



**DELTA CITY COUNCIL
REGULAR CITY COUNCIL MEETING**

Thursday, May 3, 2018
Delta City Municipal Complex Council Chambers
76 North 200 West
Delta, Utah 84624-9440

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PRESENT

- John W. Niles, Mayor
- Robert W. Banks, Council Member
- Nicholas W. Killpack, Council Member
- Betty Jo Western, Council Member

ABSENT

- Kiley J. Chase, Council Member
- J. Travis Keel, Council Member

OTHERS PRESENT

- Gregory J. Schafer, Admin. Officer/Recorder
- Todd F. Anderson, City Attorney
- Dent R. Kirkland, Public Works Director
- Travis L. Stanworth, Asst. Public Works Dir.
- Sam Jacobson, Chronicle-Progress, LLC
- Andrea J. Johnson, J & J Oil Company
- Lorraine Jenkins, J & J Oil Company

Mayor Niles 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 Delta City website, on the Utah Public Notice website and had been provided to the Millard County Chronicle-Progress, LLC, and to each member of the City Council at least two days prior to the meeting. Mayor Niles conducted roll call, offered the opening remarks, and then led those in attendance in the Pledge of Allegiance.

Council Member Killpack was called after the Pledge of Allegiance and participated in approval of the minutes from the previous meeting, the payable disbursements and agenda items numbered 1 through 4 before having to depart the meeting.

MINUTES

The minutes of the Regular City Council Meeting held April 19, 2018 were presented for approval. Council Member Western MOVED to adopt the minutes of the Regular City Council Meeting held April 19, 2018 as presented. The motion was SECONDED by Council Member Killpack. Mayor Niles 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 Killpack, and Council Member Western in favor and Council Member Chase and Council Member Keel absent.

40 **ACCOUNTS PAYABLE**

41 The Council reviewed the accounts payable, payroll and electronic transactions for the period
42 ending May 3, 2018 in the amount of \$95,835.04. Council Member Banks asked for clarification
43 on an expenditure. He was informed that the purchase was for new tires on a fleet dump truck.
44 Council Member Banks MOVED to approve the payments disbursed dated May 3, 2018 in the
45 amount of \$95,835.04. The motion was SECONDED by Council Member Western. Mayor Niles
46 asked if there were any questions or comments regarding the motion. There being none, he
47 called for a vote. The motion passed with Council Member Banks, Council Member Killpack, and
48 Council Member Western in favor and Council Member Chase and Council Member Keel absent.

49
50 **PUBLIC COMMENT PERIOD**

51 There was no public comment.

52
53 **BUSINESS**

54
55 **Rally Stop Class "A" Beer License (Beer Sales for Off-Premise Consumption)**

56 Andrea Johnson of Jenkins Oil Company came before the Council to inform them that her
57 company purchased the Chevron (formerly Hart's) from Dahyalal Chaudhari (Delta Partnership
58 LLC) and seeks the Council's approval for a Class "A" Beer License to sell beer for off-premise
59 consumption through their retail establishment. Mayor Niles reviewed for the Council's benefit
60 that Jenkins Oil received all the necessary inspections already and had provided the City a License
61 and Permit (Beer) Bond. Council Member Western asked the location of Jenkins Oil's
62 headquarters. Ms. Johnson stated that their main office is in Cedar City. Council Member Killpack
63 noted that he understood Jenkins Oil's intent was to continue using the property for the same
64 purpose as did the previous owner. Administrative Officer/Recorder Schafer stated that it is,
65 except that licenses are non-transferable. Council Member Western MOVED to approve Rally
66 Stop (Jenkins Oil) for a Class "A" Beer License for off-premise consumption. The motion was
67 SECONDED by Council Member Banks. Mayor Niles asked if there were any questions or
68 comments regarding the motion. There being none, he called for a vote. The motion passed with
69 Council Member Banks, Council Member Killpack, and Council Member Western in favor and
70 Council Member Chase and Council Member Keel absent.

71
72 **Fiscal 2019 Tentative Budget Adoption**

73 Administrative Officer/Recorder Schafer stated that Council Members received a Fiscal 2019
74 Tentative Budget within their Council Meeting packets. Schafer noted that many appropriations
75 will continue to be revised up to the May 23, 2018 Budget Work Session with the Council
76 Members; and that additional changes and/or modifications as determined necessary will be
77 worked into the Fiscal 2019 Final Budget scheduled to be adopted on June 21, 2018. The budget

78 presented at this meeting meets the criteria as set forth in §10-6-111, Utah Code Annotated
79 (UCA), 1953, as amended. The amount of the Fiscal 2019 Tentative Budget is \$7,192,061. Schafer
80 stated that it is currently very similar to the previous year budget except for a significant debt
81 service increase related to the Millard County Fire Service District's intent to pay off one-half of
82 the residual bond balance on the Delta City Fire Station; and a significant increase for airport
83 improvements funded primarily by the Federal Aviation Administration (FAA) and the Utah State
84 Department of Aeronautics, as well as local funds. Schafer stated that the casualty, liability and
85 property insurance would remain relatively unchanged. Council Member Killpack MOVED to
86 adopt the Fiscal 2019 Tentative Budget as presented by Schafer in preparation for the Council
87 Budget Work Session on May 23, 2018. The motion was SECONDED by Council Member Banks.
88 Mayor Niles asked if there were any questions or comments regarding the motion. There being
89 none, he called for a vote. The motion passed with Council Member Banks, Council Member
90 Killpack, and Council Member Western in favor and Council Member Chase and Council Member
91 Keel absent.

92

93 **Delta City/State of Utah Cooperative Fire Agreement Update**

94 Assistant Public Works Director (also Assistant Fire Chief) Travis Stanworth informed the Council
95 that the City's total commitment to the State of Utah is \$7,143. The use of in-kind services, such
96 as fire prevention, labor hours, equipment use, etc., would mean no monetary expense. Mayor
97 Niles asked what the amount would have been without all the work and in-kind services provided
98 by the members of the Delta Fire Department. Mr. Stanworth stated that if the City had not
99 entered into the Cooperative Fire Agreement with the State of Utah, the City would have run the
100 risk of having to pay a portion of firefighting expense incurred if there were to be a wildfire since
101 there are State of Utah and Federal Bureau of Land Management (BLM) land that borders Delta
102 City property. There was some discussion about how the Cooperative Fire Agreement works.
103 There was additional discussion about the map which illustrates the boundaries and risk areas.
104 Stanworth stated that the participation commitment needed to be completed by July 2018 and
105 that a mitigation plan will need to be completed before July 2019. Council Member Western
106 MOVED to approve the Delta City/State of Utah Cooperative Fire Agreement Update with Delta
107 City's participation commitment total of \$7,143. The motion was SECONDED by Council Member
108 Killpack. Mayor Niles asked if there were any questions or comments regarding the motion. There
109 being none, he called for a vote. The motion passed with Council Member Banks, Council Member
110 Killpack, and Council Member Western in favor and Council Member Chase and Council Member
111 Keel absent.

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114 **Veterinary Services Contract Performance Review**

115 Public Works Director Kirkland reviewed for the Council benefit that approximately a year ago,
116 that the City decided to submit a Request for Proposal (RFP) to both veterinary service providers
117 here in west Millard County. The services of the Central Utah Animal Hospital (John Anderson,
118 DVM) were selected. The agreement was for a period of one year. Kirkland indicated to the
119 Council that it would be recommended to extend the contract with this entity for two more years
120 and then consider a review again at that time. Kirkland stated that the service has been great,
121 and the City has expended less money than in previous years for animal control services. Mayor
122 Niles also noted that instead of euthanizing unclaimed animals, Central Utah Animal Hospital has
123 been sending some of them down to Las Vegas, Nevada, to be trained as assistants to Armed
124 Forces veterans with special needs. Council Member Western MOVED to approve extending the
125 contract with Central Utah Animal Hospital for at least two more years. The motion was
126 SECONDED by Council Member Banks. Mayor Niles asked if there were any questions or
127 comments regarding the motion. There being none, he called for a vote. The motion passed with
128 Council Member Banks, Council Member Killpack, and Council Member Western in favor and
129 Council Member Chase and Council Member Keel absent.

130 **Public Works Activities**

131 Public Works Director Kirkland informed the Council that in the interim since the last Council
132 Meeting, the Public Works Department has continued to install new sewer line on 400 South
133 Street over to Sewer Lift Station "B" located on the southwest corner of 300 East and 400 South
134 Streets. Project completion will take place after the delivery of additional parts needed. Kirkland
135 informed the Council that the Public Works Department has been working on street sweeping,
136 working on the spray and water trucks, and working on lights and wind socks at the Delta
137 Municipal Airport.

138
139 Kirkland updated the Council and stated that Appeal Authority Hearing for Joey Swalberg had
140 gone well and reviewed that the variance Mr. Swalberg sought had not been granted as they only
141 met a few of the requirements rather than all which is a mandatory requirement under the law.
142 Kirkland stated that Adam Richins, the appointed Appeal Authority for the City had done a good
143 job and gave the Swalberg's the benefit of the doubt, was open minded, and reviewed the criteria
144 multiple times of what would be required for a variance to be granted. Council Member Western
145 asked if a variance goes with the land or the owner. City Attorney Anderson confirmed that the
146 variance stays with the land and informed her that the biggest frustration that the party seeking
147 the variance seemed to have was that the Council had granted a variance in the past that did not
148 meet the criteria and felt "why them and not me." City Attorney Anderson stressed that the City
149 needs to make sure and follow the law, so that =a problem like this does not happen again. There

150 was a discussion about how the variance meeting progressed. City Attorney Anderson stated that
151 he, Adam Richins, and Public Works Director Kirkland had spent a lot of time making sure that
152 the Swalberg's understood why the variance was not granted. There was a discussion about
153 alternative options for them.

154
155 Public Works Director Kirkland stated that the Federal Aviation Administration (FAA) had sent
156 him a consent letter to advertise bids for the Delta Municipal Airport Projects and that those legal
157 notices should be in the next several issues of the Millard County Chronicle-Progress, advertised
158 for approximately a month. There will also be a Pre-Bid Meeting to walk through the project
159 requirements with the project engineering firm, Airport Development Group, Inc., Denver, CO.
160 The winning bid will have to be sent to the FAA for final approval. Kirkland reviewed the process
161 of what will need to happen for the airport project to move forward. Kirkland stated that putting
162 in a temporary dirt runway while the airport runway is closed for repairs has been discussed.
163 However, he is not in favor one it because he does not feel that the City would be spending wisely
164 to expend approximately \$100,000., for a temporary runway that will only be used for
165 approximately three months. Mayor Niles stated that he has spoken to an area pilot and that
166 they are aware that the airport will be closed three months for the project and that most would
167 be understanding.

168
169 Public Works Director Kirkland stated that he had reviewed the airport lease agreement draft
170 that City Attorney Anderson had provided and he thinks that the five-foot (5') area around
171 hangars should be changed to ten (10') as per the Utah Airport Operators Association (UAOA)
172 recommendation and that there are a few other recommended changes that he had also. Mayor
173 Niles suggested proof reading the agreement before it is brought back to the Council for approval
174 as to form.

175
176 Kirkland apprised the Council that he, Administrative Officer/Recorder Schafer and Mayor Niles
177 have further discussed how the City should advance the plan to get a new General (Master) Plan
178 in place for the City. A conference call was recently held with Travis Kyhl, the Deputy Executive
179 Director/Regional Planner with the Six County Association of Governments (SCAOG) where the
180 City received guidance on how to put forth a Request for Proposal, when to apply for funding
181 with the Permanent Community Impact Fund Board (PCIFB), etc. Additional information will be
182 presented to the Council later.

183
184 Council Member Banks asked if the City is conducting a Spring Clean-Up. Public Works Director
185 Kirkland confirmed that it would be performed the next two days, Friday and Saturday, May 4-5,
186 2018. Council Member Western asked how someone could get hold of the Public Works

187 Department for Clean-Up if they need help with it. Public Works Director Kirkland explained that
188 the office could still be called and the number would be sent to whoever is on-call.

189
190 Kirkland informed the Council that Kipp Zubeck and Zachary Taylor were hired for additional
191 seasonal summer help. There was some discussion about the Delta High School helping within
192 the City Park as service projects on their part.

193
194 **Other Business**

195 Council Member Western asked about the Delta Area Chamber of Commerce's (DACC) Cinco de
196 Mayo celebration. Administrative Officer/Recorder Schafer, who is the Council's Liaison and an
197 Ex-Officio Director, informed the Council about some of the Chamber's plans for Cinco de Mayo
198 and what had happened at the last Chamber of Commerce Board Meeting.

199
200 Council Member Banks MOVED to adjourn the City Council Meeting. The motion was SECONDED
201 by Council Member Banks. Mayor Niles asked if there were any questions or comments regarding
202 the motion. There being none, he called for a vote. The motion passed with Council Member
203 Banks and Council Member Western in favor and Council Member Chase, Council Member
204 Killpack, and Council Member Keel absent.

205
206 The meeting was adjourned at 7:45 p.m.



JOHN WESLEY NILES
MAYOR

GREGORY JAY SCHAFFER, MMC
ADMINISTRATIVE OFFICER/RECORDER

207
208 **MINUTES APPROVED: MM/DD/2018**