



**DELTA CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING**

Thursday, July 12, 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

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

**ABSENT**

Kiley J. Chase, Council Member  
Gregory J. Schafer, Admin. Officer/Recorder

**OTHERS PRESENT**

Lora A. Fitch, Deputy Recorder  
Todd F. Anderson, City Attorney  
Dent R. Kirkland, Public Works Director  
Sam Jacobson, Chronicle-Progress, LLC  
Melvin O. Dutson, Delta Citizen

Scott T. Johnson, Delta Citizen  
James "Wes" Duncan, Delta Citizen  
Sue M. Peterson, Delta Citizen  
Robert L. Jeffery, Delta Citizen

Mayor Niles called the meeting to order at 8:11 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 Western offered the opening remarks and then Mayor Niles led those in attendance in the Pledge of Allegiance.

**MINUTES**

The minutes of the City Council Meeting held June 21, 2018 were presented for approval. Council Member Banks pointed some grammatical errors on line 69. Council Member Banks MOVED to adopt the minutes of the Regular City Council Meeting held June 21, 2018 with the noted corrections. 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 absent.

**ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending July 21, 2018 in the amount of \$162,828.97. Council Member Killpack MOVED to approve

the payments disbursed dated July 21, 2018 in the amount of \$162,828.97. 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 absent.

#### **PUBLIC COMMENT PERIOD**

There was no public commentary.

#### **BUSINESS**

##### **Quarterly Law Enforcement Update**

Lt. Rob Clark, Millard County Sheriff's Office (MCSO) Patrol Lieutenant, updated the City Council on the last quarter of the Sheriff's office activities in Delta City. Lt. Clark reviewed the statistics of the accidents, property damage and citations that have taken place. Lt. Clark asked the Council if there were any issues that they would like to address. A Council Member asked how marijuana use and possession is prosecuted in our County. Discussion followed, and City Attorney Anderson noting that under the current law in this state, that a person can have as much as one pound of marijuana and it is only a Class "B" misdemeanor. Mayor Niles thanked Lt. Rob Clark for his report.

##### **City Council Vacancy Applicant Interviews**

Mayor Niles informed 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. Randy Riding was drawn to be interviewed first, however, he was not present at the meeting. It was questioned if Mr. Riding had been notified of the meeting and those present were uncertain. The Council asked the same questions of the other two applicants: Robert L. Jeffery and Sue M. Peterson. The Council Members completed their scoring templates and provided them to Deputy Recorder Lora Fitch for tallying as overseen and proofed by Public Works Director Dent Kirkland. Mayor Niles later announced that the result was that Sue M. Peterson had received the most points and was selected to serve the remaining term of former Council Member J. Travis Keel who resigned his office and has moved out of Delta City. At no point during the meeting was there an official action of the Council to appoint a candidate to fill the council vacancy.

##### **Amend Dutson Subdivision Phase 2**

Council Member Western informed the Council that the amendment of the Dutson Subdivision was presented on behalf of Scott T. Johnson, who wanted to subdivide a 1.3-acre lot in the Dutson Subdivision into two lots, one of which being a 0.7 acre and one 0.6 acre. The preliminary plat had it as two lots and the final plat had it just as one. Council Member Western stated that it had been approved by the Planning and Zoning Commission. City Attorney Anderson noted that when Dutson Subdivision had been approved, sidewalks had not been required until occupancy, so

suggested that it not be required for the amendment. City Attorney Anderson pointed out that amendments to plats require either a public hearing or to have every property owner in the amended plat sign off on the amendment. City Attorney Anderson stated that all the homeowners were signing off on the proposed final plat. Council Member Banks MOVED to approve the amendment to Dutson Subdivision Phase 2. 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 absent.

#### **Final Plat Approval for Notch Peak Subdivision Phase III Lots 1 & 2**

Council Member Western informed the Council that the preliminary and final plats of the Notch Peak Subdivision Phase III Lots 1 & 2 were approved by the Planning and Zoning Commission with some conditions. City Attorney Anderson noted that Rob Droubay is not quite ready to have this passed by the City Council pending finishing improvements or posting a bond. City Attorney informed the Council that Rob Droubay has asked him to do the paperwork involving the bond for him. City Attorney Anderson disclosed that it is a conflict of interest, but he doesn't think that the conflict is adverse to the City and it is basically document drafting. The Council approved attorney Anderson assisting Mr. Droubay with his bond paperwork. Council Member Western stated that the subdivision is compliant with all the subdivision ordinance. Council Member Western MOVED to TABLE the final plat approval for Notch Peak Subdivision Phase III Lots 1 & 2. 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 absent.

#### **Review & Selection of Municipal Airport Engineering Firm for Taxiway A, Apron, and Access Road and Pavement Maintenance**

Public Works Director Kirkland reminded the City Council that by Federal Aviation Administration (FAA) regulation, the City was required to put the second half of the project at the Delta Municipal Airport out to bid. Public Works Director Kirkland stated that there were only two engineering firms that applied, they are Armstrong Consultants, Inc., and Airport Develop Group, Inc. (ADG), and then gave their presentation materials to the Council for review. Public Works Director Kirkland stated that the two were very comparable and only suggested remaining with ADG because we have used them for the first half of the project, and that they are extremely familiar with the planned overall project work that remains. Kirkland continued that he did not think it would make seem to make sense to switch engineers half way through the project. The two engineering firm's bids were compared and discussed by the Council. Council Member Western MOVED to approve ADG as the municipal airport engineering firm for the next five 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 absent.

**Municipal Airport Hangars, Acceptance or Rejection of Bids Received**

Public Works Director Kirkland asked the Council if they would like to accept the bids as presented, deny any of them, or send them out to bid once again. Council Member Banks asked how long they had been advertised for. Public Works Director Kirkland stated that the request for bids had been run in the Millard County Chronicle-Progress for two weeks. Council Members reviewed the bids and the condition that the hangars are in. Council Members asked the local pilots that were present what their thoughts on the bids were. Scott T. Johnson and Melvin O. Dutson gave the Council their input. The present pilots also indicated that most of the pilots were upset that the hangars were put out to open bid and felt that the airport was not given as much consideration as other City-owned properties. There was a discussion about why the hangars had been put out to bid and why the bidding process was the way that it is. Council Member Western MOVED to approve the Municipal Airport Hangar bids. 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 absent.

**Public Works Activities**

Public Works Director Kirkland informed the City Council that in the interim time since the last Council Meeting, the Public Works Department has spent most of their time working on Fourth of July preparations and replacing the pump at the splash pad. Public Works Director Kirkland stated that the Public Works Department was getting ready to chip seal some streets.

The Fourth of July was discussed. Council Members complimented the Public Works Department on how well the Fourth of July went. Council Members agreed that we should order at least 3,500 pairs of sunglasses for next year. Council Member Western suggested doing a float for the volunteers that have been assisting in the Liberty Program.

Public Works Director Kirkland stated that he had been in touch with Mr. Stoddard and that he will get his sidewalk completed in the fall when it is a little cooler. Public Works Director Kirkland stated that he had worked with Treasurer Jody Anderson to get a sidewalk inspection by the City required on the building permits before the concrete is poured.

Public Works Director Kirkland informed the Council that he had a meeting with Mrs. Jennifer Crapo to resolve their sidewalk issue. Mayor Niles stated that he had met with Rhett Crapo just before the Council meeting and that he would like to be on the agenda for the next meeting to let the Council hear his side of the story and he would like to sign the contract. Mayor Niles noted that the Council had already decided at the last meeting that they were no longer interested in signing the contract. City Attorney Anderson stated that the Mayor had offered to split the cost of the land survey with the Crapo's to verify if the fence is in or out of the right-of-way. The Crapo's had not agreed to anything and asked if they could come before the Council. City Attorney Anderson asked if the City should do nothing and wait for the Crapo's to come meet

with the Council or move forward. Council Member Western voiced that the City should have the survey done before the next meeting to know whether the sidewalk is in the right-of-way so that they can know if the rest of the agreements are even necessary. Council Member Killpack suggested to try to get the Crapo's to split the cost of the survey before the next meeting, but get the survey done regardless so that the City can get another survey that they need done in the same surveyor's trip. Public Works Director Kirkland pointed out that the fence permits require that the homeowner make sure that the fence is on the homeowner's property. City Attorney Anderson told the Council that this is more of a trespassing issue than a land-use issue and explained the difference between the two. It was discussed that there are other houses that are also in violation with fences on the City's right-of-way, but they are older cases predating the fence permits and the problem cannot be allowed to perpetuate. The Council agreed that City Attorney Anderson pursue the 50/50 split and if the Crapo's deny splitting it, the City get a survey done anyway and seek restitution later if the case calls for it.

**Other Business**

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

The meeting was adjourned at 10:24 p.m.



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

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

**MINUTES APPROVED: 08/02/2018**