



**DELTA CITY COUNCIL  
REGULAR CITY COUNCIL MEETING**

Wednesday, November 7, 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  
Brett C. Bunker, Council Member

Kiley J. Chase, Council Member  
Nicholas W. Killpack, Council Member

Absent

Betty Jo Western, Council Member

OTHERS PRESENT

Lora A. Fitch, Deputy Recorder  
Todd F. Anderson, City Attorney  
Dent R. Kirkland, Public Works Director  
Justin B. Ashby, Field Supervisor  
Bridgette D. King, Administrative Assistant

Jody T. Anderson, City Treasurer  
Sam Jacobson, Chronicle-Progress, LLC  
George Lee, CentraCom  
Paul Peckham, CentraCom  
Bill Frazier, 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 Chase 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 October 3, 2018 were presented for approval. Council Member Bunker noted that there was a typo that needed to be fixed on line 96. Council Member Banks noted a typo on line 119. Council Member Banks MOVED to adopt the minutes of the Regular City Council Meeting held October 3, 2018 with corrections. 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 Banks, Council Member Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

The minutes of the City Council Public Hearing held October 3, 2018 were presented for approval.

Council Member Banks MOVED to adopt the minutes of the Regular City Council Meeting held October 3, 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 Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

#### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending November 7, 2018 in the amount of \$952,126.38. There was a brief discussion asking for clarification on two checks. Council Member Killpack MOVED to approve the payments disbursed dated November 7, 2018 in the amount of \$952,126.38. 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 Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

#### **PUBLIC COMMENT PERIOD**

Bill Frazier had come before the Council near the end of the meeting and asked the Council to make the issue of some of the messy yards a City issue rather than an individual issue. Mr. Frazier informed the Council that the newspaper had published an article that had named him specifically and he was worried that people would think that it is a personal issue rather a City one. Mr. Frazier asked that the City put an article in the newspaper stating that the Delta City Code mandates that people cannot have really messy yards.

#### **BUSINESS**

##### **July-September Quarterly Update**

Lt. Rob Clark reviewed the incident reports of the Millard County Sheriff's Office for the time span from July to September 2018. Lt Clark presented the statistics of what incidents the Millard County Sheriff's Office had been called to respond to and also noted the types of citations issued. The Council thanked the Millard County Sheriff's Office for their services.

##### **5-Year Extension of Current Franchise Agreement Between Delta City and Centracom**

George Lee and Paul Peckham from Central Telcom Services, LLC (CentraCom) came before the Council. Mr. Lee reviewed the history of the franchise agreement between Delta City and CentraCom. Mr. Lee explained that CentraCom had purchased the utility system from SatView Broadband Ltd., and had their contract with the City transferred to them with the option to extend the contract for another 5 years, if the City Council approves. Mr. Lee reviewed what work CentraCom has done in the City, explaining the replacement and maintenance that has been done. City Attorney Anderson referred to Ordinance 10-249 and noted that the extension would

need to be done through a resolution and if the Council approved, they could adopt a resolution at the next meeting. City Attorney Anderson explained that the franchise was such that CentraCom could use the public utility easements and to make them a public utility provider. There was a discussion about franchise tax and Mr. Peckham explained that it can only be applied to cable services, the FCC will not allow it to be applied to internet services. Council Member Chase MOVED to approve the five-year extension of the current franchise agreement between Delta City and Centracom pending the preparation of a resolution. 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 Bunker, Council Member Chase, and Council Member Killpack and Council Member Western absent.

#### Reduction of Sidewalk Requirements

Logan Cleaver came before the Council as the owner of Cleaver Equipment, LLC. Mr. Cleaver explained that the current ordinance requires sidewalk on all property lines abutting streets and that his property would require that 1,300' feet be installed. Mr. Cleaver proposed only installing sidewalks along Sugar Factory Row and 750 North Street with the installation of the current proposed building and then increasing the sidewalk 20' feet beyond each additional building or to the property line, whichever is less, and to not require any sidewalk along 300 West Street. Mr. Cleaver continued that there is no existing sidewalk on 300 West Street until about 300 North Street, there will be not future growth on the west side of 300 West Street due to there being train tracks there, and the property is large and the sidewalk will look unappealing and out of place in an area that is not maintained and has no building close by. Mr. Cleaver stated that the property borders County land where sidewalks are not required. Public Works Director Kirkland stated that the current ordinance requires sidewalk on all abutting streets and he must enforce that. Mr. Kirkland added that the Council could look into changing the ordinance, if they wanted to, but he did not feel that they should be giving exceptions on certain properties. Council Member Chase stated that the Council cannot just pick and choose which properties need to follow the ordinance, but in an industrial zone, maybe the ordinance should be adjusted. Council Member Killpack noted that requiring sidewalk in an industrial area encourages kids to play on them and defeats the purpose of an industrial zone. Council Member Killpack suggested that sidewalks should be in residential and commercial areas or places where there are a lot of people walking around or for beautification purposes. Council Member Chase pointed out that industrial lots are usually larger lots. There was a discussion about removing the requirements for the industrial zones, specifically industrial development. Council Members agreed that at least some sidewalk should be put in place. After some discussion, the Council agreed on sending the ordinance to the Planning and Zoning Commission to discuss changing the sidewalk requirements in industrial development zones to only require sidewalk along the building frontage plus 25' feet

either side or the property line. Council Member Chase MOVED to table the discussion of reduction of sidewalk requirements pending recommendation from the Planning and Zoning Commission. 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 Banks, Council Member Bunker, Council Member Chase, and Council Member Killpack and Council Member Western absent.

#### **Schedule Work Meeting for Personnel Policy and Pay Scale**

Mayor Niles proposed having the work session on either November 28 or December 5, two hours before the Council meeting. City Treasurer Anderson noted that the work meeting would be for the personnel policy, not the wage scale. Council Member Chase MOVED to schedule a work meeting for just the personnel policy for December 5, 2018 at 5 p.m. 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 Bunker, Council Member Chase, and Council Member Killpack and Council Member Western absent.

#### **Public Works Activities**

Public Works Director Dent Kirkland asked the Council what they would desire for their float to be decorated like. Ideas for the float were discussed. Council Member Bunker offered to bring a trailer and straw bales. Public Works Director Kirkland informed the City Council that in the interim time since the last Council Meeting the Public Works Department had been working on putting up the Christmas decorations, winterizing vehicles, repairing a leak at the Gardner Well, and doing the City Fall clean-up. The clean-up had not been finished and still had managed to close the County Dump both days. Public Works Director Kirkland informed the Council that the Public Works Department had taken delivery of the previously ordered 2019 Chevrolet 2500 Service Truck and also that a new backhoe has been leased from John Deere.

Public Works Director Kirkland informed the Council that he and Mayor Niles had attended the Utah Airport Operators Association (UAOA), meeting and that the airport project would not be bid out until January 2019. The airport improvement project will be done in four phases. The City applied for funding through a Federal Stimulus Bill at the end of October but has not heard back yet if any money will be granted. Mayor Niles noted that he and Public Works Director Kirkland will be having a conference call with the Federal Aviation Administration (FAA), and the City's airport engineering firm, Airport Development Group, Inc. (ADG), at the end of November to get more information.

Public Works Director Kirkland informed the Council that the Courtesy Cars out at the airport were being well-used. One of the cars has had over 300 miles added on the odometer.

Director Kirkland also commented that new Public Works employee Zachary Harris has passed the tests necessary for him to receive his Commercial Driver's License (CDL) and has been doing very well.

Public Works Director Kirkland stated that he has had a citizen express their concern about people hauling garbage, some of it falling out of the beds of their trucks and those people have failed to clean it back up. Mr. Kirkland suggested mentioning it in the newsletter and then, if it does not help, getting the Millard County Sheriff's Office involved in giving out warnings.

### Other Business

Council Member Banks asked if the City was planning on holding a New Year's Eve celebration. Mayor Niles and present Council Members agreed that this year the City would not be having a New Year's party since it did not seem to be missed last year. Mayor Niles noted that a large amount of money goes into it and you cannot even see the fireworks because of the fog and it did not seem to be a wise use of taxpayer money.

Mayor Niles noted that on November 20, from 2:00 to & 7:00 p.m., there will be a retirement celebration for Head Librarian Deborah Greathouse. Mayor Niles stated that there was a hiring notice put in the local newspaper for the position of Head Librarian, and that interested applicants must submit their information no later than 5:00 p.m., November 21. Mayor Niles asked the Council Members to think about changing the library hours and suggested that they be open to the public from 10:00 a.m. to 7:00 p.m., or something similar so that the library has more consistent hours. Mayor Niles pointed out that the operating hours of many comparable cities were around 10 a.m. to 7 p.m.

Council Member Killpack noted that he had been in contact with a representative of the Economic Development Corporation of Utah (EDCU). Mr. Killpack indicated that he is working with them to see if they can arrange to attend the December 5th meeting to address the City Council.

Council Member Chase MOVED to go into closed session to discuss the character and competence of an individual. Council Member Killpack SECONDED the motion. 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 Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

The Council entered Closed Session at 8:18 p.m.

Council Member Chase MOVED to return to regular session. Council Member Banks SECONDED the motion. 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 Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

The Council returned to regular session at 9:04 p.m.

Council Member Bunker MOVED to adjourn the City Council Meeting. 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 Bunker, Council Member Chase, and Council Member Killpack in favor and Council Member Western absent.

The meeting was ended at 9:10 p.m.



  
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JOHN WESLEY NILES  
MAYOR

  
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LORA ARIANNE FITCH  
DEPUTY RECORDER

MINUTES APPROVED: 12/05/2018