



**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

PRESENT

John W. Niles, Mayor

Nicholas W. Killpack, Council Member

Robert W. Banks, 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

Sam Jacobson, Chronicle-Progress, LLC

Todd F. Anderson, City Attorney

Andrea J. Johnson, J & J Oil Company

Dent R. Kirkland, Public Works Director

Lorraine Jenkins, J & J Oil Company

Travis L. Stanworth, Asst. Public Works Dir.

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.

### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending May 3, 2018 in the amount of \$95,835.04. Council Member Banks asked for clarification on an expenditure. He was informed that the purchase was for new tires on a fleet dump truck. Council Member Banks MOVED to approve the payments disbursed dated May 3, 2018 in the amount of \$95,835.04. 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 Killpack, and Council Member Western in favor and Council Member Chase and Council Member Keel absent.

### **PUBLIC COMMENT PERIOD**

There was no public comment.

### **BUSINESS**

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

Andrea Johnson of Jenkins Oil Company came before the Council to inform them that her company purchased the Chevron (formerly Hart's) from Dahyalal Chaudhari (Delta Partnership LLC) and seeks the Council's approval for a Class "A" Beer License to sell beer for off-premise consumption through their retail establishment. Mayor Niles reviewed for the Council's benefit that Jenkins Oil received all the necessary inspections already and had provided the City a License and Permit (Beer) Bond. Council Member Western asked the location of Jenkins Oil's headquarters. Ms. Johnson stated that their main office is in Cedar City. Council Member Killpack noted that he understood Jenkins Oil's intent was to continue using the property for the same purpose as did the previous owner. Administrative Officer/Recorder Schafer stated that it is, except that licenses are non-transferable. Council Member Western MOVED to approve Rally Stop (Jenkins Oil) for a Class "A" Beer License for off-premise consumption. 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 Killpack, and Council Member Western in favor and Council Member Chase and Council Member Keel absent.

#### **Fiscal 2019 Tentative Budget Adoption**

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

presented at this meeting meets the criteria as set forth in §10-6-111, Utah Code Annotated (UCA), 1953, as amended. The amount of the Fiscal 2019 Tentative Budget is \$7,192,061. Schafer stated that it is currently very similar to the previous year budget except for a significant debt service increase related to the Millard County Fire Service District's intent to pay off one-half of the residual bond balance on the Delta City Fire Station; and a significant increase for airport improvements funded primarily by the Federal Aviation Administration (FAA) and the Utah State Department of Aeronautics, as well as local funds. Schafer stated that the casualty, liability and property insurance would remain relatively unchanged. Council Member Killpack MOVED to adopt the Fiscal 2019 Tentative Budget as presented by Schafer in preparation for the Council Budget Work Session on May 23, 2018. 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 Killpack, and Council Member Western in favor and Council Member Chase and Council Member Keel absent.

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

Assistant Public Works Director (also Assistant Fire Chief) Travis Stanworth informed the Council that the City's total commitment to the State of Utah is \$7,143. The use of in-kind services, such as fire prevention, labor hours, equipment -use, etc., would mean no monetary expense. Mayor Niles asked what the amount would have been without all the work and in-kind services provided by the members of the Delta Fire Department. Mr. Stanworth stated that if the City had not entered into the Cooperative Fire Agreement with the State of Utah, the City would have run the risk of having to pay a portion of firefighting expense incurred if there were to be a wildfire since there are State of Utah and Federal Bureau of Land Management (BLM) land that borders Delta City property. There was some discussion about how the Cooperative Fire Agreement works. There was additional discussion about the map which illustrates the boundaries and risk areas. Stanworth stated that the participation commitment needed to be completed by July 2018 and that a mitigation plan will need to be completed before July 2019. Council Member Western MOVED to approve the Delta City/State of Utah Cooperative Fire Agreement Update with Delta City's participation commitment total of \$7,143. 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.

### **Veterinary Services Contract Performance Review**

Public Works Director Kirkland reviewed for the Council benefit that approximately a year ago, that the City decided to submit a Request for Proposal (RFP) to both veterinary service providers here in west Millard County. The services of the Central Utah Animal Hospital (John Anderson, DVM) were selected. The agreement was for a period of one year. Kirkland indicated to the Council that it would be recommended to extend the contract with this entity for two more years and then consider a review again at that time. Kirkland stated that the service has been great, and the City has expended less money than in previous years for animal control services. Mayor Niles also noted that instead of euthanizing unclaimed animals, Central Utah Animal Hospital has been sending some of them down to Las Vegas, Nevada, to be trained as assistants to Armed Forces veterans with special needs. Council Member Western MOVED to approve extending the contract with Central Utah Animal Hospital for at least two more years. 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 Killpack, and Council Member Western in favor and Council Member Chase and Council Member Keel absent.

### **Public Works Activities**

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

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

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

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

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

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

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

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

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

**Other Business**

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


Council Member Banks 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 and Council Member Western in favor and Council Member Chase, Council Member Killpack, and Council Member Keel absent.

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



  
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JOHN WESLEY NILES

MAYOR

  
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GREGORY JAY SCHAFFER, MMC  
ADMINISTRATIVE OFFICER/RECORDER

MINUTES APPROVED: 06/07/2018