



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

Thursday, January 4, 2018  
Delta City Municipal Complex Council Chambers  
76 North 200 West  
Delta, Utah 84624-9440

**PRESENT**

John W. Niles, Mayor  
Robert W. Banks, Council Member  
Kiley J. Chase, Council Member

J. Travis Keel, Council Member  
Betty Jo Western, Council Member

**ADDITIONALLY 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.  
Randy C. Morris, Parks Maint. Supervisor  
Todd M. Davies, Public Works Operator II  
Stetson J. Henrie, Public Works Operator III  
Austin A. Albers, Seasonal Employee  
Bridgette D. King, Administrative Asst.  
Rebecca G. Peterson, Asst. Parks Maint.  
Lynn B. Ashby, Fire Chief  
Dean W. Draper, Millard Co. Commissioner  
Sam Jacobson, Chronicle-Progress, L.L.C.  
Mandi T. Kirkland, Resident  
Kaye C. Niles, Resident

Karen L. Banks, Resident  
Lacey J. Keel, Resident  
Robert L. Jeffery, Resident  
Lynn A. Jeffery, Resident  
Randy L. Riding, Resident  
Michelle S. Melville, Resident  
Mitchell V. Myers, Resident  
Kirtt M. Myers, Resident  
Bruce H. Curtis, Resident  
Nicholas W. Killpack, Resident  
Danielle M. Killpack, Resident  
Robert D. Chew, Kingdom Hall of Jehovah's Witnesses  
Tim Jobson, Resident  
Amanda Jobson, Resident

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

**MINUTES**

The minutes of the Regular City Council Meeting held December 7, 2017 were presented for approval. Council Member Keel MOVED to adopt the minutes of the Regular City Council Meeting held December 7, 2017 as presented. The motion was SECONDED by Council Member Western.

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 Chase, Council Member Keel and Council Member Western in favor.

#### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending January 4, 2018 in the amount of \$369,345.88. Council Member Western MOVED to approve the payments disbursed dated January 4, 2018 in the amount of \$369,345.88. The motion was SECONDED by Council Member Chase. 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 Chase, Council Member Keel and Council Member Western in favor.

#### **PUBLIC COMMENT PERIOD**

Millard County Commissioner Dean Draper came before the City Council to inform them that the Millard County Commission, on Tuesday, December 5, 2017, had passed their Ordinance 17-12-05 establishing a revised schedule of landfill use fees. Mr. Draper stated that the ordinance was not yet currently in effect, but noted that there will likely be increases in landfill use fees generally, such as residential fees will likely change from \$11.00 to \$12.00 monthly. Mr. Draper stated that the figures for proposed rates that many parties have seen and reviewed are not accurate and will not be as illustrated. He also noted that the landfill equipment is in dire need of replacement. The Millard County Commission will once again address this matter at their next Commission meeting held on Tuesday, January 9, 2018. City Attorney Todd Anderson asked Recorder Schafer if the City's Consolidated Fee Schedule (CFS) would need to be modified, to which Mr. Schafer indicated he believed it would require an update. If an update to the City's CFS needs to be modified, Mr. Anderson asked Commissioner Draper if the County Commission could give the City 30-60 days before the new rates become effective so that the City has ample time to bring our CFS into compliance. Commissioner Draper said he would mention that matter at their upcoming meeting.

#### **BUSINESS**

##### **Calendar Year 2018 Council Member Disclosure Statements, Remittance for Retention**

Mayor Niles stated for the record that Recorder Schafer had distributed Calendar Year 2018 Council Member Disclosure Statements prior to the beginning of this Council Meeting, and that each Council Member had completed, signed and remitted their forms back to him.

##### **Antelope Valley RV Park Business Licensing Fee**

Recorder Schafer directed the Council to the memorandum that was provided to them in their packet and reviewed that a local business owner had addressed the Council last year about his business licensing fee. The Council had adjusted the cost of recreational vehicle lot licensing and

the business owner still feels that the fees are excessive. Bruce Curtis, owner of the Antelope Valley RV Park, requested that the City reduce his license fee to \$100.00 since that is what his other business license fee is and it is a regulatory fee and not a revenue source for the City and in comparison, the recreational vehicle park is making a lot less money than his other business. Council Member Chase stated that he is worried about setting a precedence for other people wanting to change their license fees because they are not making a certain amount of revenue through their business endeavors. Council Member Western commented that she had checked with comparable cities and wanted for our Council to do what is fair for everyone involved. Council Member Western suggested to her Council colleagues that perhaps they could reduce the current licensing fee for the rental spaces from \$2.00 to \$1.00 per space. Council Members noted that they thought the fee for the mobile homes that are presently located upon four of the recreational vehicle spaces should remain at \$10.00 per space. Mr. Curtis confirmed that he has four mobile homes on lots, and the remaining ninety-one lots are available for rental. City Council Attorney noted that the rental space (lot) rate would need to be modified within the City's Consolidated Fee Schedule (CFS). Council Member Western MOVED to amend the Consolidated Fee Schedule to reduce from \$2.00 to \$1.00, the annual fee for recreational vehicle lot spaces on ninety-one of the ninety-five rental spaces at Antelope Valley RV Park, to have the \$10.00 fee for the four mobile home rental units remain unchanged, as well as the \$50.00 base license fee. The motion was SECONDED by Council Member Banks. 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 Chase and Council Member Western in favor and Council Member Keel opposed.

#### **Myers Park Subdivision Final Plat Approval**

Kirtt Myers came before the Council to see if they might provide approval for the proposed Myers Park Subdivision, and inquired about whether anything needs to be done additionally to receive approval. Mayor Niles noted that Mr. Myers had submitted a new preliminary plat plan to accompany his final plat. Council Member Western noted that the original preliminary plat maps provided to the City did not meet Delta City Municipal Code requirements, but that the new plat maps did meet the requirements. Council Member Western stated that since the original preliminary plat map is the one that is being associated with the final plat being voted on, to properly follow procedure, the Council should not approve of the plat map and the new plat map should be returned to the Planning and Zoning Commission for approval before it is returned to the Council for consideration. Council Member Western MOVED to deny the final plat approval for the Myers Park Subdivision. The motion was SECONDED by Council Member Keel. 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 Chase, Council Member Keel and Council Member Western in favor.

**City Council Vacancy Applicant Interviews**

Mayor Niles indicated to those present to be interviewed for the Council vacancy that their names would be drawn at random to determine the order of the presenters before the Council. Thereafter, the Council asked the same questions of all applicants, they being: Randy Riding, Nicholas Killpack, Robert Jeffery, Michelle Melville and Bruce Curtis. The Council Members completed their scoring templates and provided them to Recorder Schafer for tallying as overseen and proofed by Council Member Chase. The result was the Nicholas Killpack was selected to serve the remaining two years of the Council Member position vacated when John Niles was elected to the position of Mayor. Council Member Keel MOVED to appoint Nicholas Killpack for a two-year term filling the City Council Member vacancy. The motion was SECONDED by Council Member Western. 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 Chase, Council Member Keel and Council Member Western in favor.

**Public Works Laborer-Consideration to Reclassify Seasonal to Benefited Full-Time Employee**

Public Works Director Kirkland stated that Austin Albers has been employed by Delta City for two summer seasons and that this year the City had committed to employing him until December or January. Mr. Kirkland requested that Mr. Albers be hired as a full-time employee, acknowledging that, depending on whether Mr. Albers received acceptance into a school he desires to attend, he might only be with the City for a short period of time. Public Works Director Kirkland stated that, with regard to the budget, that when the next summer season arrives, he would only hire one part-time employee. Council Member Keel asked if there would be enough work to keep Mr. Albers busy. Public Works Director Kirkland confirmed that there was. Mayor Niles noted that we had lost a Public Works employee in the past, Michael Roper, whom was never replaced. City Attorney Anderson stated that Mr. Albers is working past the point of a seasonal part-time employee and either needs to be treated as a full-time employee or end the position as a part-time employee. Council Member Western suggested to put Mr. Albers on payroll as a full-time employee, but put him on a one-year time frame, to be re-evaluated when the year has passed. Public Works Director Kirkland requested that if a year-long time frame is applied, that it start on February 1, 2018. Council Member Western MOVED to reclassify Austin Albers from a seasonal temporary employee, to a full-time benefited employee for one year starting February 1, 2018 at \$15.00 per hour (with the hourly equivalent wage rate schedule being modified by resolution at the next meeting). The motion was SECONDED by Council Member Keel. 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 Keel, and Council Member Western in favor and Council Member Chase abstaining from voting given that he was assisting Recorder Schafer in tallying the Council Member Applicant score sheets.

**Fiscal Year 2018 Budget Amendment Set Public Hearing**

Recorder Schafer stated that in the interim months since the initial Fiscal Year 2018 Budget had been approved, there had been some unanticipated revenue streams from the Federal Aviation Administration and the Utah Department of Transportation's Aeronautics division for Delta

Municipal Airport improvements that were not expected to be received until at least the ensuing fiscal year. Related thereto, we have made expenditures to two different aviation engineering firms for the airport's Runway 17/35 Design for Taxiway and Runway Reconstruction. Another example necessitating the budget amendment would be the addition of a General Fund tax revenue known as the County Option Hwy/Transit (A2) tax that Millard County implemented for which we receive funding for roads within our City's jurisdiction. A comprehensive review of the entire current budget will also take place and other proposed amendments will be made as requisite. Council Member Banks MOVED to set the Fiscal Year 2018 budget amendment public hearing for February 1, 2018 at 6:45 p.m. The motion was SECONDED by Council Member Western. 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 Chase, Council Member Keel and Council Member Western in favor.

#### **Award Assistive Listening Appliance Bid**

Recorder Schafer informed the Council that in accordance with federal legislation, such as The Americans with Disabilities Act (ADA), we will make reasonable accommodations for those needing assistance to participate in our meetings. We recently had a gentleman who had come before the Council with a matter he desired to discuss, and he had a difficult time hearing the feedback the Council was providing him, yet he did not give us advance notice that he was hearing-impaired. This situation made it obvious to us that we had a deficiency in this area. Mr. Schafer stated that he had put out a request for bids for an assistive listening appliance. Schafer then noted that there would be additional expenditures to install and integrate the appliance with the existing sound system components for recording and amplification. Recorder Schafer stated that there were two bids received, one from JCG Technologies, Inc. for \$999.00, and one from Sound Unlimited for \$995.00 for a Listen Technologies LS-90 ListenIR iDSP Level I system. Council Member Chase MOVED to approve the Sound Unlimited bid for \$995.00. The motion was SECONDED by Council Member Keel. Mayor Niles asked if there were any questions or comments regarding the motion. Council Member Western noted that she had a conflict of interest since her husband is the owner of Sound Unlimited, but due to the provisions of our Purchasing Policy, she felt that she could still vote upon this matter. There being no further commentary, Mayor Niles called for a vote. The motion passed with Council Member Banks, Council Member Chase, Council Member Keel and Council Member Western in favor.

#### **Utah League of Cities and Towns Mid-Year Conference**

Recorder Schafer stated that he needed to get lodging accommodations reserved for those planning on attending the Utah League of Cities and Towns (ULCT) 2018 Mid-Year Conference being held from April 25-27, 2018 in St. George at the Dixie Center. Schafer noted that Council Members Banks, Chase and Attorney Anderson could not attend as he had previously spoke to them. Mayor Niles, Council Members Keel, Western, and soon-to-be-appointed Council Member Killpack and Recorder Schafer will attend. Lodging will be reserved for Mayor Niles, Council Members Keel, Killpack and Recorder Schafer. Council Member Western does not require lodging.

### **Public Works Activities**

Public Works Director Kirkland stated that in the time passed since the last Council meeting the Public Works Department has been tasked with replacing a pump and check valve at our Sewer Lift Station "B," which is located on the southwest corner of 300 East and 400 South Streets. Estimated current repair costs will be approximately \$20,000.00. Crew members have also continued to crack seal roadways within the City. The removal and storage of Christmas decorations throughout the City have also been among recent projects. Mr. Kirkland also extended his gratitude to Graymont, Inc.'s Cricket Mountain plant on south Highway 257, for they have consented to providing us a multitude of lime fines without cost to us excepting our own expenses to haul them, which has allowed for our stockpile to be replenished. Kirkland also noted that Sunrise Engineering, Inc., has begun their work to assist us in producing a Sewer System Master Plan. Director Kirkland also discussed his concerns about the proposed new Millard County Landfill Use Fees as was discussed briefly earlier in the meeting by Millard County Commissioner Dean Draper. Kirkland also discussed his concerns with the Council given that the Planning & Zoning Commission now currently lacks a Council Liaison since Mayor Niles' former Council Member seat has become vacant. Kirkland was told that we would likely have to contend with the lack of a liaison until a Council Member could take that assignment, via Mayor Niles suggesting who that Council Member be, and that the Council would then have to consent to the appointment. City Attorney Anderson was confident that this would need to be the process.

### **Other Business**

Mayor Niles noted that on Friday, February 2, 2018, the Utah Governor's Office of Economic Development will host "Rural Day on the Hill," an event highlighting rural businesses, challenges, jobs and opportunities. A morning meeting will include updates from rural legislators, progression of the 25K Jobs Initiative and more will be topics.

Mayor Niles 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 Banks. 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 Chase, Council Member Keel and Council Member Western in favor.

The meeting was adjourned at 8:22 p.m.



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**JOHN WESLEY NILES**  
**MAYOR**

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**GREGORY JAY SCHAFER, MMC**  
**ADMINISTRATIVE OFFICER/RECORDER**

**MINUTES APPROVED: 01/18/2018**