

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
NOVEMBER 19, 2009

PRESENT

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

ABSENT

Kiley Chase	Council Member
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ALSO PRESENT

Alan Riding	Public Works Director
Kaela Jackson	City Attorney
Gregory Jay Schafer	City Recorder
Tom Stephenson	Council Member-elect
Gary Sorenson	
Khristie Sorenson	

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, on the Utah Public Notice web site 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 Jay Schafer acted as secretary.

Council Member Betty Jo Western provided opening remarks following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Board of Adjustment meeting held November 5, 2009 were provided for consideration and approval. Following review, Council Member Robert Banks MOVED to approve the minutes of the Board of Adjustment meeting held November 5, 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.

The proposed minutes of a Regular City Council Meeting held November 5, 2009 were provided for consideration and approval. Following review, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Meeting held November 5, 2009, as presented. 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.

The proposed minutes of a Special City Council Meeting held November 12, 2009 were provided for consideration and approval. Following review, Council Member Betty Jo Western MOVED to approve the minutes of the Special City Council Meeting held November 12, 2009, as presented. 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.

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 John Niles MOVED to approve the accounts payable, dated November 19, 2009, in the amount of \$51,710.34. 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.

PUBLIC COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

MAYOR GAYLE BUNKER: PROPOSED AMENDMENT OR REVISION TO RESOLUTION NO. 03-283 ESTABLISHING LATE CHARGES ON DELINQUENT AND/OR DISCONNECTED WATER SERVICE

Mayor Bunker requested that Public Works Director Alan Riding advise Council Members of the results of information gathered from our software provider regarding late charges on delinquent and/or disconnected water service. Public Works Director Riding distributed copies of the current month shut-off list showing about four accounts which have a balance less than \$10. Shut-off notices are not sent to those with balances under \$10 but eighty-nine notices were mailed out, at a cost of \$5.00 each. The list is representative of the list made every month with the exception of ten to twelve residents who had their water service terminated last month and had to pay their bill current in order to have service reinstated. Those who paid their bill current last month will not be on the list until next month, when they are again delinquent. If we were to shut off water service on the date specified on the shut-off notice, we would be terminating service for approximately half of those on the list. We normally allow a few extra days before water service is terminated for non-payment. Mailing notices by priority mail provides the ability to go online and find out the date and time that the notice was put in the recipient's mail box and most, if not all, recipients have had the notice in their possession at least five days prior to the shut-off date shown on the notice. We do not terminate

service on Thursdays to make certain that, if someone is at work and comes home after our closing time, they are not without water all weekend. It is not our intent to make people go without water service, we just want them to pay the bill for services they have received.

We have checked with our computer software company and learned that we have the capability to set the late fee at whatever amount we determine it should be. We can print out a preliminary report and make changes wherever necessary and when the final list is printed, the system will bill the late fee that has been set for those accounts on the final list. The increased late fee would be charged on only those accounts to which a shut-off notice is mailed. We would, therefore, have a late fee and a water shut-off notice fee.

Council Member Betty Jo Western asked if many of those on the shut-off list were renters and whether renters paid for the water service or if the landlord paid for water service. Public Works Director Riding responded that we have landlords who keep the service in their name and others who require renters to pay for the service. Council Member Western stated that she had found that Richfield City has an ordinance which requires that services remain in the name of the landlord in order to limit the number of accounts which become uncollectible because renters leave the area. Council Member Western suggested that we may need to consider adopting an ordinance like the one used by Richfield City. Public Works Director Riding responded that we can require a guarantee by the landlord but, when we adopted the requirement for a \$100 deposit, the deposit covered what was owed most of the time. If there is excess water usage for yards, water leaks, etc., the \$100 will not cover a two month water bill. Public Works Director Riding questioned whether we need to adopt a higher deposit or reconnect fee for the second time services are terminated and must be reconnected.

Mayor Bunker noted that many of those on the shut-off list are on it every month and most of them pay only the past due amount and are on the list again the next month. Public Works Director Riding indicated that the intent of increasing the late fee was to, hopefully, make some people feel the need to pay their bill on time instead of waiting until they are threatened with having services terminated for non-payment. The goal is to have those on the shut-off list pay the cost of additional collection efforts rather than increasing the late fee for those who occasionally forget to make their payment by the last day of the month.

Public Works Director Riding proposed that Council Members discuss raising the late payment fee from \$4.00 to \$5.00 and set the water shut-off notice fee at \$10.00. Those who wait until the service is terminated will need to pay the total balance due, the \$10.00 shut-off notice fee, and the \$40.00 reconnect fee before services are reinstated. In the case of those who do not have sufficient funds to pay a deposit along with the total balance due and the reconnect fee, Mayor Bunker will often waive the deposit the first time water service is terminated. They are also given a stern warning that if their water is terminated a second time, the deposit will not be waived.

When the deposit was set at \$100, the amount was adequate to cover two months services. However, with our increased rates, that amount is not sufficient to cover two months services. Council

Members discussed the possibility of increasing the deposit to \$150, which would be refunded, upon request, after one year if payments are made timely and no late fee has been incurred. When services are terminated by the customer, they have the choice of having the deposit applied to their outstanding balance and receiving any remaining deposit balance or paying their bill in full and having the entire deposit returned.

Public Works Director Riding advised Council Members that there are a number of people on the list who have never had their service terminated but they are on the shut-off list every month. Each month they pay only the past due amount so their account is always one month in arrears. A number of those accounts do not have deposits because they have had service since prior to the date deposits were required. Council Member Western asked if we should require a deposit from those who are always a month behind but do not have a deposit. Public Works Director Riding responded that someone would have to go through the list to determine how many times the account has been on the shut-off list during the past twelve months. Council Member Western felt that those people need to be penalized for being late with payments also. Public Works Director Riding stated that we are charging them a late fee every month and, if we raise the late fee to \$5.00, perhaps that will be enough incentive to get some of them to bring their account current. Mayor Bunker felt that we should monitor the shut-off list for a few months to see if increasing the late fee to \$5.00 and charging a \$10.00 water shut-off notice fee for those who receive the notices will encourage some of those who pay late to bring their accounts current. Public Works Director Riding asked if Council Members were in favor of increasing the deposit from \$100 to \$150. Council Members felt that, with current water rates, a \$150 deposit is probably reasonable. All new accounts would be required to pay a \$150 deposit and any service that is shut-off would be required to pay an additional \$50 deposit. Council Members felt that these fees would be reasonable.

Following discussion, Council Member Betty Jo Western MOVED to amend Resolution No. 03-283 establishing late charges on delinquent and/or disconnected water service by increasing the late fee from \$4.00 to \$5.00, adopting a \$10.00 water shut-off notice fee, and increasing the deposit from \$100.00 to \$150.00. 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 BUSINESS

GARY SORENSON: REQUEST FOR CLASS "C" (ON PREMISES) BEER LICENSE AT APPROXIMATELY 411 EAST MAIN STREET

Mrs. Sorenson advised Council Members that they are in the process of purchasing The Loft steakhouse, effective January 1, 2010, and requested approval to transfer the Class "C" beer license to them as new owners. Mrs. Sorenson indicated that they will also be requesting a Limited Restaurant license from the Alcoholic Beverage Commission, which requires local consent prior to issuance. Mrs. Sorenson stated that they have had several alcohol licenses and are very particular about making sure all laws and requirements are followed exactly.

Following discussion, Council Member Betty Jo Western MOVED to approve issuance of a Class "C" (on premises) beer license for Gary and Khristie Sorenson at The Loft steakhouse. 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: ORDINANCE NO. 09-244 AMENDING THE ZONE DISTRICT BOUNDARIES FROM RESIDENTIAL 1-B (R-1-B) TO PUBLIC / QUASI-PUBLIC (P/QP) ON PROPERTY LOCATED AT APPROXIMATELY 176 SOUTH LOCUST AVENUE AND DESIGNATED AS SILVER SAGE SUBDIVISION LOT, AND INCLUDING ADJOINING PROPERTY

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 09-244

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY FROM RESIDENTIAL 1-B (R-1-B) TO PUBLIC/QUASI-PUBLIC (P/QP) FOR PROPERTY LOCATED AT 176 SOUTH LOCUST AVENUE AND DESIGNATED AS SILVER SAGE SUBDIVISION LOT 6, AND INCLUDING ADJOINING PROPERTY

Mayor Bunker indicated that we had previously adopted this zone change but did not have the ordinance prepared at that time. Mayor Bunker suggested that we include a physical description of the adjoining property included in the zone change for future reference. City Attorney Kaela Jackson will include the property description in the ordinance.

Following discussion, Council Member Robert Banks MOVED to adopt Ordinance No. 09-244, an ordinance amending the zone district boundaries from Residential 1-B (R-1-B) to Public / Quasi-Public (P-QP) on property located at approximately 176 South Locust Avenue and designated as Silver Sage Subdivision Lot 6, and including adjoining property, subject to inclusion of a property description for the adjoining property. 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 roll call vote. The vote was as follows:

Robert Banks	Yes
Kiley Chase	Absent
Bruce Curtis	Yes
John Niles	Yes
Betty Jo Western	Yes

The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED ORDINANCE REGULATING DOGS IN THE CITY

PARK

Mayor Bunker noted that Council Members had received a draft of the proposed ordinance for review and suggestions. City Attorney Jackson asked whether the ordinance was to apply only to the City Park or if it should apply to all city owned parks. Council Members felt that the ordinance should apply to all city owned parks, and should include language about dogs being prohibited in parks during special events, such as the Fourth of July celebration and any other events which may be designated by the Council. In addition, we need to make certain that service dogs are allowed. City Attorney Jackson will have the ordinance prepared for approval at the next meeting.

MAYOR GAYLE BUNKER: NEW YEARS EVE CELEBRATION

Mayor Bunker asked Council Member Western how plans for the New Years Eve celebration are coming along. Council Member Western has a band, named Crossroads, coming from Utah County. The cost for the six member band will be \$1,500. They play a wide variety of music and will play for three hours. Council Member Western requested that public works employees help with setting up the stage in the Palladium before the celebration. The high school has a wrestling meet scheduled in the Palladium on Saturday afternoon following the New Years Eve celebration so everything will need to be cleaned up Saturday morning. Mayor Bunker asked that Council Members help with set up and clean up for the celebration. Council Member Western has talked with a youth band who are willing to play for the youth in the old gym. Council Member Western asked what type of snack food should be purchased. Council Member Western suggested that, if we are going to have meat and cheese trays, have rolls available so that, if desired, it could be used as a sandwich. Council Members agreed that it would be nice to have rolls and crackers available, as well as donuts and cookies. The inflatable toys will cost the same as last year and the kids games and prizes will cost about \$500. We will also have the cost of food and the sound system. The Deal or No Deal game, Family Feud, and board games will be available. There will not be a talent show but we could ask some local people to entertain before the band begins. Council Member Western asked what time to begin events at the celebration. It was proposed that kids games start at 7:30 p.m. and end at 9:00 p.m., the youth band could set up while the kids games are going on and they could start at about 10:00 p.m. and play until 11:30. At the same time, we could have the Deal or No Deal and Family Feud games going in the Palladium. The band in the Palladium could begin at 9:00 p.m. or earlier. Mayor Bunker suggested that we have some local talent perform for about an hour before the band starts. Council Member Banks asked if we could use the classroom in the Palladium for the Deal or No Deal or Family Feud game. Council Member Western will check on use of the classroom. We will close everything down at 11:45 p.m. so that everyone can watch the fireworks and the ball drop from the water tower at midnight.

MAYOR GAYLE BUNKER: HOLIDAY WORK SCHEDULE

Mayor Bunker noted that Millard County offices are closing at noon on the day before Thanksgiving Day, the day before Christmas and also the day before New Years Day. Mayor Bunker asked if Council Members were in agreement with closing the Delta City offices on the those days.

Following discussion, Council Member Betty Jo Western MOVED to approve the holiday work schedule to close city offices at noon on the day before Thanksgiving, the day before Christmas and the day before New Years. 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.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that all Christmas decorations are in place and ready to be turned on. On Monday morning employees will begin setting timers to turn the lights on and off, which will allow time to troubleshoot any problems prior to the holiday weekend. On Tuesday morning the entire city staff will be bagging Santa Claus candy.

OTHER BUSINESS

Council Member Western asked if the city would run the street sweeper along Main Street before the light parade. Public Works Director Riding indicated that public works employees would try to sweep the street next week.

Council Member Bruce Curtis reported that the Millard County Fire Service District proposed budget for 2010 totals to \$630,000 with Delta City's share being \$60,250, which represents a small increase over last year. The budget will be finalized next month. Mayor Bunker advised Council Members that the funds come from the fire district assessment on real property rather than from Delta City funds.

Council Member Western asked what Council Members need to do for the light parade celebration. Mayor Bunker asked Council Members to be prepared to ride the City Council float and bring their family members also. Mayor Bunker will attend the tree festival and purchase a tree for the City Office, as we have done for the last several years.

Mayor Bunker advised Council Members that there will be council meeting on both December 3rd and December 17th in order to have the auditors present their audit. The first meeting in January will be January 7th and the swearing in ceremony for recently elected officials will be held on Monday, January 4th at 6:00 p.m.

Mayor Bunker questioned whether the Mayor and Council Members should be wearing shirts and ties to Council meetings. Mayor Bunker asked Council Members to give some thought to the idea and decide whether or not they would like to adopt the practice.

Council Member Western reported that she had been asked if residents can dump anything they want in the city dump. Public Works Director Riding stated that we have a locked gate on the dump but make it available if someone wants to remove a tree or for a place to dump tree limbs, bushes, leaves, etc. Public Works Director Riding indicated that the metal that is dumped there is sold for salvage. We will take yard and tree debris, scrap iron and steel but do not want other junk dumped there. When the tree limbs and debris build up we burn them.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Robert Banks MOVED to adjourn the meeting. 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 declared the meeting adjourned at 8:23 p.m.



GAYLE BUNKER, Mayor



GREGORY J. SCHAFER, MMC, City Recorder

MINUTES APPROVED: RCCM 12-03-09