOT INTENDED TO PROVIDE LEGAL ADVICE AND WE STRONGLY ENCOURAGE LOCALITIES TO CONSULT WITH AN ATTORNEY BEFORE ADOPTION ANY PORTION OF THIS MODEL CODE.**

## PREAMBLE

### **Background**

On January 31, 2017, Federal Communications Commission Chairman Ajit Pai established a Broadband Deployment Advisory Committee (BDAC), which he tasked with making recommendations to the FCC on ways to accelerate the deployment of broadband by reducing or removing regulatory barriers to infrastructure investment. Among other tasks, Chairman Pai asked the BDAC to draft a model code for municipalities that could assist local governments in enacting ordinances authorizing wireless and wireline broadband deployment in the public rights of way.

In the summer of 2018, the BDAC voted to recommend its model code for municipalities to the FCC. The BDAC model states that it recognizes the “enormous diversity [among local governments] based on geography, size, resources, aesthetics, existing infrastructure, regulatory and legal framework, history, culture, and community priorities” and states its intent to create a “non-binding, flexible guideline.” While we agree with these statements and appreciate the hard work of the BDAC members, we believe local governments could benefit from an alternative model code that reflects the range of legal and policy options open to municipalities.

### **NLC and NATOA’s Alternative Model Code**

There is no single model code that will work for every jurisdiction. As such, NLC and NATOA’s model code is intended as a roadmap to assist local governments in adopting their own ordinances governing use of the rights of way by communications providers. While example language is included in some sections, we do not intend to suggest these examples could work for every jurisdiction.

We also recognize there are many ways to structure an ordinance authorizing use of the rights of way by wireless and wireline communications providers. The appropriate structure will vary by jurisdiction. For purposes of this model code, we opted to use a similar approach as the BDACs model code to provide an opportunity to compare and contrast the two models. Thus, the general concept of this model, like the BDAC model, is to:

- (1) Outline the mechanism for authorizing use of the rights of way by wireless and wireline communications providers (*e.g.*, franchise agreements, right of way use agreements, licenses, *etc.*);
- (2) Provide a mechanism for administrative approval of deployments that meet specific criteria, which will allow for faster deployment of certain facilities where discretionary review and/or public hearings are unnecessary; and
- (3) Establish the requirements for working in the rights of way to install communications facilities.

The model is intended to provide a general framework and thus is drafted as an outline of provisions jurisdictions may want to include in their final ordinance. In many cases example language is provided to help illustrate the issues to be addressed and, in some cases, to provide an alternative to similar language found in the BDAC model. However, the intent is to allow each jurisdiction to draft the substantive provisions that best reflect local needs and interests.

Note that the NLC/NATOA model code does not authorize attachments to poles or structures in the rights of way, which involves considerations, such as make-ready work and attachment fees, that have not been addressed in this model. We recommend that jurisdictions that own poles or other structures in the rights of way establish a clear process for authorizing attachments to those structures, which may be incorporated into this code or established as a stand-alone process.

Finally, please note that this model is not intended to, and does not, address or reflect state and local laws or any limitations on local authority. The circumstances of each municipality may, and likely will, require modifications to the framework and/or example language of this model code. The model code is not intended to provide legal advice and we strongly encourage municipalities to consult with an attorney before adopting any portion of this model code.

### **Additional Considerations**

As described above, NLC and NATOA followed the general framework of the BDAC model code, which applies only to wireless and wireline communications providers, including cable operators, telecommunications providers and information services providers. Municipalities should review their existing ordinances and policies to determine if this framework is appropriate. Municipalities may want to consider whether it would be preferable to adopt a utility-neutral ordinance covering all utilities and communications providers, which would provide one set of “rules” for use of the public rights of way. Differences in state laws, local authority and policy choices, existing ordinances and rights of way agreements, among other things, may impact the decision in how to proceed.

### **Understanding the Organization of the Model Code**

As stated above, the model code is best described as an outline or roadmap to assist municipalities in drafting the appropriate ordinance for their community. Most sections of the model code begin with an overview of the purpose of the Section. This explanation is bracketed and in ALL CAPS, and is intended as guidance for municipal drafters, not for adoption in a final ordinance.

Most subsections include a general explanation of the type of provision a municipality may wish to include in its ordinance, which is intended as guidance rather than proposed language for adoption in a final ordinance. These instructions generally are at the beginning of a subsection and are in plain text.

In some sections, the model code includes example language to illustrate the intent of the section. The example language, or a variation thereof, may be appropriate for adoption in a final ordinance in some jurisdictions. Example language is in *italics*.

Finally, there may be additional notes or issues for consideration within the subsections of the model code, which are bracketed and in ALL CAPS. Again, these notes are intended as guidance for municipal drafters, not for adoption in a final ordinance.



## TABLE OF CONTENTS

	<u>Page</u>
Article I. Title and Definitions .....	1
Section 1.1 Title .....	1
Section 1.2 Definitions .....	1
Article II. Governance of Deployment in the Public ROW .....	4
Section 2.1 Access to Public ROW .....	4
Section 2.2 Permit Applications .....	11
Section 2.3 Administrative Review .....	13
Section 2.4 Discretionary Review and Approval.....	17
Section 2.5 General Public ROW Installation Requirements. ....	17
Section 2.6 Attachment to and Replacement of Decorative Poles.....	19
Section 2.7 Violation of this Chapter. ....	19
Section 2.8 Effective Date.....	20

**Article I. Title and Definitions**

**Section 1.1 Title**

[INSERT APPROPRIATE TITLE FOR THIS CHAPTER]

**Section 1.2 Definitions.** [THE FOLLOWING DEFINITIONS ARE EXAMPLES ONLY; JURISDICTIONS SHOULD ADOPT DEFINITIONS THAT REFLECT STATE LAW AND LOCAL AUTHORITY AND POLICIES.]

- a. **“Administrative Review”** means ministerial review of an Application by the Authority relating to the review and issuance of a Permit, including review by the [insert appropriate staff and designee, if desired] to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.
- b. **“Antenna”** means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- c. **“Applicable Codes”** means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.
- d. **“Applicant”** means any Person who submits an Application under this Chapter.
- e. **“Application”** means a written request, on a form provided by the Authority, for a Permit. [IF THE JURISDICTION DOES NOT HAVE A PERMIT FORM, DELETE “ON A FORM PROVIDED BY THE AUTHORITY” IN THE DEFINITION.]
- f. **“Authority”** means the [city/town/etc of \_\_\_\_\_] or any agency, subdivision or any instrumentality thereof. [THIS MODEL USES THE TERM “AUTHORITY” FROM THE BDAC MODEL. JURISDICTIONS SHOULD CONSIDER USING THE TERM FOR THE CITY/TOWN/ETC. THAT IS CONSISTENT WITH OTHER PROVISIONS OF THEIR CODE.]
- g. **“Collocate”** means to install or mount a Small Wireless Facility in the Public ROW on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. “Collocation” has a corresponding meaning.
- h. **“Communications Facility”** means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

- i. **“Communications Service”** means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53). [CONSIDER REVISING THIS DEFINITION TO REFER TO “BROADBAND” RATHER THAN “INFORMATION SERVICES,” OR OTHERWISE ESTABLISH THAT AN INTERNET PROVIDER MUST PROVIDE CERTAIN MINIMUM SPEEDS TO BE ELIGIBLE TO FILE AN APPLICATION UNDER THIS CHAPTER.]
- j. **“Communications Service Provider”** means a provider of Communications Services and includes a cable operator, as defined in 47 U.S.C. § 522(5).
- k. **“Decorative Pole”** means a Pole that is specially designed and placed for aesthetic purposes.
- l. **“Discretionary Review”** means review of an Application by the Authority relating to the review and issuance of a Permit that is other than an Administrative Review.
- m. **“Eligible Facilities Request”** means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.
- n. **“FCC”** means the Federal Communications Commission of the United States.
- o. **“Laws”** means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- p. **“Ordinary Maintenance and Repair”** means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a Communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW. [NOTE THAT THIS TERM IS USED IN SECTION 2.2.d, WHICH EXEMPTS ORDINARY MAINTENANCE AND REPAIR FROM THE PERMIT REQUIREMENT. THIS DEFINITION SHOULD BE REFINED TO REFLECT THE TYPE OF WORK IN THE ROW THE MUNICIPALITY WILL ALLOW WITHOUT A PERMIT. ALTERNATIVELY, THIS DEFINITION AND SECTION 2.2.d MAY BE DELETED IF THE JURISDICTION’S POLICY IS TO REQUIRE A PERMIT FOR ALL WORK IN THE ROW.]
- q. **“Permit”** means a written authorization (in electronic or hard copy format) to install, at a specified location(s) in the Public ROW, a Communications Facility, Tower or a Pole to support a Communications Facility.
- r. **“Permittee”** means an Applicant that has received a Permit under this Chapter.
- s. **“Person”** means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.
- t. **“Pole”** means a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right of Way. A Pole does not include a Tower or Support

Structure and does not include a pole or structure that supports electric transmission lines.

- u. **“Provider”** means a Communications Service Provider or a Wireless Services Provider, and includes any Person that owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers.
- v. **“Public Right of Way” or “Public ROW”** means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Authority has the authority to permit use of the area or Public Utility Easement for Communications Facilities or Poles, Towers and Support Structures that support Communications Facilities. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Authority.
- w. **“Public Utility Easement”** means, unless otherwise specified or restricted by the terms of the easement, the area on, below, or above a property in which the property owner has dedicated an easement for use by utilities. Public Utility Easement does not include an easement dedicated solely for Authority use, or where the proposed use by the Provider is inconsistent with the terms of any easement granted to the Authority.
- x. **“Replace” or “Replacement”** means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable Authority [charter/code regulations], in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.
- y. **“Small Wireless Facility”** means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of no more than \_\_\_ ( ) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the Provider’s preexisting equipment, is cumulatively no more than \_\_\_\_\_ ( ) cubic feet in volume. [THIS DEFINITION IS A MODIFICATION OF THE BDAC MODEL DEFINITION. JURISDICTIONS SHOULD CONSIDER WHETHER ANOTHER DEFINITION WOULD BE MORE APPROPRIATE, SUCH AS AN OVERALL VOLUME LIMIT (NOT ONE LIMIT FOR ANTENNAS AND ONE FOR OTHER EQUIPMENT) OR OTHER MEASURES OF SIZE LIMITS. NOTE THAT THE VOLUME LIMITS LEAVE ROOM FOR DIFFERENT SHAPES (E.G., VERY TALL AND THIN) THAT MAY NOT BE DESIRABLE. IF THIS IS A CONCERN, THIS DEFINITION SHOULD BE REVISED OR IT SHOULD BE ADDRESSED THROUGH THE DESIGN STANDARDS IN THIS CHAPTER. NOTE ALSO THAT THE BDAC MODEL AND SOME STATE LAWS EXCLUDE CERTAIN EQUIPMENT FROM THE VOLUME CALCULATION, WHICH SOME JURISDICTIONS MAY WANT TO INCORPORATE IN THIS DEFINITION IF APPROPRIATE.]
- z. **“State”** means the [State/Commonwealth] of \_\_\_\_\_.

- aa. **“Support Structure”** means a structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.
- bb. **“Tower”** means any structure in the Public ROW built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.
- cc. **“Wireless Facility”** means the equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.
- dd. **“Wireless Services”** means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.
- ee. **“Wireless Services Provider”** means a Person who provides Wireless Services.

## Article II. Governance of Deployment in the Public ROW

**Section 2.1 Access to Public ROW** [THIS SECTION REQUIRES A FRANCHISE, ROW AGREEMENT, LICENSE OR OTHER AUTHORIZATION FOR USE OF THE PUBLIC ROW. THIS SECTION SHOULD BE ADJUSTED WHERE A MUNICIPALITY DOES NOT HAVE AUTHORITY TO REQUIRE A FRANCHISE/AGREEMENT/LICENSE. THIS SECTION MAY INCLUDE THE TERMS AND CONDITIONS FOR USE OF THE ROW OR IT MAY SIMPLY STATE THAT A NEGOTIATED FRANCHISE/ROW USE AGREEMENT IS REQUIRED. NOTE THAT THIS CODE DOES NOT ADDRESS AUTHORITY TO ATTACH TO AUTHORITY-OWNED POLES OR STRUCTURES IN THE ROW. THIS CODE SHOULD STATE THAT A SEPARATE ATTACHMENT AGREEMENT IS REQUIRED (OR, ALTERNATIVELY, THAT ATTACHMENT TO AUTHORITY-OWNED POLES WILL BE INCLUDED IN THE ROW USE FRANCHISE/AGREEMENT, IF THAT IS THE PREFERENCE).]

- a. Agreement. State that an agreement is required to authorize installation of Communications Facilities in the Public ROW. [For example: *“Prior to installing in the Public ROW any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a [Right of Way Agreement; Franchise Agreement; License Agreement] with the Authority expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.”*]
- (i) General Terms [THE FOLLOWING IS A SUGGESTED LIST OF GENERAL PROVISIONS THAT COULD BE INCORPORATED INTO FRANCHISES OR OTHER ROW USE AGREEMENTS, AGREED TO AS PART OF ROW LICENSE OR OTHERWISE REQUIRED OF ALL PROVIDERS.]
  - (A) Include the maximum term of the agreement, including any renewals, and the bases for termination. [CONSIDER

FOLLOWING SIMILAR PROVISIONS OF EXISTING ROW ORDINANCES OR AGREEMENTS.]

- (B) State the scope of authority granted in the franchise/agreement/license. [For example: *“The [franchise/agreement/license] authorizes the Provider’s non-exclusive use of the Public ROW for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and any Tower, to provide the services expressly authorized in the [franchise/agreement/license], subject to applicable Laws, this Chapter and the terms and conditions of the [franchise/agreement/license]. The [franchise/agreement/license] authorizes use only of the Public ROW in which the Authority has an actual interest. It is not a warranty of title or interest in any Public ROW and it does not confer on the Provider any interest in any particular location within the Public ROW. No other right or authority is granted except as expressly set forth in the [franchise/agreement/license]. Nothing herein shall authorize the use of the Authority’s Poles, Towers, Support Structures, or other structures in the Public ROW. All use of Authority Poles, Towers, Support Structures, and other structures in the Public ROW shall require a separate agreement, and the payment of separate fees for such use.”*
  - (C) Include general maintenance obligations. [For example: *“The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public ROW in a safe condition, and in good order and repair.”*]
  - (D) Include specific indemnification and insurance requirements. [CONSIDER FOLLOWING SIMILAR PROVISIONS OF EXISTING ROW ORDINANCES OR AGREEMENTS.]
  - (E) Emergency contacts and required response to emergencies related to facilities. [CONSIDER FOLLOWING SIMILAR PROVISIONS OF EXISTING ROW ORDINANCES OR AGREEMENTS.]
  - (F) Assignment and sublicensing. [For example: *“Lessees or licensees using space in ducts, conduits and on Poles must comply with the terms of this [agreement/Chapter], unless expressly exempted by the Authority.”*]
  - (G) Include the Authority’s right to access books and records, including audit rights. [CONSIDER FOLLOWING SIMILAR PROVISIONS OF EXISTING ROW ORDINANCES OR AGREEMENTS.]
- (ii) Public ROW Construction and Installation Requirements. [CONSIDER INSERTING REFERENCE TO EXISTING ROW CONSTRUCTION REQUIREMENTS; IF NO REQUIREMENTS EXIST, CONSIDER ADDING

STANDARDS APPLICABLE TO ALL ROW USERS (*I.E.*, ALL UTILITIES, CABLE, TELECOMS, *ETC.*) TO THE APPROPRIATE CHAPTER OF THE CODE OR DEVELOPING STANDARDS TO INSERT IN THIS SECTION. THE FOLLOWING IS A SUGGESTED LIST OF PROVISIONS TO ADDRESS:]

(A) ROW Permit.

1. State that permits are required. [For example: *“Unless expressly authorized in this Chapter or in writing by the Authority, no Person may construct, maintain or perform any other work in the Public ROW related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Chapter, and any other permit or authorization required by applicable Laws.”*] [CONSIDER ADDING A CROSS-REFERENCE TO ANY OTHER PERMITS THAT MAY BE REQUIRED, SUCH AS A STREET OPENING PERMIT, ELECTRICAL PERMIT, *ETC.*]
2. State that permits will not be issued unless the Provider has a franchise/agreement/license, if required, and has paid all applicable fees. [For example: *“The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the [franchise/agreement/license] required by this Chapter, or otherwise has a current and valid franchise with the Authority expressly authorizing use of the Public ROW for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.”*]

(B) Location of New Facilities.

1. Include general non-interference language. [For example: *“The Provider shall not locate or maintain its Communications Facilities, Poles and Towers so as to unreasonably interfere with the use of the Public ROW by the Authority, by the general public or by other persons authorized to use or be present in or upon the Public ROW.”*]
2. Describe the required location and requirements for above-ground placement of new poles and equipment cabinets (*e.g.*, distance from curb/sidewalk/lot lines; line of sight for traffic; labeling requirements; noise limits; *etc.*). Consider cross-referencing the design standards described below where the standards impact location of facilities.
3. State when new facilities must be placed underground; consider the circumstances in which wireless facilities may

remain above-ground in the ROW even where other facilities are underground. [For example: *“Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public ROW, the Provider with permission to occupy the same portion of the Public ROW shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above-ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, which may be outside the Public ROW.”*]

(C) Construction Standards.

1. Require the Provider and its contractors to comply with applicable safety requirements, permits, traffic control requirements, etc. Refer to or incorporate existing ROW construction standards. [For example: *“In performing any work in or affecting the Public ROW, the Provider, and any agent or contractor of the Provider, shall comply with the provisions of Section 2.5 of this Chapter and all other applicable Laws, including [INSERT CROSS REFERENCE TO OTHER APPLICABLE AUTHORITY CODES, IF ANY].”*]

(D) Restoration Requirements.

1. Require the Provider and its contractors to comply with applicable restoration requirements. Refer to or incorporate existing ROW construction standards. [For example: *“The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public ROW that is damaged or disturbed by the Provider’s Communications Facilities, Poles, Towers or work in or adjacent to the Public ROW as required in Section 2.5 of this Chapter and all other applicable Laws, including [INSERT CROSS REFERENCE TO OTHER APPLICABLE AUTHORITY CODES, IF ANY].”*].
2. Include authority of the municipality to complete the restoration, at provider’s cost, if the provider fails to do so. [For example: *“If the Provider fails to timely restore, repair or replace the Public ROW as required in this subsection, the Authority or its contractor may do so and the Provider shall pay the Authority’s costs and expenses in completing the restoration, repair or replacement.”*]



(E) Removal, Relocation and Abandonment.

1. Describe the requirement to relocate or remove facilities consistent with state law and local policies. Include the timeline to complete relocation/removal. [For example: *“Within \_\_\_\_ (\_\_\_) days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public ROW, including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Chapter), whenever the Authority has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any Authority [OR public OR governmental body] improvement, the operations of the Authority [OR public OR governmental body] in, under or upon the Public ROW, or otherwise is in the public interest. The Provider shall be responsible to the Authority for any damages or penalties it may incur as a result of the Provider’s failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.”*]
2. Include relocation/removal authority of the municipality in the event of an emergency. [For example: *“The Authority retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public ROW of the Authority, as the Authority may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Authority shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases the Authority shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.”*]
3. Address the providers’ obligations relative to abandoned facilities. Include a timeline for removal and restoration; consider whether to allow facilities to be abandoned in place and whether the provider will remain responsible for abandoned facilities or if the municipality may choose to take ownership. [For example: *“A Provider shall notify the Authority of abandonment of any Communications Facility, Pole, Support Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to*

*abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Authority determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public ROW unless the Authority agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.”]*

4. Include authority of the municipality to complete the relocation/removal, at provider's cost, if the provider fails to do so. [For example: *“If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Authority or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Authority incurs arising from the delay.”*]

(F) As-builts and Maps.

1. Require maps showing location of equipment in ROW and as-builts after construction; specify, if desired, the required format for maps. [CONSIDER INCLUDING OR REFERENCING SIMILAR PROVISIONS OF EXISTING ROW ORDINANCES OR AGREEMENTS.]

(G) [CONSIDER ADDING OTHER DESIRED ROW CONSTRUCTION-RELATED REQUIREMENTS, SUCH AS “DIG ONCE” REQUIREMENTS/INSTALLATION OF EXCESS CONDUIT FOR THE AUTHORITY AT INCREMENTAL COST.]

b. Fees and Charges. [INSERT EXISTING APPLICABLE FEES AND CHARGES OR ESTABLISH NEW FEES AND CHARGES. BELOW ARE EXAMPLES OF POSSIBLE FEES AND CHARGES:]

- (i) **Permit Application Fee.** Insert the appropriate fee for each Permit Application submitted under this Chapter. [For example: *“Every Applicant shall pay a Permit application fee of [\$\_] for each Application. The fee shall be paid upon submission of the Application.”*] [CONSIDER ALLOWING BATCH PERMITS WITH LOWER FEES FOR SUBSEQUENT PERMITS. FOR EXAMPLE: *“Every Applicant shall pay a Permit application fee of [\$\_] for a single Application, and [\$\_] for multiple Applications of up to [insert number] Applications submitted simultaneously by a*

*Provider pursuant to Section 2.2.i.” “The fee shall be paid upon submission of the Application(s).”]*

- (ii) **Agreement/License Application Fee.** Insert the appropriate fee for reviewing and issuing the ROW franchise/agreement/license required under this Chapter. [For example: *“Every Person requesting a [Right of Way Agreement; Franchise Agreement; License Agreement] from the Authority shall pay an application fee of [\$\_\_\_\_], which shall be paid upon submission of the [Right of Way Agreement; Franchise Agreement; License Agreement] application.”*]
- (iii) **ROW Use Fee.** Insert the appropriate fee to be paid for use of the Public ROW. [For example: *“In exchange for the privilege of non-exclusive occupancy of the Public ROW, the Provider shall pay the Authority [[\$\_\_\_\_] per installation or other calculation] (the “ROW Use Fee”). The ROW Use Fee shall be due and payable within thirty (30) days of [issuance of the [Right of Way Agreement; Franchise Agreement; License]] [issuance of the applicable Permit(s) required under this Chapter] and [annually/quarterly/monthly] thereafter. Late payments shall be subject to interest at a rate of [\_\_\_\_] [and a penalty of \_\_\_\_].”*] [IF THERE IS NO AGREEMENT OR LICENSE FOR USE OF THE ROW, CONSIDER INCLUDING AUDIT RIGHTS IN THIS SECTION. NOTE THAT THIS CODE DOES NOT ADDRESS ATTACHMENT FEES FOR ATTACHING TO AUTHORITY POLES OR STRUCTURES IN THE ROW. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, ANY ATTACHMENT FEES SHOULD BE ADDRESSED ELSEWHERE OR, IF REQUIRED OR PREFERRED, INCORPORATED IN THIS CODE ALONG WITH OTHER PROVISIONS UNIQUE TO ATTACHMENTS (E.G., MAKE READY AND RELOCATION OF EXISTING ATTACHMENTS).]
- (iv) **Other Fees.** State that other fees may apply. [For example: *“The Applicant or Provider shall be subject to any other generally applicable fees of the Authority or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of Authority owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public ROW, as set forth in attachment agreements authorizing such use.”*] [CONSIDER INCLUDING A CROSS REFERENCE TO GENERALLY APPLICABLE AUTHORITY FEES THAT WOULD APPLY.]
- (v) **No Refund.** State the policy on refunding any fees. [For example: *“Except as otherwise provided in a [Right of Way Agreement; Franchise Agreement; License], the Provider may remove its Communications Facilities, Poles or Towers from the Public ROW at any time, upon not less than thirty (30) days prior written notice to the Authority, and may cease paying to the Authority any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public ROW. In no event shall a Provider be entitled to a refund of fees paid prior to removal of its Communications Facilities, Poles or Towers.”*] [NOTE

THAT PRO RATA REFUNDS ARE AN OPTION JURISDICTIONS MAY WANT TO CONSIDER.]

**Section 2.2 Permit Applications** [THIS SECTION SHOULD STATE THE PERMIT APPLICATION REQUIREMENTS AND OTHER RELATED REQUIREMENTS.]

- a. Permit Required. State that a permit is required under this Chapter. [For example: *“Unless expressly authorized in this Chapter or in writing by the Authority, no Person may construct, install or maintain in the Public ROW any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public ROW, without first receiving a Permit. Notwithstanding the foregoing, in the event of an Emergency, a Provider or its duly authorized representative may work in the Public ROW prior to obtaining a Permit, provided that the Provider shall attempt to contact the Authority prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than \_\_\_ [days/hours], after commencing the Emergency work. For purposes of this subsection, an “Emergency” means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.”*]
- b. Permit Application Requirements. [For example: *“The Application shall be made by the Provider or its duly authorized representative and shall contain the following:*
  - (i) *The Applicant’s name, address, telephone number, and e-mail address, including emergency contact information for the Applicant.*
  - (ii) *The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.*
  - (iii) *A description of the proposed work and the purposes and intent of the proposed facility sufficient to demonstrate compliance with the provisions of this Chapter. The Applicant shall state whether the Applicant believes the proposed work is subject to Administrative Review or Discretionary Review and if the Permit is an Eligible Facilities Request. [CONSIDER ADDING BOXES TO CHECK ON THE PERMIT APPLICATION.]*
  - (iv) *If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.*
  - (v) *Detailed construction drawings regarding the proposed facility. [ADD ANY CROSS-REFERENCES TO OTHER EXISTING CODE PROVISIONS THAT PROVIDE SPECIFIC REQUIREMENTS FOR DRAWINGS]*
  - (vi) *To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support*

*Structure will be modified to meet structural requirements) in accordance with Applicable Codes.*

- (vii) *For any new aboveground facilities, accurate visual depictions or representations, if not included in the construction drawings.”]*
- (viii) [ADD ANY OTHER SUBMISSION REQUIREMENTS, SUCH AS TRAFFIC CONTROL PLANS.]
- c. Proprietary or Confidential Information in Application. State how the Authority will handle proprietary/confidential information and the Applicant’s requirement to mark information as such. [For example: “*Applications are public records that may be made publicly available pursuant to [INSERT STATE LAW AND/OR LOCAL CODE/POLICY]. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the Authority shall treat the information as proprietary and confidential, subject to [INSERT STATE LAW AND/OR LOCAL CODE/POLICY] and the Authority’s determination that the Applicant’s request for confidential or proprietary treatment of Application materials is reasonable. The Authority shall not be required to incur any costs to protect the Application materials from disclosure, other than the Authority’s routine procedures for complying with [INSERT STATE LAW AND/OR LOCAL CODE/POLICY].”]* [THIS LANGUAGE SHOULD BE ADJUSTED TO COMPLY WITH APPLICABLE PUBLIC RECORDS/FREEDOM OF INFORMATION LAWS.]
- d. Ordinary Maintenance and Repair. Describe the requirements for performing Ordinary Maintenance and Repair. [For example: “*A Permit shall not be required for Ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable Laws and shall notify the Authority in writing at least \_\_\_ [days/hours before/after] performing the Ordinary Maintenance and Repair.*”] [AS NOTED ABOVE, A JURISDICTION MAY CHOOSE NOT TO ALLOW ORDINARY MAINTENANCE AND REPAIR WITHOUT A PERMIT (SUBJECT TO APPLICABLE LAWS), IN WHICH CASE THIS PROVISION SHOULD BE DELETED ALONG WITH THE DEFINITION OF THAT TERM.]
- e. Material Changes. State whether, and under what circumstances, a material change to an Application will impact the review process and/or require payment of additional permit fees. [For example: “*The Authority may require payment of an additional Permit application fee in the event the Authority determines, in its sole discretion, that material changes to an Application after submission amount to a new Application and will materially increase the time and/or costs of the Permit review process.*” IF A JURISDICTION WILL INCLUDE SHOT CLOCKS IN SECTION 2.3.b.(ii), CONSIDER ADDING: “*Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Section 2.3.b.(ii), unless otherwise provided by applicable Laws.*”]

- f. Application Fees and Bonds. State when Application fees must be paid and other financial obligations such as bonds. [For example: *“Unless otherwise provided by applicable Laws, all Applications pursuant to this Chapter shall be accompanied by the Fees required under Section 2.1.b.”*] [INSERT CROSS REFERENCE TO EXISTING BOND REQUIREMENT OR ADD REQUIREMENT HERE, FOR EXAMPLE: *“Unless otherwise provided in a franchise agreement or agreed to in writing by the Authority, a performance bond or other form of surety acceptable to the Authority equal to at least one hundred percent (100%) of the estimated cost of the work within the Public ROW shall be provided before the Applicant commences work.”*]
- g. Effect of Permit. [For example: *“A Permit from the Authority authorizes an Applicant to undertake only the activities in the Public ROW specified in the Application and Permit, and in accordance with this Chapter and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public ROW; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public ROW.”*]
- h. Duration. [For example: *“Any Permit for construction issued under this Article II shall be valid for a period of \_\_\_ days/weeks/months after issuance.”*] [CONSIDER PROVIDING FOR EXTENSION OF TIME, FOR EXAMPLE: *“Any Permit for construction issued under this Article II shall be valid for a period of \_\_\_ [days/weeks/months] after issuance, provided that the \_\_\_ [day/week/month] period [may/shall] be extended for up to an additional \_\_\_ [days/weeks/months] upon written request of the Applicant (made prior to the end of the initial \_\_\_ [day/week/month] period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.”*]
- i. [CONSIDER ALSO INCLUDING A BATCH PERMIT PROVISION TO ALLOW MULTIPLE APPLICATIONS TO BE SUBMITTED AT ONE TIME. For example: *“An Applicant may simultaneously submit not more than \_\_\_\_\_ (\_\_\_) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Authority. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communication Facility were a separate Application. [ADJUST THIS IF A DISCOUNT IS GIVEN FOR BATCH APPLICATIONS.]”*] [CONSIDER INCLUDING A MONTHLY OR OTHER TIME-BASED LIMIT ON FILING CONSOLIDATED OR BATCH APPLICATIONS, ESPECIALLY IF THERE IS AN APPLICABLE SHOT CLOCK. ALSO CONSIDER OTHER APPLICABLE LIMITS, SUCH AS DISTANCE, WITH RESPECT TO BATCH WIRELINE APPLICATIONS SO THAT APPLICATIONS ARE REVIEWABLE IN A TIMELY MANNER.]

**Section 2.3 Administrative Review** [INSERT BELOW THOSE TYPES OF DEPLOYMENTS THAT MAY BE APPROVED BY ADMINISTRATIVE REVIEW WITHOUT A PUBLIC HEARING. THESE MUST MEET THE OTHER CRITERIA

ESTABLISHED IN THIS CHAPTER, BUT SO LONG AS THEY DO THERE WOULD NOT BE DISCRETION TO DENY THE PERMIT. THIS SECTION OR THE DESIGN CRITERIA SHOULD REFERENCE LAND USE ZONES IF THE JURISDICTION WANTS CERTAIN ZONES (E.G., HISTORIC, RESIDENTIAL) TO HAVE DIFFERENT STANDARDS OF REVIEW. THE PROVISIONS BELOW PROVIDE SAMPLE LANGUAGE BASED ON THE BDAC RECOMMENDATION (WITH MODIFICATIONS). JURISDICTIONS MUST REVIEW APPLICABLE LAWS TO ENSURE THAT THIS SECTION IS CONSISTENT WITH STATE OR FEDERAL REQUIREMENTS, AND SHOULD ADJUST THE LANGUAGE TO MEET COMMUNITY NEEDS AND INTERESTS SUBJECT TO APPLICABLE LAWS.]

- a. Permitted Use. Describe uses that will be approved on Administrative Review. [For example: *“The following uses within the Public ROW shall be permitted uses, subject to Administrative Review and issuance of a Permit as set forth in this Section 2.3. All such uses shall be in accordance with all other applicable provisions of this Chapter, including without limitation, those set forth in Section 2.5 below [IF APPLICABLE ADD: and the terms of any Right of Way Agreement/ Franchise Agreement/License].*
- (i) *Collocation of a Small Wireless Facility that does not exceed the maximum height set forth in Subsection 2.3.c or a Collocation that qualifies as an Eligible Facilities Request. [COLLOCATION IS LIMITED TO PLACEMENT OF SMALL WIRELESS FACILITIES ON A TOWER, OR ON A SUPPORT STRUCTURE OR POLE THAT HOLDS AT LEAST ONE SMALL WIRELESS FACILITY AT THE TIME OF THE APPLICATION. CONSIDER WHETHER THERE ARE INSTANCES IN WHICH THE INITIAL PLACEMENT OF A SMALL WIRELESS FACILITY ON A SUPPORT STRUCTURE OR POLE SHOULD BE PERMITTED ON ADMINISTRATIVE REVIEW AND, IF SO, ADD APPROPRIATE LANGUAGE TO THIS SECTION. NOTE THAT THE BDAC DEFINITION OF “COLLOCATION” INCLUDES REPLACEMENT OF EXISTING COMMUNICATIONS FACILITIES SUCH AS SWAPPING OUT ANTENNAS. THE PROPOSED DEFINITION IN THIS MODEL DOES NOT INCLUDE REPLACEMENT, SO JURISDICTIONS MAY WANT TO CONSIDER INCLUDING AS A PERMITTED USE THE REPLACING OF FACILITIES THAT ARE THE SAME TYPE/SIZE/AESTHETICS/ETC.]*
  - (ii) *Modification of a Pole, Tower or Support Structure or Replacement of a Pole for Collocation of a Communications Facility where the modification or Replacement qualifies as an Eligible Facilities Request.*
  - (iii) *Construction of a new Pole or a monopole Tower (but no other type of Tower) to be used for a Small Wireless Facility that does not exceed the maximum height set forth in Subsection 2.3.c, provided that there are existing poles of similar height within \_\_\_ feet of either side of the proposed new Pole or monopole Tower. [THIS IS A MODIFICATION OF THE BDAC MODEL AND HAS BEEN LEFT FOR CONSIDERATION; HOWEVER, NEW POLES/TOWERS MAY NOT BE APPROPRIATE IN SOME ZONES OR UNDERGROUNDING DISTRICTS WITH ADMINISTRATIVE REVIEW*

ONLY. JURISDICTIONS SHOULD CONSIDER CHANGES TO THIS SECTION TO REFLECT LOCAL NEEDS AND INTERESTS.]

- (iv) *Construction of a Communications Facility, other than those set forth in subsections (i), (ii) or (iii) in this Section 2.3.a, involving the installation of coaxial, fiber-optic or other cabling, that is installed underground or aboveground between two or more existing Poles or an existing Pole and an existing Tower and/or existing Support Structure, and related equipment and appurtenances.” [CONSIDER ADDRESSING THE SIZE AND LOCATION OF “RELATED EQUIPMENT AND APPURTENANCES” IF NOT ADDRESSED IN THE DESIGN STANDARDS.]]*

b. Application Review. [INSERT APPLICATION REVIEW REQUIREMENTS, INCLUDING THE STANDARD FOR ADMINISTRATIVE APPROVAL OF APPLICATIONS THE COMPLY WITH THIS SECTION.] For example:

- (i) *“The Authority shall review the Application and, if the Application conforms with applicable provisions of Section 2.2 and this Section, the Authority shall issue the Permit, subject to the standard permit requirements published by the Authority.”*
- (ii) [THE FOLLOWING OPTION IS FROM THE BDAC MODEL. NOTE THAT THESE TIMELINES MAY NOT BE REQUIRED BY APPLICABLE LAW. IF A JURISDICTION OPTS TO INCLUDE TIMELINES FOR APPROVING PERMITS, THE TIMELINES SHOULD BE MADE CONSISTENT WITH APPLICABLE STATE AND FEDERAL TIMELINES.] *“Except as otherwise provided by applicable Laws, the Authority shall:*
  - (A) *Within \_\_\_ days of receiving an Application, notify the Applicant if the Application is incomplete, and identify the missing information. The Applicant may resubmit the completed Application within \_\_\_ days without additional charge, in which case the Authority shall have \_\_\_ days from receipt of the resubmitted Application to verify the Application is complete, notify the Applicant that the Application remains incomplete or, in the Authority’s sole discretion, deny the Application; and*
  - (B) *Make its final decision to approve or deny the Application within \_\_\_ days for a collocation, and \_\_\_ days for any new structure, after the Application is complete (or deemed complete in the event the Authority does not notify the Applicant that the Application or resubmitted Application is incomplete).*
- (iii) *The Authority shall advise the Applicant in writing of its final decision.”*
- (iv) [CONSIDER INCLUDING AUTHORITY FOR APPROPRIATE STAFF TO WAIVE MINOR VARIANCES FROM THE REQUIREMENTS OF THIS CHAPTER AND APPROVE APPLICATIONS BY ADMINISTRATIVE REVIEW RATHER THAN DISCRETIONARY REVIEW.]



- c. Maximum Height of Permitted Use. Establish height limits on permitted uses described in subsection 2.3.a. [For example: *“Small Wireless Facilities, and new, modified or Replacement Poles, Towers and Support Structures in the Public Right of Way may be approved through Administrative Review as provided in Section 2.3.a only if the following requirements are met:*
- (i) *Each new, modified or Replacement Pole, Tower or Support Structure installed in the Public ROW shall not exceed \_\_\_\_.”* [INSERT HEIGHT LIMITS OR REFERENCE EXISTING LIMITS ON POLE HEIGHTS IN THE ROW. CONSIDER WHETHER THE LIMIT SHOULD BE THE SAME IN ALL ZONES; WHETHER THE LIMIT SHOULD BE RELATIVE TO EXISTING POLES OR BASED ON HEIGHT FROM THE GROUND (OR THE LESSER/GREATER OF BOTH). NOTE THAT THIS LIMIT WILL APPLY TO POLES THAT HOLD WIRELINE AND WIRELESS FACILITIES.]
  - (ii) *“New Small Wireless Facilities in the Public ROW shall not exceed \_\_\_\_.”* [INSERT HEIGHT LIMITS FOR POLES/TOWERS/SUPPORT STRUCTURES, INCLUDING ATTACHED WIRELESS FACILITIES, IF NOT ADDRESSED IN SUBSECTION (i) ABOVE. CONSIDER WHETHER THE LIMIT SHOULD BE THE SAME IN ALL ZONES; WHETHER THE LIMIT SHOULD BE RELATIVE TO EXISTING POLES OR BASED ON HEIGHT FROM THE GROUND (OR THE LESSER/GREATER OF BOTH). ANOTHER OPTION, RECOGNIZING THAT STANDARD STREET LIGHTS CAN BE FITTED WITH A CANISTER THAT WILL INCREASE THE HEIGHT OF THE LIGHT POLE, IS WHETHER TO PERMIT A HEIGHT COMPARABLE TO LIGHT POLES WITHIN A CERTAIN DISTANCE, PLUS AN ADDITIONAL NUMBER OF FEET (E.G. 5 OR 8 FEET).]
- d. Design Standards. Establish the design standards a deployment must meet to be considered a permitted use as described in subsection 2.3.a. [For example: *“All aboveground Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers in the Public ROW may be approved through Administrative Review to the extent provided in Section 2.3.a only if the following design guidelines are met.”* [ESTABLISH OBJECTIVE DESIGN STANDARDS WITH WHICH AN APPLICANT CAN (AND MUST) DEMONSTRATE COMPLIANCE IN THE APPLICATION TO QUALIFY FOR ADMINISTRATIVE REVIEW AND APPROVAL. THE FOLLOWING IS A LIST OF ISSUES TO CONSIDER ADDRESSING IN THE STANDARDS.]
- (i) Height, size, shape, color and related requirements and/or limits for poles, towers, support structures, antennas and ground-mounted equipment.
  - (ii) Structure design/style (consider new/replacement use cases).
  - (iii) Limits on number, location or styles of poles, support structures and towers that may be installed or used.
  - (iv) Aesthetic approach for different types of facilities.

- (v) Construction approach per facility, including powering and metering.
- (vi) Structural integrity/remediation approach per facility.
- (vii) Electrical integrity/remediation approach per facility.
- (viii) Set-backs for poles, towers, support structures, antennas and ground-mounted equipment.
- (ix) Limits on use of ground-mounted equipment for wireless facilities (e.g., may be used only to house equipment and other supplies in support of the operation of the wireless facility or required to be placed in an underground vault).
- (x) Lighting, marking and noise requirements and/or limits.
- (xi) Fencing/landscaping/screening/signage requirements and/or limits.
- (xii) Collocation analysis.
- (xiii) Alternative site analysis.
- (xiv) Use of decorative poles.
- (xv) [CONSIDER WHETHER ANY OF THESE REQUIREMENTS SHOULD BE DIFFERENT IN DIFFERENT ZONES, HISTORIC AREAS, ENVIRONMENTALLY SENSITIVE AREAS, ETC.]

#### **Section 2.4 Discretionary Review and Approval.**

This Section should describe when discretionary review applies. [For example: “*All other uses within the Public ROW not expressly set forth or referenced in Section 2.3.a shall require compliance with, and issuance of, a permit under [CITE TO EXISTING REQUIREMENTS OF THE CITY CODE/CHARTER THAT REQUIRE DISCRETIONARY REVIEW].*”] [DEPENDING ON LOCAL CODES AND PREFERENCES, THIS MAY REQUIRE A PERMIT UNDER THIS SECTION (TO AUTHORIZE CONSTRUCTION IN THE ROW) AS WELL AS A LAND USE/ZONING APPROVAL, IN WHICH CASE A DISTINCTION SHOULD BE MADE IN THIS SECTION BETWEEN THE TWO PERMITS AND BOTH SHOULD CLEARLY BE REQUIRED.]

#### **Section 2.5 General Public ROW Installation Requirements.**

- a. General Work Requirements. [INSERT GENERAL WORK REQUIREMENTS THE PERMITTEE MUST FOLLOW OR REFERENCE EXISTING CODE REQUIREMENTS THAT A PERMITTEE MUST FOLLOW. NOTE THAT THIS IS DIFFERENT FROM THE ROW REQUIREMENTS IN SECTION 2.1, WHICH APPLY TO THE OWNER OF THE FACILITIES AND APPLY THROUGHOUT THE TERM OF THE FRANCHISE/AGREEMENT/LICENSE OR OCCUPANCY OF THE ROW, WHEREAS THIS SECTION APPLIES TO THE WORK IN THE ROW, WHICH MAY BE PERFORMED BY A CONTRACTOR ON BEHALF OF A PROVIDER. BELOW IS A LIST OF ISSUES TO CONSIDER INCLUDING IN THIS SECTION.]

- (i) General safety and compliance with laws. [For example: *“The Permittee shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and Public ROW-protection requirements of applicable Laws, Applicable Codes, and any generally applicable Authority guidelines, standards and practices, and any additional commonly accepted safety and Public ROW-protection standards, methods and devices (to the extent not inconsistent with applicable Laws).”*]
- (ii) Traffic control. [For example: *“Unless otherwise specified in the Permit, the Permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Uniform Manual of Traffic Control Devices. The Permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as otherwise directed by the Authority.”*]
- (iii) Interference. [For example: *“The Permittee shall not interfere with any existing facilities or structures in the Public ROW, and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any Public ROW.”*]
- (iv) Utility Locates. [For example: *“Before beginning any excavation in the Public ROW, the Permittee shall comply with [INSERT REFERENCE TO STATE OR LOCAL LAW ON UTILITY LOCATES OR “CALL BEFORE YOU DIG”].”*]

b. Compliance with Permit.

- (ii) State that the Permittee must follow permit requirements. [For example: *“All construction practices and activities shall be in accordance with the Permit and approved final plans and specifications. The Authority and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. All work that does not comply with the Permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall be removed at the sole expense of the Permittee. The Authority may stop work in order to assure compliance with the provision of this Chapter.”*]
- (i) Address any needed additional permits. [For example: *“In addition to obtaining a Permit for installation of a Communications Facility, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers in the Public ROW, an Applicant must obtain all other required permits, including but not limited to, [insert other specific local permits].”*]

c. Mapping Data. Insert required maps and as-builts. [For example: *“The Permittee shall provide to the Authority as-builts, in a format designated by the Authority or otherwise compatible with such format, showing the location of Communications*

*Facilities, Poles, Support Structures and Towers upon completion of the permitted work.”]*

- d. [CONSIDER ANY OTHER CONSTRUCTION-RELATED ISSUES TO INCLUDE.]

**Section 2.6 Attachment to and Replacement of Decorative Poles.** [CONSIDER ADDRESSING ATTACHMENTS TO DECORATIVE POLES. THE EXAMPLE LANGUAGE BELOW IS A MODIFIED VERSION OF THE BDAC RECOMMENDATION. NOTE THAT, IF CONSISTENT WITH APPLICABLE LAWS, A JURISDICTION MAY OPT TO HAVE ALL CHANGES/ATTACHMENTS TO DECORATIVE POLES GO THROUGH A DISCRETIONARY REVIEW PROCESS RATHER THAN ADMINISTRATIVE REVIEW. THE BDAC MODEL LANGUAGE, INCLUDED BELOW, REGARDING WHETHER CHANGES ARE “IN KEEPING WITH THE AESTHETICS OF THE DECORATIVE POLE,” APPEARS TO BE A DISCRETIONARY DECISION AND THUS MAY BE MORE APPROPRIATELY CONSIDERED THROUGH DISCRETIONARY REVIEW.]

[For example: *“Notwithstanding anything to the contrary in this Chapter, an Applicant may not install a Small Wireless Facility on a Decorative Pole, or replace a Decorative Pole with a new Decorative Pole unless the Authority has determined, in its sole discretion, that each of the following conditions has been met:*

- a. *The Application qualifies for issuance of a Permit under Section 2.3.a;*
- b. *The attachment and/or the replacement Pole is in keeping with the aesthetics of the Decorative Pole.”* [CONSIDER REVISING TO MEET LOCAL POLICY GOALS]; and
- c. [INSERT ANY OTHER CRITERIA FOR PERMITTING ATTACHMENTS TO OR REPLACEMENT OF DECORATIVE POLES].

[CONSIDER EXPANDING THE SCOPE OF THIS SECTION TO COVER HISTORIC DISTRICTS AND OTHER SENSITIVE AREAS, THOUGH SEE THE NOTE ABOVE REGARDING THE DISCRETIONARY NATURE OF THIS REVIEW. FOR EXAMPLE: *“Notwithstanding anything to the contrary in this Chapter, an Applicant may not install a Small Wireless Facility on a Decorative Pole, replace a Decorative Pole with a new Decorative Pole, or install new above-ground Communications Facilities in [INSERT NAME OF ZONES/DISTRICTS] unless the Authority has determined, in its sole discretion, that each of the following conditions has been met:*

- a. *The Application qualifies for issuance of a Permit under Section 2.3.a;*
- b. *The attachment and/or the replacement Pole is in keeping with the aesthetics and character of the Decorative Pole and/or the [INSERT NAME OF ZONES/DISTRICTS].”]*

### **Section 2.7 Violation of this Chapter.**

Include appropriate language regarding violations of this Chapter. [For example: *“Violation of any of the provisions of this Chapter shall be a [INSERT APPLICABLE TERM, E.G., simple citation] punishable with a civil penalty of \$\_\_\_\_\_ for each violation. Each day that a violation*

*occurs or is permitted to exist by the Applicant or Provider constitutes a separate offense.”]*  
[CONSIDER INSTEAD REFERENCING AN EXISTING GENERALLY APPLICABLE VIOLATION/PENALTY PROVISION OF THE CODE AND NOTICE/OPPORTUNITY TO CURE OR OTHER PROCESS TO CONTEST THE VIOLATION.]

**Section 2.8 Effective Date.**

Insert appropriate language regarding the effective date of the ordinance. [For example: *“This Chapter shall take effect \_\_ (\_\_) days after its passage, approval and publication.”*]