

MINUTES OF PUBLIC HEARING
 April 10, 1972, 7:30 p.m., City of Delta Offices, Delta, Utah

Present:

Hatch Farnsworth	Mayor and presiding
Arch Barben	Councilman
Clark B. Cox	Councilman
Leo Burraston	Councilman
Neil Forster	Councilman

Absent:

Willard Stephenson

Others present:

Dudley Crafts	City Attorney
Wells Wood	City Superintendent
Inez Riding	City Recorder
Scott Matheson	Union Pacific Railroad Company Attorney
Stanley Robison	Delta, RFD, Utah
Carl Warner	Delta, RFD, Utah
Vera Hilton	Delta, RFD, Utah
Reed Skidmore	Delta, RFD, Utah
Edith Skidmore	Delta, RFD, Utah
Lawrence Bunker	Delta, Utah
Lavina Bunker	Delta, Utah
Bert Sorensen	Delta, RFD, Utah
Bernard Owens	Delta, Utah
Bonnie Owens	Delta, Utah
Susan Outson	Hinckley, Utah
Wayne Cave	Delta, RFD, Utah
Mrs. Wayne Cave	Delta, RFD, Utah

Due, legal and timely notice of the Public Hearing had been given to all members of the Council of the City of Delta and duly published in the Millard County Chronicle for four consecutive weeks prior to the meeting as required by law.

The Hearing was called to order by Mayor Hatch Farnsworth, who, being present in person, presided at the Hearing. Inez Riding, City Recorder, being present in person acted as secretary of the Hearing.

Mayor Farnsworth stated that the purpose of the Hearing was to hear comments, both for and against, on the proposed vacating of a certain portion of First North Street within the City of Delta, Utah.

Mr. Bert Sorensen presented the following to Mayor Farnsworth:

7th April, 1972
 TO WHOM IT MAY CONCERN:

We, the undersigned, oppose the closing of the railroad crossing located at 1st North and the east end of Lyman Row:

S/

Carl Warner	Nell Sorensen
Bert Sorensen	Vera Hilton
Allen Jenkins	Thelma A. Black
Mrs. Hyrum Bennison	June W. Black
Elizabeth Stephensen	Grant Church
John A. Adams	Leonard Vodak
Wayne Cave	Howard Bassett
Willard R. Fullmer	Syd Bassett
Sarah Church	Helen Warner
Rosa Sampson	Reed Skidmore
Ralph M. Ross	Edith Skidmore
Wm. S. Bassett	
Carl Corry	
Ruth Corry	

Mayor Farnsworth accepted the petition from Mr. Sorensen and asked if there were other comments. Mr. Reed Skidmore said that the crossing had been open for 50 years and that it should remain so. He blamed the accidents at the crossing on the occupants of the vehicles involved rather than the crossing itself.

Mrs. Lavina Bunker said that, in her opinion, the crossing should be closed. She recalled an incident in which she and a friend were crossing the track at that point and the vehicle stalled. She said they had been unable to see the approaching train as their vision had been blocked by rail cars.

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She said they were barely in time getting off the track before becoming more train-car accident statistics.

Mr. Lawrence Bunker asked, "Why should we chance losing more people at that crossing? Four people have been killed within the last ten years. The crossing should be closed", he added.

Mr. Stan Robison asked, "Is there one good reason to leave the crossing open?"

Mr. Skidmore answered, "It s a convenience [to residents of Lyman Row] to have it open."

Mr. Wayne Cave reported that his elementary school students came home from school recently and said that busing of students from Lyman Row would stop with this school year. "If that crossing is closed, how are my children and other children of Lyman Row going to get to school?", he asked.

Councilman Barben agreed with Mr. Cave that getting children to school sometimes poses problems and added that some of the hazards of the crossing were created by too much time spent in switching [by trains]. He recalled seeing children crawl under parked rail cars enroute to school.

Mr. Cave expressed the belief that if the railroad company lived up to its agreements then meetings, such as this one, would become unnecessary.

Mr. Robison said that Mr. Cave's statement was probably true but also said that some people are not able to look after themselves, and in such cases, it becomes the duty and responsibility of others, to watch over them.

Mr. Skidmore said that he thought Delta had never done anything in the past 50 years and that it was one of the dirtiest little towns that he had ever seen. He suggested that the City of Delta officials were amiss by concerning themselves with railroad crossings when the town was in such need of clean up efforts.

Mr Carl Warner asked about pedestrians. He pointed out that several elderly people made their homes on Lyman Row and that several of them walked to and from Main Street. Closing the crossing would pose real hardships on them, he said, as it would force them to have to walk further to get into town.

Mr. Sorensen declared that if the crossing is closed he will begin shopping in Hinckley.

Mr. Robison said "It all boils down to this: Is all this concern [expressed by Lyman Row residents] for ourselves or is it for others?"

Apparently Mr. Cave took exception to remarks made by Mr. Skidmore about the City of Delta for he said he chose to make his home in Delta because it progressed at a rate of growth that he liked and wanted for his children.

Mr. Skidmore said it looked to him as if the only objections were coming from Lyman Row and added "We should be considered". "Who says the crossing can be closed?", he asked.

Mr. Dudley Crafts remarked about the amount of city taxes exempted to Lyman Row residents and assured him that the statutes of the State of Utah gives this authority to the City of Delta.

Mrs. Bonnie Owens gave an account of terror experienced by her the night of the accident that claimed the lives of three people. "I keep thinking about those poor parents. It was very real to me. For at the first report my own child hadn't returned home from church and I felt it could have been my child". Mrs. Owens insisted over and over "close it".

~~Mr. Skidmore kept meddling and coming in.~~

Mr. and Mrs. Bunker reiterated their stand on closing the crossing.

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Mr. Sorensen asked about the plans to detour traffic through Lyman Row rather than entering Delta at another point. He, also, explained that the City of Delta had had nothing to do with planning the detour route.

Mayor Farnsworth thanked him for the information and pointed out that this line of thought strayed from the real purpose of the Hearing.

Mrs. Hilton said she felt that if drivers obeyed stop signs, and looked both ways before proceeding, the flashing lights of the train could be seen.

Mrs. Bunker explained again her near brush with death, or over serious injuries.

Mayor Farnsworth said, once more, that it was the opinion of all members of the Council of the City of Delta that the crossing should be closed for the benefit of the general public.

Mr. Warner asked if special consideration could be given to a crosswalk over the tracks for pedestrians.

Mayor Farnsworth thanked everyone for taking time to appear after which all visitors left.

✓ Mayor Farnsworth then stated that the next order of business was to enact an ordinance providing for the closing and vacating of a certain portion of First North Street within the City of Delta, Utah. After full and complete discussion of same, during which time Mr. Matheson assured Council that the Union Pacific Railroad Company would look into the matter of the amount of time spent in switching, the following ordinance was introduced by Councilman Neil Forster and seconded by Councilman Clark B. Cox, was passed, adopted, approved and ordered published by the Council of the City of Delta by the following vote:

MAYOR FARNSWORTH	AYE
COUNCILMAN BARBEN	AYE
COUNCILMAN BURRASTON	AYE
COUNCILMAN COX	AYE
COUNCILMAN FORSTER	AYE

✓ ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE CLOSING AND VACATING OF A CERTAIN PORTION OF FIRST NORTH STREET WITHIN THE CITY OF DELTA, UTAH.

WHEREAS, the West portion of First North Street between the West boundary thereof and Fourth West crosses the right of way of the Union Pacific Railroad Company; and

WHEREAS, that portion of First North Street which crosses the right of way of the Union Pacific Railroad Company while open to public traffic constitutes a public hazard to the persons using the same; and

WHEREAS, public safety and public welfare demands that said portion of First North Street be closed to the use of the public; and

WHEREAS, the closing of said portion of said First North Street will not be detrimental to the general interest; and

WHEREAS, pursuant to the provisions of Article 1, Chapter 8, Section 10-8-8.1., Utah Code annotated 1953, the City Council is authorized and empowered to vacate and close said portion of the said First North by ordinance;

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NOW THEREFORE, be it, and it is hereby, ordained by the City
Council of the City of Delta, Millard County, Utah, as follows:

Section 1. That portion of First North Street in the City of Delta,
County of Millard, State of Utah which crosses the right of way of the
Union Pacific Railroad Company within the city limits of the City of
Delta is hereby vacated and closed to the use of the public.

Section 2. The portion of said street so closed is particularly
described as follows:

Commencing at a point in the Southeasterly right of way line of
LASSL Railroad Company and the South line of First North Street in
Delta, Utah, said point being South 89o31' East 53.91 feet and North
29o55' East 672.8 feet from the center of Section 12, Township 17 South,
Range 7 West, Salt Lake Base and Meridian; thence North 29o55' East 113.3
feet; thence North 89o06' West 228.71 feet thence South 29o55' West
113.3 feet; thence South 89o06' East 228.71 feet to the point of beginning.
Containing 0.52 acre, more or less.

Section 3. That this ordinance shall be published once in the
Millard County Chronicle, a weekly newspaper printed and published
at Delta, Utah, and having general circulation within the said City of
Delta. An emergency is declared to exist and that ordinance shall take
effect immediately upon publication.

Adopted and approved April 10, A.O., 1972



Mayor

ATTEST:

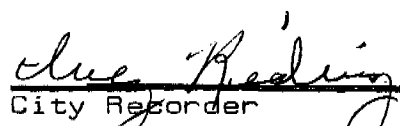


City Recorder

STATE OF UTAH]
 : ss:
COUNTY OF MILLARD]

I INEZ RIDING, do hereby certify that I am the duly chosen, qualified
and acting City Recorder of the City of Delta, County of Millard, State
of Utah, and that the above constitutes a full, true and correct copy
of an ordinance passed and approved at a regular meeting of the Mayor
and City Council of the City of Delta on the 10th day of April, A.O.,
1972, as the same appears of record in my office. That I personally
attended said meeting and that the foregoing ordinance was in fact passed
and approved as therein stated.

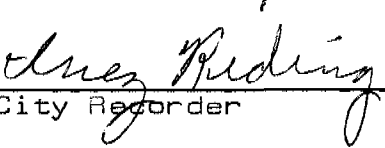
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
corporate seal of the said City this 10th day of April, A.O., 1972.



City Recorder

There being no further business Councilman Barben moved to adjourn.
His motion was seconded by Councilman Burraston. Hearing adjourned at
8:45 p.m.


Mayor


City Recorder

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
CITY OF DELTA, UTAH APRIL 24, 1972

Minutes of a regular meeting of the Mayor and City Council of the City
of Delta, Utah held at the City Building on the 24th day of April, 1972,
commencing at the hour of 7:30 p.m.

The following members were present:

Hatch Farnsworth	Mayor and presiding
Leo Burraston	Councilman
Archie Barben	Councilman
Clark B. Cox	Councilman
Neil Forster	Councilman
Willard Stephenson	Councilman

Others present:

Dudley Crafts	City Attorney
Wells Wood	City Superintendent
Inez Riding	City Recorder

Due, timely and legal notice of the meeting was given as required by law
and the rules and regulations of the City of Delta Council.

The meeting was called to order by Mayor Hatch Farnsworth, who, being
present in person, presided. Inez Riding, City Recorder, being present
in person, acted as secretary of the meeting.

Minutes of a Special Meeting, held April 7, 1972, were read and upon
minor changes were approved upon a motion by Councilman Leo Burraston
seconded by Councilman Neil Forster and receiving the unanimous affirmative
vote of all Councilmen present.

Minutes of a Public Hearing, held April 10, 1972, were read. Councilman
Neil Forster moved that the Minutes be approved as read. His motion was
seconded by Councilman Leo Burraston and received the unanimous affirmative
vote of all Councilmen present.

The following bills were presented:

West Millard Hospital.....[41113].....	\$ 6.00
Utah State Dept. OF Highways.....[42232].....	463.45
Melville Irrigation Co.....[46438].....	118.00
Fera Little.....[41102].....	60.00
Chevron Oil.....[42216].....	15.75
Palmer Bros.....[47016].....	8.98
Robison Hill & Co.....[40113].....	125.00
Harrison Bros.....[40113].....	9.50
Utah League of Cities & Towns.....[40113].....	120.75
Millard Sch. Dist.....[40113].....	29.30