

CITY OF DELTA, UTAH  
REGULAR CITY COUNCIL MEETING  
MAY 21, 2009

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
Kiley Chase	Council Member
Bruce Curtis	Council Member
John Niles	Council Member
Betty Jo Western	Council Member

ABSENT

ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Gregory Jay Schafer	City Recorder
Julie Hobson	American Cancer Society Relay for Life
Phil Lambertson	City Resident
Rodney Phillipsen	City Resident
Richard Anderson	Central Utah Counseling Center
William Gorley	City Resident
Misti Henderson	City Resident

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. City Recorder Gregory Schafer acted as secretary.

Council Member Robert Banks provided 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 May 7, 2009 were presented for consideration and approval. Following review, Council Member Kiley Chase MOVED to approve the minutes of the Regular City Council Meeting held May 7, 2009, as presented. 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.

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 Bruce Curtis MOVED to approve the accounts payable dated May 21, 2009, in the amount of \$55,539.35. The motion was SECONDED by Council Member John Niles. 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.

PUBLIC COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

RICHARD ANDERSON, CENTRAL UTAH COUNSELING CENTER: SEWER PROBLEMS AT CENTRAL UTAH COUNSELING CENTER

Mayor Bunker mentioned that this problem had been discussed at the previous meeting and requested that Mr. Anderson come forward to address the Council. Mr. Anderson advised Council Members that he is the Chief Information Officer / Facilities Manager for Central Utah Counseling. Mr. Anderson noted that he had been advised that Council Members had discussed the sewer problem at their building located on Center Street. Mr. Anderson requested that the sewer problem be repaired and that Delta City take responsibility for repairs inasmuch the sewer line is located under a city street and serves two buildings.

Mayor Bunker indicated that he had discussed the problem with the Public Works Department and reviewed ordinances, which state that land owners are responsible for maintenance of sewer lines from their building to the sewer main line. Mayor Bunker stated that all sewer lateral lines encroach on city rights-of-way at some point, but land owners are still responsible for repairs to those lateral lines. By state law, any sewer lines smaller than eight inches in diameter are considered lateral lines rather than main lines. When the lateral line in question was installed, both buildings were owned by a single owner. At this time, the two buildings are owned separately. Mayor Bunker noted that the city sewer camera located the problem to be in the area of the driveway approach.

Mayor Bunker felt that, because we have required other property owners to be responsible for repair of the four inch sewer lateral lines, Central Utah Counseling Center should be responsible for repair of their sewer lateral line. Mayor Bunker indicated that there is a company which can pull a new pipe through the existing sewer line without requiring excavation of streets, curbs, etc. This process costs approximately \$72.50 per foot. With the length of the sewer lateral line at Central Utah Counseling Center, the cost would be about \$16,675, with Delta City doing the excavation for the bore holes. A bid request for open trench repair by a local contractor was \$12,300, including street repairs. The approximately eight foot portion where the problem exists lies just behind the sidewalk. When that portion of the line is repaired, Delta City can then use the sewer camera to inspect the

balance of the line to determine whether additional problems exist.

Council Member Betty Jo Western suggested that there appeared to be two options available; either repair the eight foot portion or have Delta City replace the four inch line with an eight inch line. Public Works Director Riding noted that anyone who constructs a building is required to install sewer lateral lines to the frontage of their house so their lateral can come straight into the sewer main line. Council Member Curtis noted that he had recently constructed a new home and he was required to install many feet of eight inch sewer pipe at his expense. Council Member Curtis suggested that Central Utah Counseling should be contacting the owner of the other building using the line and request that they share the cost of repairs.

Following discussion, Council Member John Niles MOVED to approve Delta City provide asphalt replacement of less than one hundred feet to repair the street if Central Utah Counseling Center pays the cost of repairing the sewer lateral line to their building. The motion was SECONDED by Council Member Robert Banks. 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: VANDALISM AT CITY PARK RESTROOMS

Mayor Bunker reported that he was irrigating about 2:00 a.m. last weekend and he came to the City Park and found no problems at the rest rooms. Public Works Director Riding indicated that there had been no further problems after the incident reported at the last City Council meeting. Millard County Sheriff Deputies are patrolling the restrooms by frequently walking in to see if there are any problems. They have found no problems. The Public Works Department does not want to lock restroom doors at this point and requested that we go forward with frequent checking by Public Works employees and Sheriff's patrols.

Following discussion, Council Member Betty Jo Western MOVED to follow the recommendation of the Public Works Department to leave the City Park restrooms unlocked and continue frequent checking of the restrooms. The motion was SECONDED by Council Member Robert Banks. 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 BUSINESS

#### JULIE HOBSON, AMERICAN CANCER SOCIETY RELAY FOR LIFE: USE OF TENTS AND CHAIRS FOR RELAY FOR LIFE

Julie Hobson advised Council Members that she had been instructed that she needed to make a formal request of Council Members for loan of the tents and chairs for the Relay for Life next month. She also requested assistance in setting them up at the Delta High School football field. The Relay for Life is scheduled on June 26<sup>th</sup> this year.

Following discussion, Council Member Robert Banks MOVED to approve loan of tents and chairs for the American Cancer Society Relay for Life and to authorize Public Works Department employees to assist in set-up and take-down of the tents and chairs. 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.

PHIL LAMBERTSON: REQUEST FOR PERMISSION TO MAINTAIN POULTRY AT RESIDENCE

Mr. Lambertson noted that he had discussed this matter with the Mayor a couple of months ago and, since that time, has been gathering signatures of residents who are interested in keeping chickens and small farm animals in the city. Originally, Mr. Lambertson was attempting to have the ordinance changed to allow this type of activity. Mayor Bunker told Mr. Lambertson that it may be more practical to attempt to rezone a small area of town to approve keeping small farm animals. Mr. Lambertson concentrated on gathering signatures from other residents in his area as to whether or not they agreed with his attempt to allow keeping chickens and small farm animals. Mr. Lambertson contacted five people who refused to sign his petition and met five other people who said they had moved out of town because they were not allowed to keep their animals on their property in Delta City. Overall, a majority of the people contacted by Mr. Lambertson agreed with his request to changing zoning to allow keeping chickens and small farm animals on their property. Mr. Lambertson reported finding at least six residents in his area who are already keeping chickens in their back yard; he found twenty to twenty-five residents who wanted to buy chickens but have not because of the city ordinance; several people have purchased chickens since that time because they disagree with the city ordinance.

Mr. Lambertson reported receiving telephone calls from other parts of the community but the people were not interested in attempting to obtain signatures in their areas or to find out if their neighbors were in agreement or against keeping small farm animals on their property. Mr. Lambertson concentrated in the area where he lives rather than the entire city. Mr. Lambertson paid \$2 each for his chickens and spends approximately \$12-15 per month for feed. He is now getting three to five dozen eggs and is about at the break-even point from. His purpose in buying the chickens was that his veteran's disability does not provide adequate income to support his family.

Mayor Bunker reported that Provo City recently adopted an ordinance which allows residents living in a single family home in residential zones are allowed to keep up to six hens, with no roosters being allowed. The criteria allowed two hens for the first 6,000 square feet of property and one more for every additional 1,000 square feet of property, for a maximum of six hens. The ordinance included further restrictions that the chickens could not roam free and they must be penned at all times. The ordinance is in effect for one year at which time it will be reviewed to determine whether to continue allowing chickens in residential zones. Mr. Lambertson reported that Spring City revised their ordinance about a year ago, on a one-year trial basis, to allow chickens which are penned and required that the area be kept clean. A fine is issued if a neighbor complains about the chickens. Spring City has recently kept the ordinance in place because they have had no complaints

about residents having chickens in their yards. Mayor Bunker noted that the individuals he has talked to about this issue are mostly concerned about roosters crowing at 4:30 a.m. Council Member Bruce Curtis stated that he had talked with a number of people, most of which were favorable to having chickens, but nearly all of them were unfavorable to having roosters in the neighborhood. Mr. Lambertson stated that he would like to have one rooster so he could hatch chickens rather than paying for additional chickens.

Mayor Bunker advised Mr. Lambertson that the first step in changing zoning is to appear before the Planning & Zoning Commission for a determination of what area would be included, followed by a public hearing to receive public comment regarding allowing chickens in a particular area or city wide. Mayor Bunker stated that he is not opposed to allowing chickens if residents are in favor of it.

Following discussion, Council Member Robert Banks MOVED to instruct Mr. Lambertson to appear before the Planning & Zoning Commission to request permission to maintain poultry at residences in Delta City. 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: RESOLUTION NO. 09-326 ADOPTING THE DELTA CITY AMENDED BUDGET FOR FISCAL YEAR 2008-2009

Mayor Bunker introduced the following resolution:

RESOLUTION NO. 09-326

A RESOLUTION AMENDING RESOLUTION 08-322 AND THE BUDGET ADOPTED  
THEREBY TO PROVIDE FOR AMENDMENTS TO THE FISCAL YEAR 2008-2009  
BUDGET OF THE CITY OF DELTA, UTAH.

Mayor Bunker stated that a public hearing had been held earlier this evening regarding this budget. There were no members of the public in attendance, therefore, no negative comment was received.

Council Member Betty Jo Western MOVED to adopt Resolution No. 09-325, a resolution adopting the Delta City Amended Budget for Fiscal Year 2008-2009. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks	Yes
Kiley Chase	Yes
Bruce Curtis	Yes
John Niles	Yes

Betty Jo Western                      Yes

The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED RESOLUTION TO ADOPT AFFORDABLE HOUSING POLICY

Mayor Bunker stated that this resolution was not ready for adoption at this time.

Council Member Kiley Chase MOVED to table discussion of the proposed resolution to adopt an affordable housing policy until the resolution as been prepared.. The motion was SECONDED by Council Member Betty Jo Western. 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 GRAND MARSHALL FOR FOURTH OF JULY CELEBRATION

Mayor Bunker suggested the possibility of honoring all of the Korean War Veterans as grand marshals this year. They are getting older and for many, if we are going to honor them, we need to do it soon. Council Member Betty Jo Western suggested the possibility of the local American Legion post. Council Members felt that we should honor World War II Veterans this year and Korean Ware Veterans next year, followed by Vietnam Veterans. All recent service persons and veterans have been honored in recent years.

Following discussion, Council Member Betty Jo Western MOVED to honor World War II Veterans as grand marshals for the 2009 Fourth of July Celebration this year. The motion was SECONDED by Council Member John Niles. 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 noted that he had talked with Dave Styler about being the patriotic speaker for the Fourth of July program. Mr. Styler did not know whether he could do it because he has a lot of family who come to Delta for the celebration. Mayor Bunker suggested that, if Mr. Styler is unable to speak, we could ask Ed Lyman or Brett Draper, both of whom teach history.

MAYOR GAYLE BUNKER: DOGS IN CITY PARKS

Mayor Bunker noted that Council Members have copies of information regarding dog ordinances from other cities in the state. Some do not allow dogs, some only allow dogs on a leash and under immediate control of the owners and all require owners to clean up fecal excrement from their dog. Mayor Bunker asked what Council Members want to do about dogs in our parks. Council Members discussed limiting dogs in the park to those on a leash, no longer than six feet long, and requiring owners to clean up after the dogs. There was also discussion about not allowing dogs when there is a major activity in the park. It was determined that signs should be erected showing regulations for

dogs in the park, as well as identify the fine to be assessed for failure to keep dogs leashed or failure to clean up after the dog.

Council Members directed City Attorney Kaela Jackson to draft an ordinance regulating dogs in city parks.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding advised Council Members that most of the electronics on the Ridge Top Well have been completed and employees have been training on the new water hydraulics because of the way the water system is spread out.

Employees continue working on fencing at the airport as well as meter change outs. Employees are also continuing to pick up debris from city clean up.

Public Works Director Riding advised Council Members that they will be coming to Council with a request for purchase of a generator. The money has been set aside in the budget for this year. Council Members felt that the generator is needed and if money has been set aside, it should be purchased before prices jump again.

Council Member Western asked if Public Works Director Riding had notice the pavement breaking up on 750 North. Public Works Director Riding stated that we are waiting for Westside Grading to get their batch plant operating so we can repair the pavement on that street. Council Member Western thanked the Public Works Department for spraying weeds around the city.

OTHER BUSINESS

Mayor Bunker advised Council Members that we are preparing a grant request to be sent to the Permanent Community Impact Fund Board for museum / community center construction. The application needs to be delivered in Salt Lake City next week and is just about ready to submit.

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Mayor Bunker reported Magnum Energy is going to meet with the Mayor and any Council Members who are available next Thursday at 11:00 a.m. at the City Building to discuss water rental. They are still working on a proposal and will appear before the Council when that proposal is ready.

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Mayor Bunker stated that he had contacted David Church, Attorney for the Utah League of Cities and Towns regarding the cellular telephone tower recently constructed north of the cemetery. Mr. Church advised Mayor Bunker that, inasmuch as the conditional use permit had been approved and the tower has been constructed, there is not much that can be done about the tower. He also advised

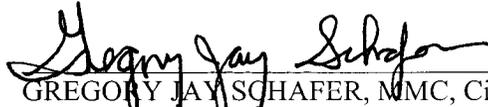
Mayor Bunker that cellular telephone towers are protected under federal law and deemed to be an essential public utility.

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Mayor Bunker asked if there were any other comments, questions or items to discuss. There being none, Council Member Robert Banks 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 8:22 p.m.

  
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GAYLE BUNKER, Mayor

  
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GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 06-04-09