



DELTA CITY COUNCIL
REGULAR CITY COUNCIL MEETING

Thursday, January 19, 2017
Delta City Building Council Chambers
76 North 200 West
Delta, Utah

PRESENT

Gayle Bunker, Mayor
Robert Banks, Council Member (arrived at 7:10 p.m.)
Kiley Chase, Council Member
Travis Keel, Council Member
John Niles, Council Member
Betty Jo Western, Council Member

ALSO PRESENT

Bridgette King, City Employee	Randy Morris, City Employee
Todd Anderson, City Attorney	Mandi Kirkland, Delta Resident
Dent Kirkland, Public Works Director	Rob Droubay, Property Owner
Travis Stanworth, Asst. Public Works Director	Sam Jacobson, Chronicle-Progress
Todd Holt, CPA	

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 Building, 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 led a role call. Council Member Niles 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 December 15, 2016 were presented for approval. Council Member Keel MOVED to adopt the minutes of the Regular City Council Meeting held December 15, 2016. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Banks being absent.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable for the period ending January 19, 2017 in the amount of \$561,247.67. There were some transactions discussed by the Council. Council Member Chase MOVED to approve the accounts payables for January 19, 2017 in the amount of \$561,247.67 including electronic transactions and payroll. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Member Banks being absent.

PUBLIC COMMENT PERIOD

There was no public comment.

BUSINESS

Fiscal Year 2016 Financial Audit Report

Todd Holt, CPA came before the Council to review the financial audit that he had recently performed on Delta City. Mr. Holt went over the financial statements and how building the fire station was affecting them. Mr. Holt stated that all in all the City looks financially stable and there were not any large issues that came up, but there were a few findings. Mr. Holt reviewed some findings with outstanding checks, number sequencing, and timeliness of reconciliation and stated that the final finding he had would address all of his previous findings and that he recommends additional cross training among office staff with regards to financial procedures and duties. Council Member Chase MOVED to approve the fiscal year 2016 financial audit report. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor. Mayor Bunker noted for the minutes that Council Member banks came into the meeting at 7:10 p.m.

Ordinance 17-273 Regarding Solar Energy Systems and Permitted Placement of Solar Panels within Delta City Proper

Council Members considered the possibility of tabling the ordinance for an upcoming meeting to give the subject a more thorough review. Public Works Director Kirkland reviewed the proposed ordinance for the Council, that the primary use for the solar panels cannot be for resale, they have to be primarily for the building, the panels need to be attached to the structure unless it is not fit to handle the solar and if it is not then it can be ground mounted provided it does not exceed the size that would fit on the structure. City Attorney Anderson informed the Council that if they were going to table the issue he would like to take the opportunity to fix a typographical error and that he would like to remove a minor part of the wording regarding alleys, as there are no alleys in question. After a question from Council Member Western, Public Works Director Kirkland informed the Council that there had been several meetings

regarding the subject and a public hearing as well. Council Member Niles MOVED to table the subject of Ordinance 17-273 Regarding Solar Energy Systems and Permitted Solar Panels within Delta City Proper until the following meeting to give a chance for further review of the Ordinance by the Council. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Ordinance 17-274 Regarding Zone Change from Rural Residential No Manufactured Homes (RRNM) to Rural Residential 2 No Manufactured Homes (RR2NM) for Property Located Approximately between 400 E and 1000 E and Between 800 N and 1500 N Streets

Public Works Director Kirkland reviewed that the RR2NM and that it was a new zone, the area that is in question for the zone change recommended by the Planning and Zoning Commission. Rob Droubay came before the Council to explain why he was requesting a zone change for the area in question. Mr. Droubay explained that he would like to give people a more rural option for their homes within City limits and that he was wanting to start with a nine lot subdivision. Council Member Banks asked for clarification on what the animal limitations within the zone were. Public Works Director Kirkland stated that they would have animal rights and it is based off of square footage. Council Member Chase stated that he was in favor of curb and gutter, but could understand the proposed alternative. City Attorney Anderson reviewed the animal rights for the zone and noted that swine are not allowed. Council Member Niles MOVED to approve Ordinance 17-274 regarding zone change from rural residential no manufactured homes (RRNM) to rural residential 2 no manufactured homes (RR2NM) for property located approximately between 400 E and 1000 E and between 800 N and 1500 N streets. The motion was SECONDED by Council Member Chase. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Resolution 17-405: Addition of "RV Lot Space" Business Licensing Sub Category and Setting Annual Rate

Mayor Bunker reviewed for the Council that at the previous meeting it was brought to the attention of the Council that the rates for RV park business licenses needed to be addressed and that the resolution would change the price from \$10.00 per lot to \$2.00 per lot in addition to the \$50.00 base rate. There was a discussion about how this would affect the licensing of the mixed RV and mobile home parks. City Attorney Anderson noted that it should be differentiated between mobile homes and RV lots and the fees should be based off of permanency. Council Member Western stated that she recommended that the rental units have the fee of \$10.00 and the RVs have the fees of \$2.00. City Attorney Anderson suggested giving a better definition of rental unit and permanency. Council Member Chase MOVED to table the subject of resolution 17-405 regarding the addition of "RV Lot Space" business licensing sub category and setting of annual rate for further review and clarification. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Planning Commission Appointments of Two Members

Mayor Bunker stated that the Planning and Zoning appointment terms that are up to expire February 6, 2017 are that of Richard Jones and Roger Zeeman. Mayor Bunker stated that he had talked to both of the individuals and both of them are interested in continuing to serve on the Planning and Zoning Commission. Mayor Bunker recommended that they are both be re-appointed to another four-year term for the Planning and Zoning Commission ending on February 1, 2021. Council Member Western MOVED to approve the planning and zoning commission reappointment of Richard Jones and Roger Zeeman for a four-year term ending on February 1, 2021. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

New Year's Eve Activities Review

Mayor Bunker stated that he had heard from a Cub Scout meeting that the ball drop and the inflatables were both appreciated. Council Member Banks stated that he did not think that there had been quite as big of a crowd as in years past. Council Member Western informed that she had talked to some of the attendees of the party and that they had been pleased with the entertainment and that she had not been anticipating the participation of the Dyers but had gotten positive feedback regarding them. City Attorney Anderson informed the Council that he had heard positive things about the bounce houses and that the participants liked having more help and supervision with the children with the bounce houses. City Attorney Anderson stated that the company that supplied the bounce houses were one of the two in the US that would insure bounce houses. Council Member Banks asked if there would be a New Year's Celebration for the next year since it will fall on a Sunday. Mayor Bunker suggested taking a reprieve from it as he was not in favor of holding the celebration on a Sunday. Council Member Niles stated that he had been talking with Council Member Chase and thought a reprieve would be a good idea and that the two of them had been wondering how many Delta City residents were being catered to compared to the amount of money being spent. He continued that it was just a thought. Mayor Bunker said it was a bit, but he thought it was comparable to the skate park or the other activities the City holds and that hopefully they balance out somewhere along the line. Council Member Chase stated that the people that come do have fun, but personally he did not think that he saw a large enough number of Delta City residents to justify the costs. Council Member Niles suggested taking a break from the celebration for the next year and see how the public responds. Mayor Bunker stated that his inclination is to not hold it for the next year since New Year's Eve falls on a Sunday.

Open and Public Meetings Act Training

Mayor Bunker introduced the subject of the requirement to annually review the Open and Public Meetings Act and recommended that the Council Members go to the website that Recorder Gregory

Schafer had provided to them to review the information regarding the meetings and also gave them a handout on the Open and Public Meetings Act. Public Works Director Kirkland stated that he had watched the training video and was impressed with it, he followed up with the question of whether should it be passed on to the Planning and Zoning Commission. Mayor Bunker stated that it applied to them as well and that they should be made aware of it.

Proposed Purchase Generator for “E” station and Approval to Purchase a Crafcro EZ 1000 Pavers 2016 Model

Public Works Director Kirkland stated that the generator for sewer lift station “E” was budgeted for and that the price was at state contract for \$15,470.00. Council Member Keel asked if the generator would be to replace an old one. Public Works Director Kirkland confirmed that it was a replacement and the Public Works Department was working on replacing a lift station generator every year and that there were two left. Public Works Director explained that “E” Station was one of the two that actually pump directly to the sewer lagoons and that the generator currently at the station was put in sometime around circa 1975. Council Member Keel MOVED to approve the purchase of a Caterpillar model G30-2 propane generator from Wheeler Machinery Company on state contract in the amount of \$15,470.00. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor. Public Works Director Kirkland informed the Council that his goal for the next while is to work on the City infrastructure and that he thinks the City infrastructure is needing of attention. Public Works Director Kirkland informed the Council that he thought more money should be put into the infrastructure of the sewer, water, and streets systems. With regards to the streets, Public Works Director Kirkland would like to start doing crack sealing on the roads, which has not been done in the City, but should be. Public Works Director Kirkland informed the Council that the State, County, and most cities seal cracks in the roads to prevent deterioration and the development of pot holes. Public Works Director Kirkland stated that he had looked into renting just the pot for tar and the price of just renting was around \$6,000.00 per pot per month and that at Wheeler Machinery Company they have a new one available for \$52,000.00 and a used one in the amount of \$26,500.00. He continued that he had considered renting one out for January, but with the amount of moisture, crack sealing would not have been usable, so it would be better to purchase rather than rent so that it is available when the conditions are right. Public Works Director Kirkland stated that it could be hired out, but it would be more effective to purchase the crack sealer and use the Public Works crew when things are a little slower in the winter. Public Works Director Kirkland stated that the crack sealer had not been budgeted for, but the money for it could be taken from the Class C roads budget. Public Works Director Kirkland informed the Council that within a year or two it would save money from being able to avoid filling pot holes. There was a discussion about how much it would cost to run a crack sealer. Council Member Keel MOVED to approve the purchase of a used EZ1000 2016 model with 367 hours in the amount of \$26,500.00. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Public Works Update

Public Works Director Kirkland stated that since the last meeting the Public Works Department had set up and removed items related to the New Year's Eve celebration, took down the majority of Christmas lights and decorations and put them in a bay of the old fire department, and plowed snow several times. Public Works Director Kirkland informed the Council that the Public Works Department had taken the Ridge Top well tank offline to drain and clean sand out of it over the last couple of weeks. There was a discussion about the cleaning process and the options that have been looked at to clean it. Public Works Director Kirkland told the Council that the Planning and Zoning Commission would be having a public hearing regarding the renewal of the conditional use permit for Delta Fit as there had been more complaints about noise. The conditional use permit for the business had been a temporary one and the nine months that they had been given are nearly up. City Attorney Anderson asked if there were any questions regarding the irrigation flooding issues that had been occurring with the Christensen's. City Attorney Anderson further explained that the City is only delivering water, but the flooding is not being caused by the delivery. The City is not responsible and cannot actually do anything to fix it. Public Works Director Kirkland informed the Council that the way that irrigation water is delivered in the City will be changing in the upcoming irrigation season. In the past, the City's Water Master had irrigated yards for people, but that will no longer be happening since it puts the liability of flooding upon the City. This year, when the City starts the irrigation water, they will be notifying the water users that they are responsible for the water from the point of delivery until they inform the City that they are done with their water turn. City Attorney Anderson added that if we were to be involved in the irrigation other than delivery, it would be accepting liability for more than we should be responsible for. Public Works Director informed the Council that the City Arborist and employee Randy Morris was wanting to cut down some trees in the park. Some of the trees will be replaced and some have already had replacements planted nearby. The Council decided to defer to Randy Morris' judgement as the arborist and let the six trees be cut down and removed. Council Member Chase asked if there had been many parking citations issued for parking on the street during the last few snow storms. Public Works Director Kirkland informed the Council that there had been more than fifty in the aftermath of the first storm we had; and down to about twenty-five citations after the second storm, and he was not sure about how many were issued after the most recent storm. There was a discussion about citations. There was an issue with a trailer parked on the side of the road that was discussed.

OTHER BUSINESS

Mayor Bunker informed the Council that he had attended a Six County Association of Governments (SCAOG) meeting in the previous week and that they were pushing the Utah Department of Transportation's Zero Fatalities program. Mayor Bunker asked the Council to think about whether they thought there would be any interest in having them come do a presentation in the community.

Mayor Bunker introduced the topic of needing a theme for the upcoming Fourth of July so that the Miss Liberty scholarship program can get underway. He asked that the Council think upon a proposed theme so that it can be decided upon at the next meeting. There was a discussion about the jet fly-overs and other events for the Fourth of July.

Council Member Western asked about what she had heard about moving the Daughters of Utah Pioneers (DUP) log cabin currently located in the Delta City Park. Mayor Bunker stated that the people involved were wanting to talk to him about it, but they had not scheduled a meeting yet. The Council Members were in favor of keeping it where it is since it is not sturdy enough to move in one piece and the park had been built around it to accommodate it.

Mayor Bunker asked that the Council go into Executive Session to discuss the character, competence, and health of an individual and also to discuss the purchase of real property. Council Member Banks MOVED to go into Executive Session to discuss the character, competence, and health of an individual and also to discuss the purchase of real property. 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 Banks, Council Member Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Council Member Banks MOVED to go into Regular Session. 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed, there were none. Council Member Western MOVED to adjourn the City Council 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 Chase, Council Member Keel, Council Member Niles, and Council Member Western in favor.

The meeting was adjourned at 9:00 p.m.

GAYLE K. BUNKER, Mayor

LORA ARIANNE FITCH, Deputy Recorder

Minutes Approved: