

REGULAR CITY COUNCIL MEETING

November 26, 2001

PRESENT

R. Dale Roper
 Wesley Bloomfield
 Gayle Bunker
 Bruce Curtis
 Robert Dekker
 Glen Swalberg

Mayor
 Council Member
 Council Member
 Council Member
 Council Member
 Council Member

ABSENT

None

ALSO PRESENT

Richard Waddingham
 Neil Forster
 Judy Baker
 Gregory Jay Schafer
 Kim Peterson
 Todd Holt
 Mervin Williams
 Dan Bringard
 Dale Bond
 Kristann Meinhardt
 Carol & Maryn Meinhardt
 Gary L. Anderson
 Landon Dutson
 Dennis Lowe
 Tanya Black
 Courtney Black
 Gary Oberg
 Annalee Banks
 Karen Banks
 Breanne Bryner
 Glenn & Peggey Bryner
 Craig Hansen
 Rebecca Hamblin
 Marsha Hamblin
 Denton Peterson

City Attorney
 Public Works Director
 City Treasurer
 City Recorder
 Peterson & Associates
 Peterson & Associates
 City Resident
 City Resident
 City Resident
 Poster Contest Winner
 Contest Winner Family Members
 City Resident

 City Resident
 Poster Contest Winner
 Contest Winner Family Member
 City Resident
 Poster Contest Winner
 Contest Winner Family Member
 Poster Contest Winner
 Contest Winner Family Members
 Delta High School Art Instructor
 Poster Contest Winner
 Contest Winner Family Member

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Derek Dutson
Shandon Johnson
W. Rawlinson

Mayor Roper called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place, and agenda had been posted at the City Building and had been provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. City Recorder Gregory Jay Schafer acted as secretary.

Council Member Bruce Curtis offered an invocation, after which Mayor Roper led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held October 22, 2001 were presented for consideration and approval. City Attorney Richard Waddingham requested minor changes in wording on pages 2 and 3, following which Council Member Wesley Bloomfield MOVED to approve the minutes of the Regular City Council Meeting held October 22, 2001, as corrected. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper 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 copy of which had been given to them two days prior to the meeting. Following review, Council Member Glen Swalberg MOVED to approve the accounts payable, in the amount of \$187,316.81. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

MAYOR R. DALE ROPER: PROPOSED ZONE CHANGE FROM CENTRAL BUSINESS (C-B) TO INDUSTRIAL DEVELOPMENT (I-D) ON PROPERTY LOCATED AT APPROXIMATELY 425 WEST MAIN STREET

Mayor Roper stated that a public hearing regarding this proposed zone change had been held prior to this meeting with no negative comment being received. City Attorney Richard Waddingham

distributed copies of the following ordinance:

ORDINANCE NO. 01-197

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY LOCATED AT APPROXIMATELY 425-450 WEST MAIN STREET IN DELTA, UTAH FROM CENTRAL BUSINESS TO INDUSTRIAL DEVELOPMENT

Council Member Gayle Bunker MOVED to approve Ordinance No. 01-197, an ordinance of the City Council of Delta, Utah amending the zone district boundaries to reclassify certain property located at approximately 425-450 West Main Street in Delta, Utah from Central Business to Industrial Development. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper 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:

Wesley Bloomfield	Yes
Gayle Bunker	Yes
Bruce Curtis	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

MAYOR R. DALE ROPER: PROPOSED SINGLE LOT SUBDIVISION LOCATED AT APPROXIMATELY 145 NORTH 400 WEST

Mayor Roper stated that a public hearing regarding this proposed single lot subdivision had been held prior to this meeting with no negative comment being received. Council Member Glen Swalberg MOVED to approve the proposed single lot subdivision located at approximately 145 North 400 West, Delta, Utah. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR R. DALE ROPER: PRESENTATION OF LIGHT PARADE POSTER CONTEST WINNER AWARDS

Mayor Roper noted that the winning Light Parade posters were displayed at the meeting and expressed his appreciation to the Delta High School Art Department for their participation in advertising our annual Light Parade celebration. Mayor Roper then requested that Mr. Craig Hansen, Delta High School art instructor, assist him in presenting award checks to the following art students:

Kristan Meinhardt	\$150.00
Monica Christensen	\$100.00
Tug Nielson	\$ 75.00
Tanya Black	\$ 50.00
Amberly Draper	\$ 25.00
Rebecca Hamilton	\$ 25.00
Breanne Bryner	\$ 25.00
Nikki Howell	\$ 25.00
Audrey Rawlinson	\$ 25.00
Analee Banks	\$ 25.00

DALE BOND: REQUEST FOR VACATION OF 50 WEST BETWEEN 400 SOUTH AND 450 SOUTH

Mr. Dale Bond advised the Council that the area designated as 50 West Street between 400 South and 450 South has not been used as a street since at least 1955. Inasmuch as it has not been used as a street, he requested that the Council abandon the street and allow it to be incorporated into his property at that location. This would allow Mr. Bond an additional 33 feet to be used for construction of storage sheds on the property.

Public Works Director Forster agreed that the property has not been used as a street for as long as he can remember and stated that there are currently no utilities running through the property. He encouraged the Council to make certain that the property would not be needed, in the future, for water or sewer. Mr. Forster and Mr. Bond agreed that water and sewer are available on the north side of the property, if needed in the future.

Council Member Gayle Bunker suggested that the Council review the request and delay action until a future meeting. Council Member Robert Dekker MOVED to table action on this item until the next meeting of the City Council. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

KIM PETERSON, PETERSON & ASSOCIATES, P.C.: DELTA CITY AUDIT REPORT FOR FISCAL YEAR ENDED JUNE 30, 2001

Mr. Kim Peterson reviewed the audit report for the fiscal year ended June 30, 2001, as prepared by Peterson & Associates. He noted that total revenue was budgeted at \$1,448,340 and actual revenue amounted to \$1,503,336, an increase of \$54,996 in revenue over the amount budgeted. Debt service revenue was \$10,820 more than budgeted and capital projects and trust funds were virtually at budgeted amounts.

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General Fund budgeted expenditures were \$1,509,488, with actual expenditures being \$1,473,999; a total of \$35,489 below budget. Debt Service revenue was budgeted at \$89,046; actual Debt Service expense was \$89,046. Capital Projects revenue was budgeted at \$100,931; actual was \$107,424, however, the over-expenditure resulted from an accrual entry rather than a cash outlay.

Mr. Peterson explained that his firm issued an unqualified audit opinion, essentially indicating that all general compliance requirements set by the state, including internal controls, were met. Mr. Peterson advised the Council that it was the recommendation of the auditors that deposits from the library be made daily, or not more than every third day, rather than on a weekly basis.

Following discussion of the audit report, Council Member Gayle Bunker MOVED to accept the audit report for the fiscal year ended June 30, 2001, as presented by Peterson & Associates. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Roper reminded Council Members of the Delta City Christmas Party to be held on Friday, December 7, 2001 at the M.E. Bird Center. There will be a social hour from 6:00 p.m. to 7:00 p.m., with dinner being served at 7:00 p.m.

Mayor Roper introduced Mr. Dennis Lowe to the Council and asked Public Works Director Neil Forster to explain Mr. Lowe's problem to the Council. Public Works Director Forster explained that Mr. Lowe lives in the White Sage Subdivision, in which every lot has a seven foot easement for public utilities, unless otherwise stated. When Mr. Lowe applied for and received his building permit to construct a storage shed on his property, it was his understanding that the set back requirement was five feet set back, which would normally have been acceptable but for the seven foot easement on his property. Mr. Lowe has begun construction on his building, but it is not in compliance with building codes inasmuch as his building is constructed two feet into the utility easement. In discussing the matter with City Attorney Richard Waddingham, he suggested that Mr. Lowe should approach the Council to see if they would agree to reduce the easement on that lot to five feet.

City Attorney Waddingham recommended that this matter be set as an agenda item for the next meeting of the City Council. Council Member Gayle Bunker MOVED to set a public hearing on Monday, December 17, 2001 at 6:45 p.m. for the purpose of receiving public comment regarding the proposed amendment of an easement on the White Sage Subdivision Plat. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed

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unanimously.

Council Member Wesley Bloomfield advised the Council that the brick fence which was constructed around White Sage Subdivision is beginning to decay and deteriorate and there is concern that, when the brick deteriorates to the point that the fence fails, individuals will probably replace the fencing with whatever type fence they prefer. Council Member Bloomfield questioned whether the City is interested in maintaining the fence. City Attorney Waddingham advised the Council that the fence comes under restrictive covenants of the subdivision, which precludes the City from becoming involved in the matter.

Council Member Wesley Bloomfield reported on the Utah League of Cities and Towns Policy Committee meeting which had been held on November 19, 2001. He discussed the State economic projections for the coming year and the affect on Delta City; a legislative bill mandating that construction projects costing over \$100,000 must be put out for bids, with the City competing against private contractors for those projects; and updated the Council on the status of discussions on taxing mobile telephones. In addition, Council Member Bloomfield reported on a proposed two week moratorium on sales taxes, which the Utah League of Cities and Towns felt would be devastating to local entities who depend upon sales taxes for operating revenues.

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper declared the meeting adjourned at 8:25 p.m.



R. DALE ROPER, Mayor



GREGORY JAY SCHAFFER, C.M.C., City Recorder

MINUTES APPROVED: RCCM 12-10-01