



**DELTA CITY COUNCIL  
REGULAR CITY COUNCIL MEETING**

Wednesday, April 15, 2020  
RJ Law Community Center  
75 West Main Street  
Delta, Utah 84624-9440

**PRESENT**

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

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

**OTHERS PRESENT**

Sherri Westbrook, City Recorder  
Todd F. Anderson, City Attorney  
Michelle Lovejoy, Head Librarian  
Jody Anderson, Treasurer  
Hayden Dutson  
Margaret Dutson  
Travis Stanworth, Assistant Public Works Director

Bridgette King, Administrative Assistant  
Rebecca Peterson, Cash Receipting Clerk  
Matt Ward, Millard County Chronicle Progress  
Dent Kirkland, Public Works Director  
Kristen Chase  
Kurt Forsyth  
Guy Little

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 Banks, Bunker, Chase, Western and Killpack were present. Mayor Niles offered the opening remarks and he led those in attendance in the Pledge of Allegiance.

**MINUTES**

The minutes of the Regular City Council Public Hearing held March 18, 2020 were presented for approval. Council Member Chase MOVED to approve the minutes of the Regular City Council Meeting held March 18, 2020. 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.

**ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending April 15, 2020 in the amount of \$498,982.29, Council Member Chase MOVED to approve the disbursed payments dated April 15, 2020 in the amount of \$498,982.29. 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.

#### **PUBLIC COMMENT PERIOD**

Hospital Administrator Kurt Forsyth provided the City Council with a COVID 19 update. The CDC recommends that everyone wears a mask in the hospital and out in public. The State health website and district website offers suggestions on how to protect yourself and others from the Coronavirus. The hospital is now accepting homemade cloth masks. The emergency management mode command center have had a daily meeting since mid-March to follow what Intermountain tells them to do to help keep them safe. They have enough equipment to protect patients and staff. Patients giving birth and those with end of life care are allowed to receive visitors. The hospital is not short on equipment nor are they heavily exposed. There have been four positive cases in Millard County. The Central Utah Health District releases a statement for only the first exposure in the county. There were a lot of travelers in and out of the county the past weekend. It is safe to come to hospital for those who need to be seen.

#### **BUSINESS**

##### **Hayden Dutson/Margaret Dutson Business License**

Hayden Dutson, age 17 mows lawns around town. Last year he got a letter in the mail stating that he would need to get a business license, which costs \$50, plus a \$20 processing fee, which they did. This year they got the same notice, and they felt that the pricing was unfair based on other surrounding towns. Mayor John Niles asked if this business was all summer and Hayden Dutson replied that it was. Council Member Western asked if it was classified as a home business or a commercial business; Administrative Assistant Bridgette King said it is classified as a commercial business. Council Member Banks did not see a need for a business license for a minor. Margaret Dutson is listed as the owner on the business license application, which she paid for; she was the one that signed the license application. Council Member Chase agreed with Council Member Banks, but does not think that he should be refunded for last year's business license fees, since Margaret Dutson was listed as the owner on the previous application. Council Member Chase would like to see this business classified as a seasonal business, not an occasional; he suggests that Hayden Dutson reapply for a business license. This business runs 7 months out of the year. They are the only lawn care business on the list of business licenses, but they did not have a current list. Mayor Niles spoke with the Post Office, who was concerned that businesses were not going to sign a contract with a minor. Council

Member Bunker would like them to still have a business license. Killpack sees having a business license as an expense of having a business. Public Works Director Dent Kirkland expressed his concern that people might start listing their children as owners of a business to avoid licensing fees. Attorney Anderson would like to work on a definition on what occasional use is. Council Member Killpack would like a business license specifically for minors, with the possibility of a fee waiver or at a reduced rate. Council Member Bunker asked Dutson if he considered this a business, or a hobby; Dutson answered a business. Council Member Chase would like to waive his fee this year, and reassess. Attorney Anderson would like to deem it an occasional business.

Council Member Killpack MOVED to deem Hayden Dutson's lawn care business as an occasional business. 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 Bunker, Council Member Chase, Council Member Western, and Council Member Killpack in favor.

#### **Guy Little Completion of 150 East Plat A Block 18**

Guy Little presented to the Council that he owned a piece of property on 400 South and 200 East, and was hoping to develop that piece of property in the future, but the alleyway in the back is in bad shape. He is requesting that the City fix the alleyway. Mayor Niles asked if they could use the alley, not as a right-of-way. Vacating the right-of-way would be an option. Little was looking into subdividing the property. Council Member Western noted that there were only three areas in town that have not been improved by Delta City, and that it is not consistent of what they have done for the rest of the town. Council Member Western asked what would need to be done to the road, and Mayor Niles replied that it would be a road base and brine. Mayor Niles was concerned about more road maintenance. Council Member Western brought up that there had been other citizens that have been denied work on their alleyways. Mayor Niles reminded Little this would be at his expense. Little asked if he could supply the labor, would the City supply the material. Mayor Niles would like to make sure that it was up to code. Attorney Anderson wanted clarification that if subdivision is in the future for this property, it would have to be paved. It would also need to supply sewer, curb, and sidewalk. This motion was tabled pending Public Works Director Dent Kirkland looking at the property.

Council Member Chase MOVED to table the discussion on the completion of 150 East Plat A Block 18 pending further discussion on how Mr. Little would like to proceed. 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.

#### **Resolution 20-439 Approving Inter-local Agreement between Delta City and Millard County for Building Inspection Services**

Millard County has already approved the inter-local agreement between Delta City and Millard County for building inspection services, so now the City Council has to as well. There is a 5% difference between the County and Sunrise Engineering fees. It has been in practice for almost a month now, and it is going well. The County would like to have a signed copy.

Council Member Banks MOVED to approve the inter-local agreement between Delta City and Millard County for building inspection services. 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.

### **Nick Killpack: Ordinance 20-284 Conflict of Interest**

Council Member Nick Killpack has been working on this conflict of interest and ethics policy for a while, since last year, with City Attorney Anderson. Council Member Killpack asked the Council if there were any questions regarding this ethics policy and conflict of interest policy. If an ethics question were to arise, he would like to see a formation of an Ethics Commission instead of going through the State, as things currently do. Council Member Banks asked for clarification on what an Ethics Commission is. Council Member Killpack would like to make such a Commission, but if one isn't formed, the issue would go straight to the City Council. If this is passed, then the Council would be the Ethics Commission until one is made, and until that is passed, the State is the Ethics Commission. Millard County does not have an Ethics Commission; they refer to the State Board.

Council Member Western asked for clarification on a few items, on page 4 of the policy, it is noted that there should be disclosures from all City Workers, and the most current disclosures were from 2018. Council Member Western expressed her concerns as to why there are no disclosures for public employees, and who should be enforcing the collection? Council Member Western would like every employee to receive a new disclosure to sign.

In an email from David Church, Utah League of Towns and Cities Attorney, he recommended that Council Members would not have to recuse themselves for conflict of interest. It would be the best interest of the city to keep ethics and integrity in the forefront, and to not sway the Council in one way or another. Council Member Western was questioning the ethics side and the formation of an Ethics Commission.

Council Member Chase MOVED to approve the Conflict of Interest, Chapter 9. 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.

**Dent R. Kirkland, Public Works Director: Public Works Update**

Public Works Director Dent Kirkland provided a Public Works update to the City Council. The Public Works Department have been keeping their distance from each other, and working from separate vehicles. In the past two weeks, they have been able to sweep the streets. Council Member Western questioned why Richfield City is sweeping their Main Street nightly, and Delta City does not. Mayor John Niles asked if the State also provided snow removal to them, as Delta City has been told not to plow on Main Street by the State. A storm drain on Center Street and 100 South has been installed. Precision Concrete came in to grind the lips of the sidewalks, which they do yearly in our \$5000 yearly budget for Insurance Liability. Contracts with the Nelsons to secure the easements have been signed, and the work is completed there with the exception of the asphalt. Unapproved access is in the contract; Council Member Chase was worried that the State might come after the City for that. The Public Works Department met with the Railroad at the site of 750 North, and it looks like they may do away with that crossing. Attorney Anderson would like to have a resolution in case there is a future need for a crossing to be put back in. Discussion was made about putting in a speed bump or stop sign. Part of the stimulus project that went out, some money would be put aside for airports that had a project that would be complete this year, which we don't have a project for this year. There will however be \$20,000 available to be used how they see fit, including maintenance for the airport. Katie Grimshaw is working in the park planting; the City did not hire summer help this year. Starting Monday, the Public Works Department will begin working on a big project in the C-Station to repair that line, and then Val-Kotter will come back to line that section.

**Other Business**

Attorney Anderson asked whether or not the skate park should stay open or close; it was decided that it should close.

Council Member Banks followed up on the Easter Egg Drive Thru, which was attended by 150-200 kids. Leftover bags were taken to families door to door.

Council Member Western raised concerns about Delta City's cell phone policy in the office or in meetings. Council Member Killpack asked Treasurer Jody Anderson if the Policy Committee would review this at their next meeting.

Council Member Banks 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, Council Member Western and Council Member Killpack in favor.

The meeting was adjourned at 9:50 p.m.



---

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

---

**SHERRI WESTBROOK**  
**CITY RECORDER**

**MINUTES APPROVED: 05/20/2020**