



DELTA CITY COUNCIL
REGULAR CITY COUNCIL MEETING

Thursday, September 20, 2018
Delta City Municipal Complex Council Chambers
76 North 200 West
Delta, Utah 84624-9440

PRESENT

John W. Niles, Mayor
Brett C. Bunker, Council Member
Kiley J. Chase, Council Member

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

ABSENT

Robert W. Banks, Council Member

OTHERS PRESENT

Lora A. Fitch, Deputy Recorder
Todd F. Anderson, City Attorney
Dent R. Kirkland, Public Works Director
Travis L. Stanworth, Assistant PW Director

Jody T. Anderson, City Treasurer
Bridgette D. King, Administrative Assistant
Sam Jacobson, Chronicle-Progress, LLC
Sue Peterson, Delta Citizen

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, 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. Council Member Bunker offered the opening remarks and then Mayor Niles led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of the Regular City Council Meeting held August 16, 2018 were presented for approval. Council Member Chase MOVED to adopt the minutes of the Regular City Council Meeting held August 16, 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 Chase, Council Member Bunker, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending September 20, 2018 in the amount of \$543,069.21. Council Member Killpack MOVED to approve the payments disbursed dated September 20, 2018 in the amount of \$543,069.21. 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 Chase, Council Member Bunker, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

PUBLIC COMMENT PERIOD

There was no public commentary offered.

BUSINESS

Light Parade

Mayor Niles asked the Council if the Delta City Lighted Parade should be held this year. Mayor Niles noted that it would be nice if more companies participated but, noted it is a busy time of the year. Council Member Chase suggested trying to get a local business to spearhead the event. Mayor Niles pointed out that a lot of people turn out to watch it, but that it is difficult to get people to participate. Council Member Killpack stated that he had spoken with local business owners and they said that to get the first float made can be a trial at times so asking employees to get a second float put together can be particularly trying. City Attorney Anderson pointed out that making a float for both the Fourth of July and the Lighted Parade can get expensive. Council Member Western suggested getting a committee to try to spearhead and get people involved and maybe challenge groups like farmers to participate. There was a discussion about what business or group might be willing to chair the committee and get locals involved. Council Members suggested getting the Delta Area Chamber of Commerce involved. Council Member Western suggested getting the schools and youth involved in making floats for the businesses that do not have the time to make them. Mayor Niles asked that the Council float be able to have a sound system to play Christmas music rather than have the Council try to sing in the parade. Council Member Western agreed to contact the school for participation. It was noted that Lighted Parade flyers will be sent out with the business licensing renewal notices as usual. City Treasurer Anderson noted that if the City is holding the Lighted Parade, it is time for her to start getting the permits in order with UDOT. Council Member Western MOVED to hold the Lighted Parade this year and move forward with the getting things ready. 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 Chase, Council Member Bunker, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

Resolution 18-427: Adding Fee Waivers to Community Center Policy

City Treasurer Anderson came before the Council to propose changes to the Community Center Policy. City Treasurer Anderson informed the Council that when the policy was first put in place, it was with the intent to reevaluate the policy as the Community Center started getting used and it has been in place for about four years. The first proposed change was to do away with the resident/non-resident and commercial/non-commercial differences in fees. City Treasurer

Anderson explained that the policy was taken from another City and modified, but we are isolated enough geographically that if an event is taking place at the Community Center, it is for residents and taking the different rates out would be easier for tracking. The second proposed change was that there be a four-hour block added to the rental options. City Treasurer Anderson noted that there was never any interest in having it rented hourly and there still is not but renting the whole facility for half price for four hours would be better for accommodating the community. The third proposed change was that the unwritten policy regarding fee waivers for people who are holding community events be included in the policy. City Treasurer Anderson explained that local groups that offer community events have had their fees waived and use the facility almost more often than paying customers. City Treasurer Anderson suggested that when fees are waived, for every hour that the facility is used, an hour of deep cleaning be provided. If the work is divided up between multiple people, it would not be very time consuming, but would benefit in the upkeep of the facility. City Attorney Anderson noted that there needs to be an appeal process for the waivers, since it is a discretionary process, and it should be included in fine print on the application. Council Member Chase asked about the prioritizing of paying customers in high demand times. City Treasurer Anderson explained that Fridays and Saturdays in June and December are in very high demand and asked that fee waiver-requesters not be able to request those days more than thirty days in advance to give priority to paying customers. Council Member Chase noted that the policy would need to be fixed to say more than 30 days in advanced rather than less than. Council Member Chase MOVED to approve Resolution 18-427 modifying the Community Center Policy with the correction on Page 8, fixing the language to say more than 30 days in advance. 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 roll call. The motion passed with Council Member Bunker, Council Member Chase, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

Resolution 18-428: Updating Consolidated Fee Schedule Community Center Fees

City Treasurer Anderson informed the Council that the changes to the Consolidated Fee Schedule were the changes that they had just discussed. Council Member Western MOVED to approve Resolution 18-428 updating the Consolidated Fee Schedule for Community Center Fees. The motion was SECONDED by Council Member Bunker. Mayor Niles 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 Bunker, Council Member Chase, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

ULCT Update

Council Member Western expressed her appreciation for the opportunity to go to the ULCT conference. Council Member reviewed the classes that she went to focusing on leadership, ask

the ombudsman, housing and income, and financial and auditor matters. Council Member Killpack reviewed the classes he took focusing on the topics of budgeting, revenue, auditing and fraud, finances, drawing commerce to the community, and election process. Mayor Niles reviewed the classes he took on the topics of cyber security and water conservation.

Railroad Crossing

Public Works Director Kirkland informed the Council that he had gotten clarification on who the "sponsor" responsible for the repairs on the railroad crossing at 750 North Street is. Union Pacific said that the City is the sponsor since the damage to be repaired is in the public right-of-way. Public Works Director Kirkland told the Council that he had found a contractor in the private sector capable of doing the job for a lot cheaper than Union Pacific, but the contractor was not willing to work on tracks that are not Union Pacific's. Director Kirkland noted that paving over the track would be almost impossible and going to the customers that use that part of the track to see if they would help finance the repairs would not do much good. Public Works Director Kirkland suggested using Class "C" funding and get the crossing fixed at 750 North Street. The City's portion of the bill will be roughly \$20,000. Public Works Director Kirkland pointed out that there are four crossings that will need to be repaired, but the one at 750 North is in the worst condition. There was a discussion about what Class "C" money can be used on. The fund is usually used to chip seal roads. The only other major road project that Public Works Director Kirkland has now is the bridge over 450 South Street over the canal and he is still trying to figure it out to do it the best and cheapest way possible and still have it done right. Council Member Chase **MOVED** to approve the repair of the railroad crossing located on 750 North Street next to Big 5 Commodities. 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 roll call. The motion passed with Council Member Chase, Council Member Bunker, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.

Public Works Activities

Public Works Director Dent Kirkland informed the City Council that in the interim time since the last Council Meeting the Public Works Department had been working on sidewalk, curb and gutter, asphalt patches and airport well repair; they had to replace the pump and add some pipe. Public Works Director Kirkland informed the Council that they are considering lowering the Ridgetop Well and the Sugar Factory Well this winter. There was a discussion about where the freestanding water is. Public Works Director Kirkland informed the Council that there are requests for bids out for excess irrigation water and concrete work in the parking lot. Public Works Director Kirkland informed the Council that interviews had been conducted by him, Mayor Niles and Asst. Public Works Director Stanworth and they had hired Zachary Harris, who will be starting work on Monday, September 20. Council Member Bunker asked when the last time the City wells were pulled and worked upon. Public Works Director Kirkland informed him that the Gardner Well had been fixed last summer, the Ridgetop and Sugar Factory Wells were both taken care of three years ago, and the Airport Well was just done. The wells are now on five-year rotations.

City Attorney Anderson informed the Council that the Crapo's had been sent an informal letter since the Crapo's had gotten a survey done but had not contacted the City afterwards. City Attorney Anderson stated that they had been exchanging emails and, in the end, Mr. Crapo would like a year to move the fence, since he will also need to move his sprinkler system. Mr. Crapo would also like his road encroachment fee, charged any time that there is new construction in case the sidewalk or road is broken and not repaired or similar circumstances, to be returned. City Attorney Anderson asked the Council if the road encroachment fee should be returned before the work is done. Council Members agreed to give Mr. Crapo until the end of September of 2019 to get the fence moved, but not to return the road encroachment fee, since the encroachment fee is for circumstances like this, until the work is done.

City Attorney Anderson informed the Council that Rob Droubay would like to keep the numerical street numbers but also have the street names in his subdivision. Mr. Droubay would like to name the street running East to West next to his house Notch Peak Drive and the first cul-de-sac Sugar Loaf Court. The Council agreed that they would provide their approval with the names as long as there are still numbers on the streets too.

Public Works Director Kirkland informed the Council that Russell Greathouse is working on his subdivision that was approved years ago. Mr. Greathouse had been informed that he would need to get utility lines put in before he puts in curb and gutter. Mr. Greathouse had called in Blue Stakes and there are fiber lines all over in the road and it would be very expensive to run utilities through them. After a meeting with Mr. Greathouse, an agreement was reached to let Mr. Greathouse run utilities to the lots through the back of the lots, but the plats must include the wording that if the City must repair utility lines, they are not responsible for fixing anything other than bringing the yard up to ground level. City Attorney Anderson explained that State law allows for a 10-foot easement around all lots and the City may utilize the easements but requires that the City repair and replace low-level shrubbery, sprinkler systems, and fences. City Attorney Anderson pointed out that placing the waiving of the City's statutory obligations on the plat to put back in a fence is untried, but hopefully will work because the City is making a concession rather than making Mr. Greathouse have to figure out how to dig around the fiber and keep the utility lines in the street. City Attorney Anderson stated that this situation has happened two other times in prior existing situations and that this is an exception, not a rule. Public Works Director Kirkland stated that the odds of having to dig up one of the yards to do repair are pretty low.

Other Business

Council Member Killpack mentioned that at the last meeting Public Works Director Kirkland had brought up the subject of hiring someone new. Council Member Killpack stated that he thought that the Personnel Policy and Procedures Manual should be sped along, and a committee should be put together of each of the departments to get something in place a little bit quicker. Council Member Killpack stated that getting the input from all the departments, who would all have different perspectives on what they would need and what would work best for them, would be an effective way to do it. Public Works Director stated that a lot of detail for the personnel policy

has been hammered out already and it would not take much time to get something in place. Council Members agreed that all departments should have a few representatives. Council Member Chase nominated City Treasurer Anderson as the Chairman of the committee to be steward of the policy while it is in the hands of the committee and that the Council could later review it at a work session. Council Member Killpack noted that at the work session a pay scale should be worked on. Council Member Western asked if it would be possible to do the policy as a Google Drive document. Council Members asked if City Treasurer Anderson would be willing to be chairperson. City Treasurer Anderson informed them that she would as long as she has the support of the Council and has the assistance of a committee. There was a discussion about how long it would take to get the policy done and the Council asked that it be done and ready to implement by the beginning of next year. Council Members suggested that there be a committee consisting of 3 people from public works, 3 people from the office, 1 from the library, and the Mayor on the committee, including the department heads. It was noted that the committee would need to be on the next agenda to ratify the decision.

Public Works Director Kirkland informed the Council that he had had to stop construction on a sign going up on Mitch Myers' property without a permit. Public Works Director Kirkland stated that the office staff had been confronted negatively by both Mr. Myers and the construction company. Public Works Director Kirkland continued that he has been in contact with the sign company and they have an application. After further discussion, the sign company had admitted that they usually have a permit before they start work but had been informed that everything had been taken care of in this case. The sign company agreed to fill out the application and send it back for review.

Mayor Niles informed the Council that Big 5 Commodities had been informed by the City that they would need a business license to operate within City limits. They had waited until the last moment before contacting the City on the last day they had been given to get ahold of the City. Big 5 Commodities had contacted some of the inspectors that they would need and has not acted on it since. Mayor Niles suggested that another letter be sent to them to remind them to finish the licensing process. Deputy Recorder Fitch informed the Mayor and Council that after speaking with Fire Chief Ashby the previous week, another letter had been sent to Big 5 Commodities.

Mayor Niles informed the Council that he had received a letter from members of the Millard County 4-H and they were asking for a donation to assist in their travelling to go to compete at national level and represent Delta, Millard County, and Utah while there. City Attorney Anderson informed the Council that they might have to have a public hearing for the Council to give a gift if there is not a mayor's discretionary line item in the list of corporate uses that was approved after a public hearing and then by resolution a few years ago. Council Member Chase added that he had something that happens at the school that he would like the City to get involved in. Council Member Chase stated that there is an annual event called Freedom Foundations at Valley Forge, it is for the juniors at high school that do interviews and write an essay and if they get selected, then they go back to Valley Forge, Pennsylvania and sit in with the legislature, learn about the government, and participate in many other activities. Council Member Chase stated that it is

about \$750.00 per student and it is a major thing in Fillmore and if a local junior gets chosen, Fillmore City will pay for the student to go. Council Member Chase explained more details about it and noted that almost all other cities will pay for a local student to go. City Attorney Anderson suggested putting a resolution and another public hearing to re-up the regular contributions that the City makes. Council Members agreed to review the City contributions.

Mayor Niles informed the Council that Planning and Zoning Commission Member Alan Johnson had informed him that he would not be agreeable to the renewing of his Planning and Zoning Commission appointment. Commission Member James "Wes" Duncan's appointment would be up for renewal shortly too. Mayor Niles asked that Council Members keep in mind that they would need to appoint a new Commission Member and see if they can come up with any recommendations.

Mayor Niles asked the Council if he could ask Library Director Deborah Greathouse about her intended retirement. The Council stated that he could ask about if she is interested but not ask for specific dates.


Council Member Chase stated that the Council had been talking about changing Council Meetings to Wednesday and asked if they were planning on still doing so. Mayor Niles stated that he had spoken with everyone about it and the only Council Member who was not in favor of it was Council Member Banks because it would not work for him in the summer. Mayor Niles suggested moving the Council Meetings to Wednesdays until the summer and then switch back to Thursdays just for the three months that Council Member Banks would not be able to make it until Thursdays. Public Works Director Kirkland asked if Council Member Western could suggest switching to Wednesdays for the Planning and Zoning Meetings as well, as the Council Liaison to the Planning and Zoning Commission, to keep the meeting days uniform. Council Member Western agreed thereto. Asst. Public Works Director Stanworth reminded the Council that the Fire Department holds their meetings on Wednesdays. The Council suggested having the firefighters first on the agenda if they need to approach the Council so that they can make it to both meetings if they need to. The Council suggested having the meetings switch to Wednesday October 4, but they did not want it to conflict with the Fire Department's Annual Open House, so they suggested switching to Wednesday meetings starting October 17.

Asst. Public Works Director Stanworth informed the Council that at the previous night's Millard County Fire District Meeting, the Board had approved the payment of over \$400,000.00 to pay off half of the loan for the fire station. The Fire District is hoping to have the new fire station completely paid for by this time next year. Asst. Public Works Director Stanworth informed the Council that the City had received a wrecked fire truck from the Fire District for \$738.00 to use for parts for some of the other City trucks.

Council Member Chase MOVED to adjourn the City Council Meeting. The motion was SECONDED by Council Member Bunker. 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 Bunker, Council Member Chase, Council Member Killpack and Council Member Western in favor and Council Member Banks absent.





JOHN WESLEY NILES
MAYOR



LORA ARIANNE FITCH
DEPUTY RECORDER

MINUTES APPROVED: 10/03/2018