



**DELTA CITY COUNCIL
REGULAR CITY COUNCIL MEETING**

Wednesday, March 18, 2020
RJ Law Community Center
75 West Main St.
Delta, Utah 84624-9440

PRESENT

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

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

ABSENT

OTHERS PRESENT

Sherri Westbrook, City Recorder
Todd F. Anderson, City Attorney
Mason Richins, Intern
Dent Kirkland, Public Works Director
Michelle Lovejoy, Head Librarian
Travis Stanworth, Public Works
Josh Nelson
Tiffany Nelson
Bill Nelson
Shauna Nelson
Rob Droubay
Jill Droubay

Danny Beams
Kristi Beams
David Barrus
Colton Griffiths
Carlee Griffiths
L. Howard Quackenbush II
Don Smith
Rebecca Peterson
Mandi Kirkland
Kristin Palmer
Darla Ewart

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 24 hours prior to the meeting. Mayor Niles conducted roll call. Council Members Western, Bunker, Banks, Chase, and Killpack were present. Council Member Bunker offered the opening remarks and Mayor Niles led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of the City Council Meeting held 2/19/20 were presented for approval. Council Member Bunker MOVED to approve the minutes of the Regular City Council Meeting held 2/19/20 with the two changes in wording. 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, Council Member Western and Council Member Killpack in favor.

The minutes of the City Council Meeting held 3/4/20 were presented for approval. Council Member Banks MOVED to approve the minutes of the Regular City Council Meeting held 3/4/20. 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, Council Member Western and Council Member Killpack in favor.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending March 18, 2020 in the amount of \$189,054.83. Council Member Chase MOVED to approve the disbursed payments dated March 18, 2020 in the amount of \$189,054.83. 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, Council Member Western and Council Member Killpack in favor.

PUBLIC COMMENT PERIOD

BUSINESS

Mayor John Niles; Coronavirus Update

Mayor Niles provided the public and the Council with an update on what the City is doing to prevent the spread of the Coronavirus. The Delta City Library is closed, with curbside assistance available. Delta City Offices have also been converted so that people can make payments online. Mayor Niles informed the Council that the restaurants would be closing that night at midnight.

Rob Droubay; Notch Peak View Phase 3

Rob Droubay appeared for approval on Notch Peak View Phase 3 Lots 15, 16, and 18 and Phase 4 Lot 5. Rob Droubay has a bond for the sidewalk installation. Attorney Todd Anderson asked about his irrevocable line of credit. Rob Droubay explained that he believed that the language was the same language that Attorney Anderson and he had worked out. Council Member Killpack MOVED to approve Notch Peak View Lots 15, 16 and 18 and Phase 4 Lot 5. 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, Council Member Western and Council Member Killpack in favor.

Bill Nelson; Drain Issue

Bill Nelson told the Council that Travis (Stanworth) told him that he could connect to whatever box he needed. Mr. Nelson said that he was unaware that he needed a permit to connect to the system. Mr. Nelson felt as though that should have been explained to him. Mayor Niles disagreed; stating that it was Nelson's responsibility to find out that information for himself. Mr. Nelson said that the additional pipes were to protect his neighbors and their property, as well as his own. Mr. Nelson believes that he has donated about \$15,000 to the city. Mr. Nelson stated that the only reason he wanted to connect was so that he could protect the neighborhood; he was not interested in getting the water in order to subdivide his farm. Mr. Nelson said that he had been approved and denied several times by the City. City Attorney Anderson explained why Mr. Nelson had been denied by the City. Attorney Anderson informed him that a permit would not need to be issued because the agreement stated that Delta City would be doing the installation. After much discussion between the City Council and Mr. Nelson and his family, Delta City Council offered to write two new contracts and give them time to allow a lawyer to go through them. The first contract Mr. Nelson would accept the easement and the second contract they would do it themselves. City Attorney Anderson gave some details to the City Council about what either contract would mean for the City, and what they would be liable for. Mr. Griffiths was asked to give his opinion before he had to leave. Mr. Griffiths stated that his concerns are that since the water flow has been changed, it is essential for us to not leave it as it is. Mr. Griffiths is also concerned about the timeline; he thinks that this needs to be settled and fixed before irrigation starts. Mr. Griffiths said that he wants both contracts in hand when they go to see the lawyer so they can choose right away. City Attorney Anderson said that the City Council needs to decide whether or not they would allow Mr. Nelson to connect to the drainage. It was then decided to let the other residents speak.

Affected Individuals; Homes Flooding

Kristin Palmer explained that she has had water in her basement for the last 15 years so it can't get any worse for her. Don Smith agreed that what was being done needs to be finished as soon as possible. Council Member Western stated that she would like to get all the details before making a decision so that it would be fair. After some additional discussion regarding the terms of the contracts, and the amount of testing of the new connections would have once they were installed, a request was made that Mr. Nelson give City Attorney Anderson an indication about which contract they would most likely be choosing to save City Attorney Anderson the time of writing the second contract. Council Member Killpack MOVED to extend the contract to Mr. Nelson or a similar one to accept the water. 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 Western, Council Member Bunker, Council Member Banks, and Council Member Killpack in favor. Council Member Chase was recused. Council Member Killpack MOVED that the residential leach line be accepted pending approval of the Public Works Department to ensure that it is up to code. 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 Western, Council Member Bunker, Council Member Banks, and Council Member Killpack in favor. Council Member Chase was recused.

Other

Council Member Banks asked about whether or not the Easter Egg Hunt should be canceled because of COVID 19, it was decided to cancel the Easter Egg Hunt.

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 Western, Council Member Bunker, Council Member Banks, and Council Member Killpack. Council Member Chase was recused.

The meeting was adjourned at 8:56 p.m.



JOHN WESLEY NILES
MAYOR

SHERRI WESTBROOK
CITY RECORDER

MINUTES APPROVED: 4/15/20

UNAPPROVED