



**DELTA CITY COUNCIL**  
**REGULAR CITY COUNCIL MEETING**

Thursday, September 07, 2017  
Delta City Municipal Complex Council Chambers  
76 North 200 West  
Delta, Utah 84624-9440

PRESENT

Gayle Bunker, Mayor  
Robert Banks, Council Member  
Travis Keel, Council Member  
John Niles, Council Member  
Betty Jo Western, Council Member

ABSENT

Kiley Chase, Council Member

ADDITIONALLY PRESENT

Gregory Jay Schafer, Recorder	Bridgette King, Administrative Assistant
Todd Anderson, City Attorney	Todd Davies, Public Works Operator I
Dent Kirkland, Public Works Director	Stetson Henrie, Public Works Operator II
Travis Stanworth, Asst. Publ. Works Director	Sam Jacobson, Chronicle-Progress, LLC

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place, and the agenda of the meeting had been posted at the City Municipal Complex, on the Utah Public Notice website, the Delta City website and had been provided to the Millard County Chronicle-Progress and to each member of the City Council at least two days prior to the meeting. Mayor Bunker conducted roll call. Council Member Western offered the opening remarks. Mayor Bunker led those in attendance in the Pledge of Allegiance.

**MINUTES**

The minutes of the Regular City Council Meeting held August 17, 2017 were presented for approval. The minutes of the meeting were reviewed without correction. Council Member Niles MOVED to adopt the minutes of the Regular City Council Meeting held August 17, 2017. The motion was SECONDED by Council Member Keel. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Banks and Council Member Chase absent.

### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending September 7, 2017 in the amount of \$176,048.84. Council Member Western MOVED to approve the payments disbursed dated September 7, 2017 in the amount of \$176,048.84. The motion was SECONDED by Council Member Niles. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Chase absent.

### **PUBLIC COMMENT PERIOD**

There were no public comments offered.

### **BUSINESS**

#### **Resolution 17-413 Modifying Consolidated Fee Schedule Dated 09/07/2017**

City Recorder Schafer generally reviewed the memorandum with the Council regarding the proposed changes to the City Consolidated Fee Schedule that were presented to the Council for consideration at the August 17, 2017 meeting. Upon inquiry if any of the items required further contemplation or discussion, the Council indicated they recalled and comprehended the proposed changes requested. Council Member Western did seek further clarification about the proposed inspection fee, and if that it was intended to recover the cost that the City incurs for contractual inspection services, to which her inquiry was affirmed. Council Member Keel MOVED to approve Resolution 17-413 modifying the Consolidated Fee Schedule dated 09/07/17. The motion was SECONDED by Council Member Niles. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a roll call. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Chase absent.

#### **Ordinance 17-276 Modifying Delta City Municipal Code §13-242.A (Animal License Due Dates)**

Recorder Schafer reviewed that the proposed ordinance is to change the animal licensing due dates from February 1 to July 1 so that a springtime animal vaccination clinic could hopefully be held annually and facilitate greater pet care and adherence to our animal licensing requirement. The dates for annual renewal, late payment penalties, etc., will be clearly reflected in the Consolidated Fee Schedule. The ordinance revision also clarifies that a violation of the ordinance is an infraction. Council Member Niles MOVED to approve Ordinance 17-276 modifying the Delta City Municipal Code §13-242. The motion was SECONDED by Council Member Keel. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a roll call. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Chase absent.

**Motel/Hotel Feasibility Study Funding Consideration**

Mayor Bunker informed the Council that he had previously been contacted by an individual who desired to meet with him about conducting a feasibility study to see if its results would suggest or illustrate if Delta would have a need for additional motel or hotel units. This party that had spoken with Mayor Bunker, Council Member Niles and Public Works Director Kirkland and had expressed interest in building a motel or hotel in Delta. However, he stated he would like to be the contractor for the motel or hotel. He would with the City, seek to find local investors to finance the unit. He also stated that nobody is going to invest in such a building without a feasibility study to determine the probability of such a venture. Mayor Bunker asked the Council if they had considered and were interested in having the City have a feasibility study made and further, in providing the funding for the endeavor, noting it would cost approximately \$8,500.00. Council Member Niles informed the Council that if the feasibility study was not favorable half way through, the company performing it would stop and only charge half of the anticipated study charges. Council Member Western asked if the feasibility study would factor in that there are times of the year that there were not going to be as many people looking for accommodations. Mayor Bunker also stated that the study would be available to those that are interested in building a motel or hotel and not just for any specific person or entity. After further discussion, Council Members asked if they might be able to receive more information about what would be covered by such a feasibility study. Council Member Banks MOVED to table agenda item 3, Motel/Hotel Feasibility Study Consideration until the next meeting. The motion was SECONDED by Council Member Niles. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Chase absent.

**Proposed Personnel Policies and Procedures Manual Section Review**

Recorder Schafer stated that when the Job Classification and Compensation Study was first conducted for Delta City, Mike Swallow, President of Personnel Systems and Services, Inc., changed his position title to Administrative Officer/Recorder to more accurately reflect the type and nature of his work; and that it was not to be confused with the City Administrator or City Manager role which the City does not have. Recorder Schafer noted that he has a multitude of administrative functions in his role and works closely with all department heads, but noted that Public Works matters are Mr. Kirkland's responsibilities and these two main department heads report to the Mayor. Recorder Schafer stated that there has been some significant progression made on the manual, but it would need continued editing and thought invested. Recorder Schafer stated that there had been some feedback about the policy prohibiting the use of personal email accounts on City computers and that he would like to modify the policy to allow for such use provided it does not interfere with the workload of employees. Recorder Schafer asked that he be permitted to establish a City email address for every City employee. The Council members agreed to both changes. Recorder Schafer added that he was going to add some clarity on the point that people report problems to their own department heads. Recorder Schafer noted that he would be refining the language about holiday pay and overtime. Recorder Schafer reviewed some other points raised that sought clarity. Recorder Schafer addressed the question

about compensatory time and noted that he had discussed it with Public Works Director Kirkland and that they had contemplated suggesting to the Council that we not permit it at all. Council Member Banks asked for clarification on what is considered compensatory time. Recorder Schafer defined it as time that an employee has worked overtime then takes leave time but is not allocated away from the employee's documented leave time balance, is taken at straight time and at the employee's request in lieu of paid overtime. Council Member Western suggested keeping compensatory time in the proposed policy manual. Council Member Keel suggested keeping compensatory time limited to use within the pay period in which it was earned. After discussing compensatory time, the Council agreed that compensatory time would be taken hour-for-hour, not having any paid overtime component and must be used within one month of when earned. Flextime was defined as allowing for a deviation from an employee's regularly scheduled work hours within any given workweek with their Department Head's approval. The Council agreed to allowing an increase from forty-eight to sixty hours of sick leave earned annually, which can continue to accrue as has been practice, noting that there remains no payout upon separation of employment from the City. Recorder Schafer stated that he had been speaking with Public Works Director Kirkland and Assistant Public Works Director Stanworth about the callout policy and that they had cumulatively wondered about making a change to the job description of Public Works employees subject to callout, where such an individual's domicile would be required to be within five miles, rather than fifteen minutes from the City Public Works Yard. After discussion, the Council decided that the callout policy should stay at fifteen minutes rather than a designated mileage to keep a timely response. Recorder Schafer stated that the next thing that employees collectively asked be addressed is the the forty hours of vacation allowed to be carried between fiscal years. Current policy requires carried-over hours be used within the first calendar quarter of the new fiscal year. Recorder Schafer explained that the first quarter of the new fiscal year is when Public Works personnel are at their busiest time with outdoor projects, taking advantage of optimal weather conditions, etc., and that using leave time in mid-to-late summer and early spring is more difficult than it would be later in the year and asked that the deadline be removed altogether or moved out to the end of the calendar year. The Council agreed to move the deadline of using carryover hours to December 31. The subject of gifting time to fellow employees was discussed and the Council approved it provided the gifting of time be clearly documented. The mileage reimbursement for an employee's use of their private vehicle on City business was discussed and agreed that it would be changed to the U.S. Federal rate for mileage as stipulated by the Internal Revenue Service. The per diem for meals was also discussed and Council agreed our existing rates are too low and that they be raised to \$12, \$15 and \$20 for breakfast, lunch and dinner respectively. Recorder Schafer asked if it would be advisable to place within the policy a restriction on an employee's job duties if an employee is on medication(s) that would impair their ability to perform a task, so that the Department Head could have a tool to help decide on whether the employee can or cannot safely perform their typical duties. City Attorney Anderson supported having a work release from a physician for an employee to work while under the influence of major prescription medications. City Attorney Anderson also stated that the City is not mandated under U.S. Federal to follow the mandates of the Family and Medical Leave Act (FMLA), as we are too small of an organization and that we should remove all FMLA references from our proposed policy manual. The Council agreed and directed the removal

of all FMLA language from the policy draft. There was discussion held about what qualifies for the filing of a worker's compensation injury claim. Everyone agreed, as suggested by City Attorney Anderson that we should always err on the side of caution and in the favor of the injured employee's interest in documenting and filing a reportable claim. It was further agreed that the department head, not the injured employee should make the determination of whether a claim be filed, but doing so in the interest of the employee's well-being over any concern of the City. Recorder Schafer stated that there was a request that sick leave use time be permitted in as small as fifteen minute increments rather the current thirty-minute amount. The Council suggested it be kept at the current thirty-minute minimum increment. Public Works Director Kirkland also asked that the language stating that overtime must "physically" be worked before actual compensation is paid during any pay period that a holiday falls within be removed within the policy proposal. The Council concurred. Council Member Western suggested that Rebecca Peterson's job title be changed to "Parks Maintenance Assistant/Custodian" from "Gardner/Custodian."

### **Public Works Activities**

Public Works Director Kirkland informed the Council that the Public Works department had been upgrading older water system meters, trimming trees in the parks and had repainted the airport compass rose. Some of his department personnel had attended the recent 2017 Rural Water Association of Utah Fall Conference. Public Works Director Kirkland further stated that the surveying at the Delta Municipal Airport had been completed. Public Works Director Kirkland informed the Council that he, Mayor Bunker and Council Member Niles attended the Permanent Community Impact Fund Board (PCIFB) meeting earlier that day seeking assistive funding to author a Sewer System Master Plan and to install liners within certain degraded sections of sewer system lines along Delta's Main Street. The PCIFB Board of Directors has offered a \$30,000.00 grant matching City funding for the creation of a Sewer Master Plan. The Board further offered a \$65,000.00 loan to the City, with a 2.50% interest rate component repayable over twenty years to fund the necessary sewer linings deemed necessary. Mr. Kirkland indicated that the City will likely correspond with the PCIFB to request reconsideration for more favorable terms for funding offered to the City. When Mr. Kirkland concluded, Council Member Western asked him if he could check into having a tree trimmed near the stop sign on Topaz Boulevard near the Mi Rancherito Mexican restaurant where the road meets the highway entrance.

Council Member Banks MOVED to enter a closed session to discuss purchase or sale of real property. The motion was SECONDED by Council Member Western. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Banks Chase. Closed Session commenced at 8:50 p.m.

Council Member Keel MOVED to re-enter regular meeting. The motion was SECONDED by Council Member Banks. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks,

Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Banks Chase. Regular Meeting was re-entered at 9:18 p.m.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed, there were none. Council Member Keel MOVED to adjourn the City Council meeting. The motion was SECONDED by Council Member Western. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Chase absent.

The meeting was adjourned at 9:19 p.m.



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**GAYLE K. BUNKER**  
**MAYOR**

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**GREGORY JAY SCHAFFER, MMC**  
**RECORDER**

**MINUTES APPROVED: 09/21/2017**