



**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

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**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  
Gregory J. Schafer, Admin. Officer/Recorder

**OTHERS PRESENT**

- |   |                                   |
|---|-----------------------------------|
| Lora A. Fitch, Deputy Recorder          | Scott T. Johnson, Delta Citizen   |
| Todd F. Anderson, City Attorney         | James "Wes" Duncan, Delta Citizen |
| Dent R. Kirkland, Public Works Director | Sue M. Peterson, Delta Citizen    |
| Sam Jacobson, Chronicle-Progress, LLC   | Robert L. Jeffery, Delta Citizen  |
| Melvin O. Dutson, 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

43 the payments disbursed dated July 21, 2018 in the amount of \$162,828.97. The motion was  
44 SECONDED by Council Member Western. Mayor Niles asked if there were any questions or  
45 comments regarding the motion. There being none, he called for a vote. The motion passed with  
46 Council Member Banks, Council Member Killpack and Council Member Western in favor and  
47 Council Member Chase absent.

48

49 **PUBLIC COMMENT PERIOD**

50 There was no public commentary.

51

52 **BUSINESS**

53

54 **Quarterly Law Enforcement Update**

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

63

64 **City Council Vacancy Applicant Interviews**

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

76

77 **Amend Dutson Subdivision Phase 2**

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

84 suggested that it not be required for the amendment. City Attorney Anderson pointed out that  
85 amendments to plats require either a public hearing or to have every property owner in the  
86 amended plat sign off on the amendment. City Attorney Anderson stated that all the  
87 homeowners were signing off on the proposed final plat. Council Member Banks MOVED to  
88 approve the amendment to Dutson Subdivision Phase 2. The motion was SECONDED by Council  
89 Member Western. Mayor Niles asked if there were any questions or comments regarding the  
90 motion. There being none, he called for a vote. The motion passed with Council Member Banks,  
91 Council Member Killpack and Council Member Western in favor and Council Member Chase  
92 absent.

93

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

95 Council Member Western informed the Council that the preliminary and final plats of the Notch  
96 Peak Subdivision Phase III Lots 1 & 2 were approved by the Planning and Zoning Commission with  
97 some conditions. City Attorney Anderson noted that Rob Droubay is not quite ready to have this  
98 passed by the City Council pending finishing improvements or posting a bond. City Attorney  
99 informed the Council that Rob Droubay has asked him to do the paperwork involving the bond  
100 for him. City Attorney Anderson disclosed that it is a conflict of interest, but he doesn't think that  
101 the conflict is adverse to the City and it is basically document drafting. The Council approved  
102 attorney Anderson assisting Mr. Droubay with his bond paperwork. Council Member Western  
103 stated that the subdivision is compliant with all the subdivision ordinance. Council Member  
104 Western MOVED to TABLE the final plat approval for Notch Peak Subdivision Phase III Lots 1 & 2.  
105 The motion was SECONDED by Council Member Banks. Mayor Niles asked if there were any  
106 questions or comments regarding the motion. There being none, he called for a vote. The motion  
107 passed with Council Member Banks, Council Member Killpack and Council Member Western in  
108 favor and Council Member Chase absent.

109

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

112 Public Works Director Kirkland reminded the City Council that by Federal Aviation Administration  
113 (FAA) regulation, the City was required to put the second half of the project at the Delta Municipal  
114 Airport out to bid. Public Works Director Kirkland stated that there were only two engineering  
115 firms that applied, they are Armstrong Consultants, Inc., and Airport Develop Group, Inc. (ADG),  
116 and then gave their presentation materials to the Council for review. Public Works Director  
117 Kirkland stated that the two were very comparable and only suggested remaining with ADG  
118 because we have used them for the first half of the project, and that they are extremely familiar  
119 with the planned overall project work that remains. Kirkland continued that he did not think it  
120 would make seem to make sense to switch engineers half way through the project. The two  
121 engineering firm's bids were compared and discussed by the Council. Council Member Western  
122 MOVED to approve ADG as the municipal airport engineering firm for the next five years. The  
123 motion was SECONDED by Council Member Banks. Mayor Niles asked if there were any questions  
124 or comments regarding the motion. There being none, he called for a vote. The motion passed  
125 with Council Member Banks, Council Member Killpack and Council Member Western in favor and  
126 Council Member Chase absent.

127

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

129 Public Works Director Kirkland asked the Council if they would like to accept the bids as  
130 presented, deny any of them, or send them out to bid once again. Council Member Banks asked  
131 how long they had been advertised for. Public Works Director Kirkland stated that the request  
132 for bids had been run in the Millard County Chronicle-Progress for two weeks. Council Members  
133 reviewed the bids and the condition that the hangars are in. Council Members asked the local  
134 pilots that were present what their thoughts on the bids were. Scott T. Johnson and Melvin O.  
135 Dutson gave the Council their input. The present pilots also indicated that most of the pilots were  
136 upset that the hangars were put out to open bid and felt that the airport was not given as much  
137 consideration as other City-owned properties. There was a discussion about why the hangars had  
138 been put out to bid and why the bidding process was the way that it is. Council Member Western  
139 MOVED to approve the Municipal Airport Hangar bids. The motion was SECONDED by Council  
140 Member Banks. Mayor Niles asked if there were any questions or comments regarding the  
141 motion. There being none, he called for a vote. The motion passed with Council Member Banks,  
142 Council Member Killpack, and Council Member Western in favor and Council Member Chase  
143 absent.

144

145 **Public Works Activities**

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

150

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

155

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

160

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

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

183

184 **Other Business**

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186 Council Member Western MOVED to adjourn the City Council Meeting. The motion was  
187 SECONDED by Council Member Banks. Mayor Niles asked if there were any questions or  
188 comments regarding the motion. There being none, he called for a vote. The motion passed with  
189 Council Member Banks, Council Member Killpack, and Council Member Western in favor and  
190 Council Member Chase absent.

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



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194 **MINUTES APPROVED: MM/DD/2018**

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

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