



**DELTA CITY COUNCIL  
REGULAR CITY COUNCIL MEETING**

Thursday, July 15, 2020  
R.J. Law Community Center  
75 West Main  
Delta, Utah 84624-9440

**PRESENT**

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

Betty Jo Western, Council Member

**ABSENT**

Robert W. Banks, Council Member  
Kiley J. Chase, Council Member

**OTHERS PRESENT**

Sherri Westbrook, City Recorder  
Michelle Lovejoy, Head Librarian  
Todd Anderson, City Attorney  
Dent Kirkland, Public Works Director

Matt Ward, Millard County Chronicle  
Progress  
Steve Shriver  
Mason Richins, Intern

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 RJ Law Center, 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 Bunker, Western, and Killpack were present. Council Member Banks and Chase were absent. Council Member Killpack offered the opening remarks and Mayor Niles led those in attendance in the Pledge of Allegiance.

**MINUTES**

The minutes of the City Council Public Hearing held June 18, 2020 (1) were presented for approval. Council Member Killpack MOVED to approve the minutes of the City Council Public Hearing held June 18, 2020 (1). 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

The minutes of the City Council Public Hearing held June 18, 2020 (2) were presented for approval. Council Member Bunker MOVED to approve the minutes of the City Council Public

Hearing held June 18, 2020 (2). 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

The minutes of the Regular City Council Meeting held June 18, 2020 were presented for approval. Council Member Western MOVED to approve the minutes of the Regular City Council Meeting held June 18, 2020. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

### **ACCOUNTS PAYABLE**

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending July 15, 2020 in the amount of \$319,015.86. Council Member Western wanted clarification of purchase for a rally table. This purchase was from the money donated from the State Bank of Southern Utah, which was used to purchase 3 benches and 3 tables for the park. Signs have been ordered to place on the back of the benches stating that the State Bank of Southern Utah donated them. Council Member Killpack MOVED to approve the disbursed payments dated July 15, 2020 in the amount of \$319,015.86. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

### **PUBLIC COMMENT PERIOD**

Matt Ward asked if the council heard about Dr. Michael Clay being arrested and forced to resign from BYU, and he would like to know if there was any ongoing work with Delta City. Dr. Clay has finished everything he was working on with Delta City and there was no comment at this time regarding the allegations toward Dr. Clay.

### **BUSINESS**

#### **Approval for Notch Peak Subdivision Phase 3, Plat D, Lot 26-Final Plat**

This item was tabled because of surveying issues.

Council Member Killpack MOVED to approve to table the approval for Notch Peak Subdivision Phase 3, Plat D, Lot 26-Final Plat because of surveying issues. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

**Proposal Re: Delta Plat-A Block 18 South East Corner ¼ Block**

Guy Little sent a letter with four requests.

In response to request one, the removal of the dirt piles, Council Member Killpack thinks the City should send a letter to the owner of the dirt. The dirt is located on City property, and the owner of the dirt needs to remove it.

When addressing the maintenance of the alley, Council Member Killpack stated he is wary of the idea of Delta City putting down the road base, which will result in Delta City having to maintain those roads. This location has been platted out as a city alley, in the original city plan for one hundred years, and no one has missed it yet. Six or seven other areas around Delta would have to be done as well if this one is. Council Member Bunker wanted clarification on whose level of maintenance Delta City would be referring to. Attorney Anderson remarked that it is a right of way. Council Member Killpack would like to see consistency with what Delta City is doing with the other alleyways. Council Member Killpack remarked that it would add value to the property, so if a property owner would like to develop it, Delta City should maintain it.

In response to request two, Attorney Anderson said that in the definitions (2012) when the P&Z section was redone, it was copied from somewhere else. There is a definition of a simple lot subdivision, but there is no section for it. It would have to be a sub-platted subdivision. Council Member Western added that the definition should be taken out. Council Member Killpack requested to do an RDA.

In response to request three, the RDA would need to be explored, and the goal to encourage the development inside of town. Sidewalks are a priority, adding value, aesthetic, and they are useful.

In response to request four, Council Member Killpack said maybe someday in the future, but we are a long ways away from that.

**Street Lights**

Gentry Wankier brought a concern about there being a lack of street lights in Pendray, and some houses have street lights that don't work. Council Member Killpack talked to Public Works Director Kirkland, and as a cost saving maneuver during the development of Pendray, each house was to put a light in their front yard. Council Member Killpack suggested that whoever wants to raise money to put up streetlights, Delta City would help. Council Member Killpack suggested using part of the street lighting general fund to improve this. Council Member Western remarked that a lot of streetlights were tipping over. Council Member Bunker asked how much streetlights would cost, and Public Works Director Kirkland replied they would be about \$1000 for the pole, and \$1000 for the labor and installation. Mayor Niles would like to keep the safety of Delta City citizens as a priority.

Council Member Western stated that Oak City got LED lights on their Main Street and she wondered if they had gotten a grant. Council Member Bunker said Delta City can't help with the older developments when they don't help with the new developments. Delta City could do everything but set the pole and pull the wire, which Rocky Mountain Power would have to do. Council Member Killpack suggested that Delta City provide the labor, and the homeowners would pay for the pole. Public Works Director Kirkland agreed that would work. Council Member Western asked how they would decide where the lights should be placed. After some discussion, one per block per corner, was the consensus.

**Resolution 20-441, Setting Compensation and Salaries for Fiscal Year 2021**

Council Member Killpack MOVED to approve Resolution 20-441, Setting Compensation and Salaries for Fiscal Year 2021. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

**Resolution 20-442, Land Use Appeal Authority**

Council Member Western MOVED to approve Resolution 20-442, Land Use Appeal Authority, and to elect Kasey L. Wright in Nephi to be the authority. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

**4<sup>th</sup> of July Fireworks**

Mayor Niles stated that Saturday afternoon Fire Chief Lynn Ashby received a phone call from Steve Shriver telling him he found the issue, but he hadn't contacted anyone at Delta City for the entire week and offered no apologies. Steve Shriver of Firestorm Pyrotechnics presented himself to the Delta City Council. Shriver stated that he has shot fireworks shows for many years and that he shoots 200 shows a year. Shriver keeps his main storage in Delta. There have been a series of unfortunate events for Delta. Dave Wheeler shot 40 shows last year, but they were always with someone else. Wheeler is not a computer guy. Normally the show would take one day to set up, but this year they had three people and three days to set up. They should have been ahead of schedule. Wheeler struggled with the firing system last minute. When he went to fire the show, everything seemed perfect. When he went to start it with the computer, that is where the problem was. Shriver suspected what the problem was, but Wheeler was befuddled with what could have been a fifteen second fix. The problem was very simple, his modem was stuck on channel 4 and not 0, and his box was set to 0. Shriver stated that he didn't want to call until he knew the facts and examined the equipment. Shriver is willing to do whatever he can to make up for it. Mayor Niles remarked that stuff happens, and to give them another chance. Council Member Killpack encouraged local support and prices, and Council Member Bunker agreed.

Shriver said that the year before two brothers set up to do the show, and one of the sons of the brothers passed away, and Shriver was unable to get anyone to fill the spot. Discussions about a makeup show on the 24<sup>th</sup> were had, but the Council didn't want to detract from Hinckley's celebrations; there is a possibility of having fireworks after the light parade again. Council Member Western reminded Shriver that the bottom line came down to him, and she could see not giving him the contract again. Council Members Killpack and Bunker would like to continue to use Firestorm for the 4<sup>th</sup> next year and reassess after that.

#### **Approval of Planning and Zoning Commission Vice Chair Chad Droubay**

Mayor Niles asked for the approval of Chad Droubay as the Planning and Zoning Commission Vice-Chair. Council Member Killpack MOVED to approve Chad Droubay as the Planning and Zoning Vice-Chair. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

#### **Irrigation Water**

Council Member Killpack would still like to see an enterprise formed, but in regard to the way Delta City charges, it shouldn't be by the amount of water used. Because the Water Master will have to change the water the same amount of labor for a small lot as it is for a large lot. The Council would like to see people keep irrigating, but they need to pay for it themselves. Delta City would be a user in the enterprise if one is formed. Some users may decide the cost is too high, and put a sprinkler system in instead. Public Works Director Kirkland remarked that they were losing people consistently year after year.

At this time, 8:22, Council Member Western got called away for an emergency. With the lack of a quorum, this meeting was adjourned.

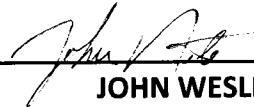
#### **Surplus Equipment**


This agenda item was discussed as Council Member Western prepared to leave the meeting. Council Member Killpack MOVED to approve the list of surplus equipment. 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 Bunker, Council Member Western, and Council Member Killpack in favor. Council Members Banks and Chase were absent.

#### **OTHER BUSINESS**

The meeting was adjourned at 8:22 p.m.



  
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JOHN WESLEY NILES  
MAYOR

  
\_\_\_\_\_  
SHERRI WESTBROOK  
CITY RECORDER

MINUTES APPROVED: 8/5/2020