

REGULAR CITY COUNCIL MEETING
APRIL 1, 2004

PRESENT

Gayle Bunker	Mayor
Wesley Bloomfield	Council Member
Bruce Curtis	Council Member
Glen Swalberg	Council Member

ABSENT

Robert Banks	Council Member
Margaret Dutson	Council Member

ALSO PRESENT

Richard Waddingham	City Attorney
Alan Riding	Public Works Director
Ken Clark	Asst. Public Works Director
Gregory Schafer	City Recorder
José Solórzano	Mi Rancherito Mexican Restaurant

Mayor Bunker 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 and to each member of the City Council at least two days prior to the meeting.

Council Member Bruce Curtis offered opening remarks following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held March 18, 2004 were presented for consideration and approval. Following review, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Council Meeting held March 18, 2004, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor 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 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 dated April 1, 2004 in the amount of \$65,597.92. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

RCCM 04-01-04

Page 2

UNFINISHED BUSINESSMAYOR GAYLE BUNKER: OPENING REMARKS POLICY

Mayor Bunker stated that he was uncomfortable with the idea of putting names in a hat and drawing out the name of one person to provide opening remarks. He noted that he had responded to the letter from Utah Atheists advising them that the Council was currently in discussion and would be adopting a policy in the near future. Council Members discussed various aspects of policies which could be adopted. Following lengthy discussion, Mayor Bunker suggested that the Council take the time needed to adopt a good policy and that the matter be tabled for more discussion at the next meeting.

Council Member Glen Swalberg MOVED to table further discussion of this matter until the next meeting of the City Council. The motion was SECONDED by Council Member Bruce Curtis. Mayor 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 GREGORY SCHAFFER: REVIEW PROPOSALS FOR CODIFICATION OF DELTA CITY ORDINANCES AND AWARD CONTRACT

City Recorder Gregory Schaffer reported receipt of the following bids for codification of Delta City Ordinances:

Code Publishing, Seattle, WA.	\$10,575
Sterling Codifiers, Couer d'Alene, ID	9,750

Following initial codification, a contract would be required for regular updating of the code. City Recorder Schaffer requested approval to award the contract for codification to Sterling Codifiers.

Council Member Wesley Bloomfield MOVED to award a contract for codification of the Delta City Code to Sterling Codifiers for the amount of \$9,750, with fifty percent payable upon contract signing and to also enter into a contractual agreement for future supplemental code service and internet hosting of the Delta City Code. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESSJOSÉ SOLÓRZANO, MI RANCHERITO MEXICAN RESTAURANT: REQUEST FOR PERMISSION TO OBTAIN RESTAURANT BEER LICENSE FOR MI RANCHERITO MEXICAN RESTAURANT LOCATED AT APPROXIMATELY 540 EAST TOPAZ BLVD.

RCCM 04-01-04

Page 3

Mr. Solórzano advised the Council that he has purchased the restaurant previously known as China Inn, located at 540 East Topaz Blvd. Mr. Solórzano currently has restaurants in Provo, Spanish Fork, Payson and Nephi and has beer licenses for all of the restaurants except the Nephi location.

Council Member Wesley Bloomfield MOVED to grant permission for Mr. Solórzano to obtain a beer license for Mi Rancherito Mexican Restaurant, located at approximately 540 East Topaz Blvd. The motion was SECONDED by Council Member Glen Swalberg. Mayor 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 ATTORNEY RICHARD WADDINGHAM: ORDINANCE FOR PLACEMENT OF STOP SIGN AT 50 EAST 100 NORTH

City Attorney Richard Waddingham reported that he had received word from Sgt. Roger Young, Millard Co. Sheriff's Department, that a stop sign is needed at the intersection of 50 North 100 East. City Attorney Waddingham stated that he is required to have a written statement to that effect and Sgt. Young is preparing that statement. City Attorney Waddingham needs to have the written statement prior to writing an ordinance so he will prepare the ordinance for adoption at the next meeting of the Council.

Council Member Bruce Curtis MOVED to table discussion of this matter until the next meeting of the City Council. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor 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 GAYLE BUNKER: SELECTION OF THEME FOR FOURTH OF JULY CELEBRATION

Mayor Bunker and the Council discussed possible themes for our Fourth of July celebration this year. Following discussion of several suggested themes, Council Member Wesley Bloomfield MOVED to adopt the following as the theme for our 2004 Fourth of July celebration: "We Salute Our Service Men and Women." The motion was SECONDED by Council Member Bruce Curtis. Mayor 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 GAYLE BUNKER: PROPOSED CURB, GUTTER AND SIDEWALK CONSTRUCTION POLICY

Mayor Bunker reported that Council Member Dutson did not have a proposed policy ready for discussion and requested that this item be tabled until the next meeting to allow her to be present for the discussion.

Council Member Glen Swalberg MOVED to table discussion of this item until the next meeting of

RCCM 04-01-04

Page 4

the City Council. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor 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 GAYLE BUNKER: SUBDIVISION IMPACT FEES

Mayor Bunker noted that all Council Members had received a copy of a section of the Delta City Subdivision Ordinance dealing with subdivision impact fees. Mayor Bunker indicated that the subdivision ordinance requires that a subdivider dedicate seven percent of the subdivision land value for the purpose of parks. Mayor Bunker stated that, rather than having a group of small parks scattered all over town, which are difficult to maintain, at some point the city decided to have subdividers pay seven percent of the subdivision land value as an impact fee, with fees being collected for very specific uses, one of which is recreational capital improvements. At present, the subdivision impact fee account totals approximately \$12,000. Mayor Bunker felt that these funds would be eligible for use on the water fall project in the City Park.

Mayor Bunker proposed that a two/tenths percent (.2%) impact fee be required for each building permit issued, based on the valuation assigned by the Millard County Building Department. These impact fees would be deposited in a capital improvement fund and used for the same purposes as specified in the Subdivision Ordinance for subdivisions.

Mayor Bunker asked Council Members to think about this proposal for discussion at the next meeting of the City Council.

PUBLIC WORKS DIRECTOR ALAN RIDING: PUBLIC WORKS PROJECTS UPDATE

Public Works Director Alan Riding distributed copies of a proposed Delta City Water Conservation Plan. Public Works Director Riding reported that he recently found that we were required to have the plan in place in 1999 and were scheduled for review and update of the plan this year, therefore, he has been working to develop a water conservation plan. Public Works Director Riding requested that Council Members review the proposed plan and be prepared to discuss it at the next meeting of the City Council.

Public Works Director Riding reported that the landscape committee had met to review the waterfall project in the City Park. Assignments were made for obtaining trees, bushes and shrubs for planting and some of the planting should begin in the next week or so. He also reported that John Silva had called to donate two dump truck loads of compost for the project.

Public Works Director Riding stated that an application has been made to School Trust Lands for a lease on the old gravel pit so that decorative rocks can be removed for use in the landscaping project. Mayor Bunker noted that much of the dirt hauled in for the waterfall project has been donated by Larry Dutson of Dutson Supply and Mitch Myers has donated the top soil which is now being hauled. Mayor Bunker suggested that Council Members walk out into the park and look at

the work being done.

Public Works Director Riding reported that the yard well has been down since the last Council meeting and is currently under repair. This has temporarily terminated the hydrant flushing by the fire department. When the yard well is back in operation, the hydrant flushing will resume.

Public Works Director Riding noted that they have been sweeping the streets on the north side of town. They are attempting to keep the sweeper working and are concentrating on making one pass in the gutter areas rather than sweeping entire streets, hoping that the sweeper will keep running until all streets have been swept.

Public Works Director Riding has discussed clean up days with his crew and they have determined that May 8th and 22nd would work best for them. Council Members agreed with the dates suggested.

Public Works Director Riding told the Council that Dana Hartshorn, of Airport Development Group, will be here on April 9th to do the final check on the airport improvement project for last year and will do a pre-bid on the project for this year.

Public Works Director Riding reported that he and Mayor Bunker had met with representatives from Utah Department of Transportation regarding a warrant study for the traffic light on Delta Main Street. UDOT reported that their study indicated the traffic light does not meet current requirements to maintain the light. Mayor Bunker and Public Works Director Riding told UDOT representatives they want to keep the light in place and, in fact, would like to see an additional traffic light on Delta Main Street. UDOT representatives advised they will leave the traffic light in place and will conduct a warrant study on another intersection of Main Street if requested by Delta City. Public Works Director Riding and Mayor Bunker have been discussing other intersections which could be considered for a warrant study. UDOT representatives also indicated that their current plan is to roto-mill and resurface Main Street in 2007. UDOT requested that Delta City make certain that all underground lines are upgraded and/or changed and to repair or replace any curb and gutter areas which may cause problems prior to the resurfacing. When the resurfacing project is completed, there will be a two year moratorium on any excavation of Main Street except in the case of a major emergency.

Public Works Director Riding will be creating a list of projects to be completed this summer. Mayor Bunker suggested that one street project which should be done this year is the road connecting White Sage Subdivision to 100 East Street.

OTHER BUSINESS

Council Member Wesley Bloomfield asked if the local newspaper could be contacted to run a story on the proposed skate park advising everyone that we have applied for and been given word that we will be receiving grant funds for construction of a skate park. Mayor Bunker expressed concern about reporting that we will receive grant funds prior to receiving official word of the grant. Before

RCCM 04-01-04

Page 6

the next Council Meeting, Mayor Bunker will check on the current grant situation.

City Attorney Richard Waddingham reported that he had been asked to research expending funds for charitable purposes. City Attorney Waddingham told the Council that the most recent court case addressing this issue states that "No county shall in any manner give or lend its credit to or in aid of any person or corporation or appropriate money in aid of any private enterprise. The statute at issue does not differentiate between non-profit and for-profit organizations." It further states, "This policy is aimed at preventing government from in any way using public assets for private purposes. For example, we have held before that property owned by a city is held by a city in trust for the use and benefit of its inhabitants and cannot be disposed of by gift without specific legislative authority. The county cannot dispose of property without receiving adequate consideration." In addition, "The county holds all forms of property and assets in trust for the benefit of its constituents and other individuals, expressly designated by statute, and the commission can expend them only in exchange for fair value. Therefore, for the contributions to avoid the statute's ban on transfers in aid of private enterprise, the contributions must have been given for fair value in goods or services and we have held that adequate consideration in the transfer of property must provide present benefit that reflects the fair market value. A general finding that any of the contributions will provide a benefit, without specifying exactly what that benefit is, in present market value terms, is not specific enough to qualify the benefit as adequate consideration." City Attorney Waddingham instructed the Council that, while this particular case deals with county government, the rules are similar for municipalities.


Mayor Bunker reminded the Council that Volunteer Week is April 18-24 and the Council has decided to honor two individuals for their service in the community. Mayor Bunker has contacted Roma Thomas and Charlotte Morrison to advise them that they will be honored for their volunteer service. A plaque will be presented to each of them at the next City Council meeting. Mayor Bunker will get a proclamation for volunteer week published in the newspaper.

Mayor Bunker reminded the Council that the next meeting will be on May 6, 2004, due to the fact that Council Members will be attending the Utah League of Cities and Towns Mid-Year Conference in St. George on April 15th, which is the next regularly scheduled meeting date. If something comes up which requires immediate action, a special meeting will be called prior to the May 6th date.

City Recorder Gregory Schafer reported that the carpets in the City Building will be cleaned this weekend.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. there being none, Council Member Glen Swalberg MOVED to adjourn the meeting. The motion was SECONDED by Council Member Bruce Curtis. Mayor 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 Bunker declared the meeting adjourned at 8:40 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, CMC, City Recorder

MINUTES APPROVED: RCCM 05-06-04

