



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

Thursday, January 18, 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

Nicholas W. Killpack, Council Member  
Betty Jo Western, Council Member

**ABSENT**

J. Travis Keel, Council Member

**ADDITIONALLY PRESENT**

Gregory J. Schafer, Admin. Officer/Recorder  
Todd F. Anderson, City Attorney  
Dent R. Kirkland, Public Works Director  
Todd E. Holt, CPA  
Richard Jacobson, MCSO Captain  
Rob Clark, MCSO Lieutenant  
Adam Richins, Millard Co. Building Inspector

Sam Jacobson, Chronicle-Progress, L.L.C.  
Mitchell V. Myers, Resident  
Robert D. Chew, Kingdom Hall of Jehovah's Witnesses  
Crystal 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 Killpack 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 January 4, 2018 were presented for approval. Council Member Banks MOVED to adopt the minutes of the Regular City Council Meeting held January 4, 2018 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 Western in favor and Council Member Keel absent.

### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending January 18, 2018 in the amount of \$123,257.06. Council Member Western MOVED to approve the payments disbursed dated January 18, 2018 in the amount of \$123,257.06. 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 Western in favor and Council Member Keel absent.

### **PUBLIC COMMENT PERIOD**

There was no public comment.

### **BUSINESS**

#### **Swearing in Council Member Appointment Nicholas W. Killpack**

Recorder Schafer administered the oath to Council Member Killpack who was appointed, after being selected through an interview process, at the previous Council Meeting held on January 4, 2018. Mr. Killpack's two-year term will expire on January 2, 2020.

#### **Quarterly Law Enforcement Report**

Millard County Sheriff's Office (MCSO) Captain Richard Jacobson came before the Council to update them on the MCSO activity during the October-December 2017 timeframe. Captain Jacobson particularly reviewed the incidents, citations and accident reports. The Mayor and Council Members expressed their appreciation to all the MCSO employees for their dedication to their work performed within our community and in the county. MCSO Captain Jacobson introduced Lieutenant Rob Clark to the Council, who was recently promoted to the position after the retirement of Morris Burton.

#### **Fiscal Year 2017 Audited Financial Statements**

Todd Holt, Certified Public Accountant (CPA) came before the Council to review the audited financial statements of the City for Fiscal Year 2017. CPA Holt stated that we received an "unqualified opinion," i.e., a "clean" audit with no significant findings. CPA Holt stated that there had been some voided checks that were still showing up in the City's accounting system and that Recorder Schafer had been aware of them and was working the remedy the situation. Mr. Holt stated that the City is in very good financial health, and while conducting this audit, it came to his attention that the General Obligation Bond that financed the expansion of the City's Library in 1999 had been retired a few years early. He noted that seeing debt retirement earlier than scheduled is a rarity, and a testament to our financial position. CPA Holt reviewed the various fund balances on hand to meet the City's obligations going forward. He did inform the Council that the City needs to have a written agreement with the Millard County Fire Service District (MCFSD) regarding our new fire station that clearly defines various responsibilities between the City and the District. City Attorney Anderson and Auditor Holt discussed some of the aspects that such an agreement should contain and address. Council Member Banks MOVED to approve the

fiscal year 2017 audited financial statements as presented. 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 Killpack, Council Member Western in favor and Council Member Keel absent.

#### **Fiscal Year 2017 Fire Department Annual Report and Election Results**

Mayor Niles informed the Council that Fire Chief Lynn Ashby was attending the 2018 Utah Fire & Rescue Academy (UFRA) Winter Fire School in St. George and that this agenda item would need to be tabled until the next Council meeting. Council Member Chase MOVED to TABLE the calendar year 2017 fire department annual report and elections results until the next City Council meeting. 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 Killpack, Council Member Western in favor and Council Member Keel absent.

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

Mitchell Myers came before the Council to express appreciation for their willingness to work with him on his project and acknowledged that at times things had been somewhat difficult but he was hopeful that no party harbored any ill feelings toward one another. Council Member Banks MOVED to approve the Myers Park Subdivision Final Plat. 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 Killpack, Council Member Western in favor and Council Member Keel absent.

#### **Proposed Redevelopment Area/Codification of Subdivision Ordinance**

Public Works Director Dent Kirkland informed the Council that the Planning and Zoning Commission had been discussing, considering and working upon the proposed Redevelopment Area for approximately a year now and was wanting to get the City Council's input before they pursue the proposed zone designation further. Public Works Director Kirkland informed the Council that the reason a Redevelopment Area was being made to begin with was because there is some concern about the multitude of vacant lots within the City's interior and that they are not being developed because the owners would have to go through the requirements of the Subdivision Ordinance which includes the installation of all necessary improvements. The proposed Redevelopment Area would waive some of those requirements – mostly being the installation of curb and gutter and in some cases the extension of a road. Council Member Chase asked what the consensus of the Planning and Zoning Commission was. Public Works Director Kirkland stated that they have been pushing for something like this to be done for some time now. Public Works Director Kirkland stated that he held some concerns about such a zone, one being developers from outside the redevelopment area. Council Member Chase stated that he liked the idea. There was a discussion about the pros and cons of having a Redevelopment Area. Public Works Director Kirkland stated that he thinks that the developer of any property should

still be required to install sidewalk. The Council gave approval for the Planning and Zoning Commission to pursue the proposed Redevelopment Area.

### **City Council Member Assignments**

Mayor Niles asked that each Council Member inscribe their name by any one of the categories on the 2018 Council Member Assignments sheet they were provided. He then asked that they be returned to him or Recorder Gregory Schafer when completed.

### **Planning and Zoning Commission Member Appointment**

Mayor Niles asked the Council if they had any objections to having Council Member J. Travis Keel serve as the City Council Liaison to the Planning and Zoning Commission and to appoint Phil Diaz to be on the Planning and Zoning Commission to take the place of Commission Member Rand Crafts whose term expires February 5, 2018. Mr. Diaz will serve a four-year term that runs through February 7, 2022. Council Member Chase MOVED to approve the appointment of Council Member J. Travis Keel as City Council Liaison and Phil Diaz to the Planning and Zoning Commission to replace outgoing Commission Member Rand Crafts. 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 Killpack, Council Member Western in favor and Council Member Keel absent.

### **Resolution 18-415 Fiscal 2018 Employee Compensation Schedule Amendment**

Recorder Schafer explained that this Resolution made amendments to the existing Compensation Schedule last approved through Resolution 17-414, those modifications being, 1) the addition of Austin J. Albers, as a full-time employee, working as a Laborer, to be paid \$15.00 per hour, effective February 1, 2018 for a period of one year; 2) an adjustment to reflect the actual wages paid during the current fiscal year for former Mayor Gayle K. Bunker; 3) an adjustment for our current Mayor John W. Niles for his compensation at one-half of the current fiscal year at the Council Member rate and the latter part of the year with the mayoral compensation rate; and 4), addition of Council Member Nicholas W. Killpack from the second pay period in January through the end of the current fiscal year. Mayor Niles spoke to the Council about Attorney Anderson's proposal, and said that he had given this matter considerable thought, and that had he felt that so long there was no increase of the City's costs, he was in favor of reviewing the proposal. Having briefly reviewed Mr. Anderson's proposal as reasonable, he requested Recorder Schafer to review the proposal for accuracy and costs to the City. Recorder Schafer provided his findings of City Attorney Todd Anderson's proposal illustrating that the expense to the City for his legal counsel would essentially be unchanged if he were to become an employee rather than a contracted attorney. Mr. Anderson then addressed the Council himself explaining how he felt becoming an employee could benefit he and his family positively, for example, being able to create an account with Utah Retirement Systems to create a benefit for his financial health down the road, and how he could benefit from being on our health insurance plan as part of our group rather than buying a policy through the current federal government's health insurance exchange. In maintaining full disclosure, he did note that only his hourly rate would drop to \$90.00 per hour

from the current rate of \$125.00 per hour; but that legal work provided by either attorneys Jessica Anderson or Denton Peterson would continue to be billed at the rate of \$125.00 per hour. Council Member Western asked if making the City Attorney an actual employee would change the position appointment process by which the Council would select their legal counsel should they ever feel that they no longer desired Mr. Anderson's services. City Attorney Anderson stated that it would not, that he could be released from his duties like any other statutory position in Delta City, through the consent of the Council to terminate someone's services. Some of the Council Members asked that they be given more time to review and consider City Attorney Anderson's proposal to become an employee and that it be discussed again at the next City Council meeting. Council Member Chase MOVED to approve Resolution 18-415 Fiscal Year 2018 Employee Compensation Schedule Amendment but that Mr. Anderson be removed from the wage schedule until a decision is reached later to employ him or not. 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 conducted a roll call vote. The motion passed with Council Member Chase, Council Member Killpack and Council Member Western in favor, Council Member Banks opposed and Council Member Keel absent.

#### **Resolution 18-416 Appointment of Mayor Pro Tempore**

Council Member Western stated that after discussing this topic with Mayor Niles, that it would be her desire to nominate her colleague, Council Member Kiley Chase to be the Mayor Pro Tempore for one year. Council Member Western MOVED to nominate Council Member Chase as Mayor Pro Tempore for one year. 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 conducted a roll call vote. The motion passed with Council Member Banks, Council Member Chase, Council Member Killpack, Council Member Western in favor and Council Member Keel absent.

#### **Resolution 18-417 Consolidated Fee Schedule Modifications**

Recorder Schafer explained that the proposed changes to the Consolidated Fee Schedule (CFS) included changing the licensing fee for recreational vehicle park rental spaces to \$1.00 per unit, adding in a "Public Works Department Non-Emergency Callout Fee" of \$50.00 as the minimum per hour, and adding in a reference to the Millard County Landfill Use Fee, that being we are only a pass-through billing agent, and that the fees billed are set by Millard County Ordinance. Finally, there were some minor Library Services rate changes and some services deleted. There was a discussion about the non-emergency callouts, particularly what a situation could look like that would trigger such a charge, etc. Council Member Banks MOVED to approve Resolution 18-417 making Consolidated Fee Schedule Modifications. 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 conducted a roll call. The motion passed with Council Member Banks, Council Member Chase, Council Member Killpack, Council Member Western in favor and Council Member Keel absent.

#### **Open & Public Meetings Act Training**

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Recorder Schafer explained to the Council that our State Legislature requires that all state agencies and political subdivisions are required to review and receive training on the requirements of the Open and Public Meets Act (OPMA) annually. Mr. Schafer had distributed materials which meet the requirements and asked that all Council Members study and review the handouts provided. City Attorney Anderson added in that if the Council Members were interested in more information, they could go to the Utah League of Cities and Towns (ULCT) website for a webinar that League Counsel David Church has made available for viewing.

### **Public Works Activities**

Public Works Director Dent Kirkland reviewed the activities that the Public Works Department had been focusing their efforts upon since the last City Council Meeting which included the installation of some new water fountains in the City's Municipal Complex, the continued crack sealing of City streets and roads, the continued hauling of lime fines from Graymont, Inc., and that our trucks and plows have been made at the ready for any winter storms. Public Works Director Kirkland informed the Council that he and City Treasurer Jody Anderson have completed the Utah Division of Water Rights Annual Water Use Report. Stemming from that report, Mr. Kirkland noted that normally at this time of year, without using irrigation water, City residents use or consume less than 300,000 gallons of water per day. He further noted when asked, that during the last calendar year, our peak water usage was on July 17, 2017 and was in excess of over three-million gallons through our meters. The report also asks for the amount of water loss from our system, and Mr. Kirkland said that ours was approximately between 10-11%, and that places our water system loss among the lowest within the State of Utah. Public Works Director Kirkland informed the Council that he and Mayor Niles attended the most recent meeting of our Delta Municipal Airport's Advisory Board, which they reported was well attended by many members of our local flying community. Mr. Kirkland explained to those in attendance the City's reasoning and consideration of selling the three private hangars the City currently owns. City Attorney Anderson suggested that the City put in place a Surplus Property Policy to help insure that the City is fair and equitable in the disposal of property deemed surplus. Public Works Director Kirkland also discussed with the Council a citizen's complaint about wanting street signs located near and on his residential street warning about children at play and perhaps speed limit signs. Mr. Kirkland, Attorney Anderson and the Council felt, after further discussion, that placing signage on that particular City street would then lead to having to place signage throughout our community that would not be feasible. Further discussion about excessive speeding being commonplace in Delta is a matter that we hopefully can work on with the Millard County Sheriff's Office.

### **Other Business**

Mayor Niles asked the Council what their feelings were among the suggested themes provided for them to consider regarding this year's upcoming Fourth of July celebration. The Council agreed that the theme they liked best would be "Some Gave All."

Mayor Niles asked the Council what they thought of acquiring shirts with our City's logo (which is a registered trademark) on them for when the Council and City Personnel are representing



Delta City at meetings and conferences. Council Member Western suggested that to her, a button up shirt would look more professional, possibly a long sleeve and a short sleeve version. A survey of staff was also conducted where some would rather have a light windbreaker jacket, a polo-type shirt, and some others suggested hoodies.

Council Member Banks brought up the point that Librarian Deborah Greathouse has been postponing having the carpets cleaned since she understood that we have budgeted for the replacement of carpeting in the City Municipal Complex. Recorder Schafer stated that he will work toward acquiring some carpeting specifications and ready a Request for Proposal (RFP) to be issued so that we can proceed with this planned project.

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

The meeting was adjourned at 8:59 p.m.



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

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

**MINUTES APPROVED: 02/01/2018**