

REGULAR CITY COUNCIL MEETING
APRIL 23, 1990

PRESENT

Gayle Bunker	Mayor Pro Tempore
Wesley J. Bloomfield	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex T. Harris	Council Member

ABSENT

Don Dafoe	Mayor
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Richard K. Turner	C.P.A.
Nathan Tenney	Delta High School
Collette Jeffery	Delta High School
Karen Chandler	Delta High School

In view of Mayor Don Dafoe's absence, Council Member Wesley Bloomfield MOVED to appoint Council Member Gayle Bunker as Mayor Pro Tempore. The motion was SECONDED by Council Member Robert Droubay. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Pro Tempore Gayle Bunker called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Pro Tempore Bunker stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held April 9, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Wesley Bloomfield MOVED that the accounts payable be approved for payment as listed in the amount of \$80,977.45. The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Mayor Pro Tempore Bunker asked Attorney Richard Waddingham to present a draft of the Delta City Personnel Policy.

Mr. Waddingham presented a proposed section of the Delta City Personnel Policy entitled:

ANNUAL LEAVE

The Council reviewed the proposal in detail; afterwhich, it was decided that a new employee's first year of employment would begin July 1 and annual leave accrued from July 1 of each year. However, an employee may accrue annual leave from his or her hire date to July 1 of the first year on a pro rated basis.

It was also decided that a maximum of 5 days annual leave could be carried forward into the next fiscal year.

ATTORNEY RICHARD WADDINGHAM/ROBYN PEARSON: INTERLOCAL AGREEMENT REGARDING CDBG GRANT-CITY PARK RESTROOM FACILITY

Mayor Pro Tempore Bunker asked Attorney Waddingham to present an Interlocal Agreement regarding a CDBG Grant to build a restroom facility in the Delta City Park.

Attorney Waddingham said that he still has not received any information from Robyn Pearson, Millard County Administrator, or Scott King, Fillmore City Attorney, regarding an Interlocal Agreement.

Council Member Robert Dekker MOVED to table this item until Attorney Waddingham has received the necessary information regarding an Interlocal Agreement. The motion was SECONDED by Council Member Robert Droubay. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

City Recorder Dorothy Jeffery was asked to call Robyn Pearson regarding the status of the proposed Interlocal Agreement.

ATTORNEY RICHARD WADDINGHAM: PENDRAY SUBDIVISION-PLAT N
REGARDING IMPROVEMENT OF PROPERTY AND UPGRADING OF ROAD

Mayor Pro Tempore Bunker asked Attorney Richard Waddingham to report on the status of property improvement and road upgrade in the Pendray Subdivision - Plat N.

Attorney Waddingham reviewed the minutes of a Special City Council Meeting held December 4, 1989, wherein a motion was made to grant an extension of time to make the necessary improvements on the Pendray Subdivision until April 30, 1990, providing that the drainage and the road improvements were completed by December 14, 1989.

Attorney Waddingham explained that the April 30, 1990 extension was granted because under a Trust Deed, which Plat N is under, there is a 90 day Notice of Default period followed by an approximate 30 day Notice of Sale period. If the Trust Deed Foreclosure procedure is followed, the April 30 deadline would allow the City to make the necessary improvements in the Fall.

NEW BUSINESS

RICHARD K. TURNER, C.P.A.,/ROBISON, HILL & CO.: PROPOSAL FOR
AUDIT REPORT FOR YEAR ENDED JUNE 30, 1990

Mayor Pro Tempore Bunker asked Richard K. Turner, C.P.A., to address the Council regarding an Audit proposal.

Richard K. Turner, C.P.A., presented a proposal from Robison, Hill & Co. for work to be performed for the audit of the financial statements of the City of Delta for the year ended June 30, 1990, for a fee of \$13,000.00.

Council Member Rex Harris MOVED to approve an Audit Proposal from Richard K. Turner/Robison, Hill & Co. for year ended June 30, 1990. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Richard K. Turner will continue a monthly review of the City's financial records for a fee of \$150.00 per month.

CITY RECORDER DOROTHY JEFFERY: RESTAURANT LIQUOR LICENSE
APPLICATION

Mayor Pro Tempore Bunker asked City Recorder Dorothy Jeffery to present a restaurant liquor license application.

Edward D. Harris, owner of The Rancher, was in attendance and reviewed sections of the new Utah State Liquor Law. Mr. Harris

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then requested Council's approval of an application to the Utah Department of Alcoholic Beverage Control to establish a restaurant liquor license for The Rancher for the purpose of storage, sale and consumption of liquor on the premises.

Following discussion, Council Member Robert Dekker MOVED to approve a Local Consent form for a restaurant liquor license for The Rancher Cafe. The motion was SECONDED by Council Member Robert Droubay. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER REX HARRIS: 1990 IRRIGATION WATER FEES

Mayor Pro Tempore Bunker asked Council Member Rex Harris to address the Council regarding 1990 Irrigation Water Fees.

The Council reviewed Resolution No. 89-182 regarding service charges for ditch tax user fees and irrigation water rental fees and proposed amendments.

Mayor Pro Tempore Bunker corrected the proposed change to Resolution No. 89-182 by interlineation crossing out Resolution No. 89-182 and inserting Resolution No. 90-189, crossing out \$10.00/per acre foot and inserting \$25.00/per acre foot, crossing out the year 1989 and inserting 1990, crossing out 8th day of May, 1989, and inserting 23rd day of April, 1990, and crossing out Ruth Hansen, Mayor and inserting Gayle Bunker, Mayor Pro Tempore. He then initialed the changes before further action was taken.

Following discussion, Council Member Rex Harris MOVED to adopt Resolution No. 90-189 establishing 1990 service charges for ditch tax user fees at \$30.00 and revising irrigation water rental fees from \$10.00/per acre foot to \$25.00/per acre foot. The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

The motion passed unanimously.

OTHER BUSINESS

Nathan Tenney & Karen Chandler addressed the Council and requested Council's permission to hold a Street Dance/Jazz Band Concert May 29, 1990, from 6:30 to 8:30 p.m. on the street

located at 390 East to 350 East and 370 North. The Council approved a street dance but instructed Mrs. Chandler to contact the neighboring residents and the Sheriff's Department for further approval.

Collette Jeffery addressed the Council and explained that she is running for a Delta High School office and requested Council's approval to present to the Studentbody a proposal to hold a street dance in the Fall of 1990 or the Spring of 1991. The Council approved the concept and asked for further details when a street dance has been scheduled.

Council Member Robert Droubay requested Council's approval for the Delta City Librarian to sell old books at \$.25 each. The Council agreed to the sale. Also, the Library has a typewriter, which is surplus property that needs to be sold. City Recorder Dorothy Jeffery recommended that the typewriter be sold along with a typewriter and other surplus equipment that was previously used by the Delta City Police Department.

Council Member Robert Droubay said that there is a backstop at the Rancho Mobile Home Park that could be used in the northwest corner of the Neighborhood Park if it is moveable. He also said that he has been asked if the City would be willing to participate in making a second baseball field at the Neighborhood Park, and if the City would be willing to lower a manhole cover to make the park field useable. The rental of portable restrooms for the Neighborhood Park was also discussed.

Council Member Wesley Bloomfield recommended that the grass clippings, etc. from the Neighborhood Park not be dumped across the road onto Mitch Myers property and requested that existing clippings and debris be removed from that property.

Attorney Richard Waddingham said that he sent a letter to the State Library Board explaining how the Delta City Library is set up and the tax that is imposed. The State Library Board then forwarded Mr. Waddingham's letter on to the State Tax Commission. Mr. Waddingham also contacted the Utah League of Cities and Towns Attorney and he recommended that the Delta City Library change over to the Board of Director system or attempt to transfer the Library Tax to the General Fund.

City Recorder Dorothy Jeffery was instructed to contact Millard County Auditor John Hansen to see what Delta City's options are regarding the Library Tax.

Attorney Richard Waddingham said that in February of 1986 the Delta City Council considered a water connection, water

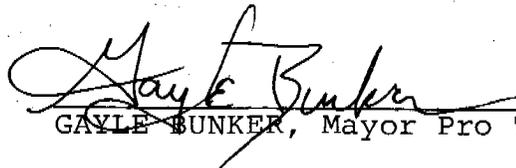
dedication requirement for Roma Thomas' property. Mr. Waddingham said that over the years, there has been misinterpretation of the agreement on the part of Mrs. Thomas. However, Mrs. Thomas wants to convey to Delta City 1.23 acre feet of water. Mr. Waddingham said that he feels that any time Delta City convey's water for water dedication, it should be strictly for the dedication and nothing else, and anything in addition to that, such as a connection fee, ought to be paid for.

However, Attorney Waddingham recommended that, under this particular circumstance, Delta City give Mrs. Thomas the value of .23 acre feet, which is \$230, to allow her to apply that to a \$600 connection fee. Mr. Waddingham stated that this should apply to this transaction only and not to future transactions.

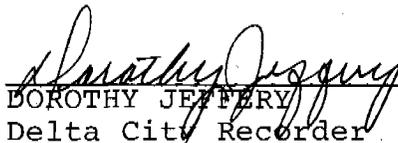
Mayor Pro Tempore Gayle Bunker recommended that something be done about the littering that is being done in the parking lots of the local businesses.

Attorney Waddingham recommended the Council obtain written consent of business owners, hold a public hearing, and pass an ordinance that would regulate parking areas.

Mayor Pro Tempore Bunker asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Pro Tempore Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Pro Tempore Bunker declared the meeting adjourned at p.m.



 GAYLE BUNKER, Mayor Pro Tempore



 DOROTHY JEFFERY
 Delta City Recorder

MINUTES APPROVED: RCCM 5-14-90