

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
DECEMBER 3, 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

Gregory Jay Schafer	City Recorder
Alan Riding	Public Works Director

ALSO PRESENT

Kaela Jackson	City Attorney
Ken Clark	Assistant Public Works Director
Tom Stephenson	Council Member-elect
Karen Johnson	Assistant City Recorder
James C. Pierson	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, 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.

Council Member John Niles 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 November 19, 2009 were provided for consideration and approval. Following review, Council Member John Niles MOVED to approve the minutes of the Regular City Meeting held November 19, 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 Kiley Chase MOVED to approve the accounts payable, dated December 3, 2009, in the amount of \$60,962.79. 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: RESOLUTION AMENDING RESOLUTION NO. 03-283 ESTABLISHING LATE CHARGES ON DELINQUENT AND/OR DISCONNECTED WATER SERVICE

Mayor Bunker introduced the following resolution:

RESOLUTION NO. 09-328

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 03-283 ENTITLED "LATE CHARGES" BY ESTABLISHING A NEW LATE CHARGE AND SHUT-OFF NOTICE CHARGE ON DELINQUENT AND/OR DISCONNECTED WATER SERVICE.

City Attorney Kaela Jackson advised Council Members that this resolution increases the late fee on utility accounts from \$4.00 to \$5.00 and adds a shut-off notice fee of \$10.00 on those accounts to which shut-off notices are mailed. Council Member Robert Banks indicated that a comma needs to be added in one sentence of the ordinance.

Following review, Council Member Robert Banks MOVED to adopt Resolution No. 09-328 amending Section 1 of Resolution No. 03-283 entitled "Late Charges" by establishing a new late charge and shut-off notice charge on delinquent and/or disconnected water service. The motion was SECONDED by Council Member Kiley Chase. 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. The increased fees will become effective January, 2010.

MAYOR GAYLE BUNKER: PROPOSED ORDINANCE REGULATING DOGS IN CITY PARKS

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 09-245

AN ORDINANCE AMENDING SECTION 13-200 OF THE REVISED ORDINANCES OF DELTA CITY (1981), AS AMENDED, "ANIMAL CONTROL" BY ADOPTING A NEW SECTION 13-244.B, ESTABLISHING RULES FOR ALLOWING DOGS IN THE CITY PARKS AND PROHIBITING DOGS IN THE CITY PARKS ON THE FOURTH DAY OF JULY EACH YEAR OR ANY OTHER DAY ON WHICH THE FOURTH OF JULY HOLIDAY IS CELEBRATED AND ON OTHER DAYS SO DESIGNATED BY THE CITY COUNCIL.

Mayor Bunker indicated that this ordinance requires all dogs in city parks to be on a leash, not to exceed ten feet in length, and requires that persons bringing dogs into parks must immediately remove and dispose of any excrement deposited by the dog. The ordinance also allows the Council to designate other days when dogs will not be allowed in parks by posting signs in the parks ten days in advance indicating that dogs are prohibited on that date. Assistant Public Works Director Ken Clark asked Council Members how they want the ordinance enforced and what fine should be assessed. City Attorney Jackson stated that the state statute and bail schedule provides the fine for an infraction. It also allows that the fine can be increased if a person decides to fight the citation in court. It was felt that most people will comply with the ordinance once they become aware of it and those who refuse to comply will need to be issued citations and go through the judicial process.

Council Member Kiley Chase MOVED to adopt Ordinance No. 09-245, an ordinance amending Section 13-200 of the Revised Ordinances of Delta City (1981), as amended, "Animal Control" by adopting a new Section 13-244.B, establishing rules for allowing dogs in the City parks and prohibiting dogs in the City parks on the Fourth day of July each year or any other day on which the Fourth of July holiday is celebrated and on other days so designated by the City Council. 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.

NEW BUSINESS

JIM PIERSON: RECYCLING PROGRAM

Jim Pierson told Council Members he is exploring whether the city would be willing to check out possibilities for recycling trash. He would like to see if any type of recycling could be provided to reduce some of the trash going to the landfill. Mr. Pierson quoted a statement made by Mark Twain: "Always do right. This will gratify some people and astonish the rest." Mr. Pierson felt that recycling is something we need to do because it is the right thing to do; not because it is easy, cheap or cost effective, but because it is the right thing to do. Mr. Pierson did not have any concrete ideas for recycling but expressed hope that Council Members would be willing to study what is done by other cities and adopt some of those ideas to be used locally. Mr. Pierson felt that if the facilities were available, most people would be willing to separate recyclable items from other trash and decrease the amount of trash being put into the landfill.

Council Members felt that recycling options need to be provided and thanked Mr. Pierson for his thoughts and comments. Council Members will further discuss recycling options at a future meeting.

MAYOR GAYLE BUNKER: NEW YEARS EVE CELEBRATION

Mayor Bunker asked Council Member Western for an update on preparations for the New Years Eve celebration. Council Member Western advised Council Members that the L.D.S. Stakes are not providing a New Years Eve dance for youth. The L.D.S. Stakes plan to participate with Delta City in providing New Years Eve entertainment for youth. Council Member Western would like to have the youth band perform and provide music for a youth dance. Council Members discussed various areas at the high school where the youth entertainment could be held. Council Members discussed start times for the various events and decided to start the children's games in the old gym at 7:00 p.m., the local talent from 8:00 - 9:00 p.m. in the Palladium, and Crossroads band playing from 9:00 p.m. to 11:45 p.m. The Family Feud and Deal or No Deal games will begin at 9:00 p.m. All events will end at 11:45 p.m. so everyone can go outside to watch the fireworks and ball drop from the water tower. Mayor Bunker suggested that we get an ad in the local newspaper next week. Council Member Western stated that she needs people to help with the food and asked for approval to purchase some additional board games. Council Members agreed that additional board games should be purchased. Advertising will be done in the newspaper and by distributing flyers.

The high school has wrestling scheduled on January 2nd so the Palladium will need to be cleaned on the morning of January 2nd.

MAYOR GAYLE BUNKER: USE OF SURPLUS WATER RENTAL MONIES FOR WEST MILLARD MUSEUMS AND COMMUNITY CENTER

Mayor Bunker reported that the idea of needing a facility for conferences began approximately six to seven years ago with much thought and discussion going into how to build a facility without increasing taxes or bonding for funds. There are several organizations of municipal employees who

have annual or semi-annual conferences that meet anywhere in the state where there are facilities available. These groups have discussed holding conferences in Delta but are unable to do so because we do not have a facility. When Magnum Energy, LLC approached us about leasing surplus water, Mayor Bunker began to consider the possibility of using the funds in support of construction of a proposed facility to house our three museums and would include a conference meeting facility.

Our water reserves are not currently making any money and there is no guarantee that the Magnum Energy project will go through but to date we have received \$25,000 from them. We may or may not receive any funds in the future, depending upon whether Magnum Energy receives final approval for their project. Mayor Bunker would like to set aside the \$25,000 we have already received toward construction of the facility.

Council Member Western noted that this is public money and not everyone is in favor of the museum / community center project and many are concerned about how much operation and maintenance of the facility will cost taxpayers. Mayor Bunker answered that the West Millard Museums and Community Center board is attempting to set up an endowment fund to be used for maintenance and operation of the facility. We have already adopted a transient room tax that is designated to be used for maintenance and operation of the museum / community center and we also continue to receive donations for the project. Council Member Western reported the results of interviews she had conducted regarding use of the money received from Magnum Energy. Mayor Bunker stated that we held a public hearing which was well advertised and there was no opposition to the proposal at the public hearing. He agreed there are many people who still have questions regarding the project but we cannot educate people about the project if they do not attend hearings and meetings where the project is discussed.

Mayor Bunker noted that this facility is not being constructed in the near future but asked that the funds be set aside to see what happens with progress on the project in the next year or two. Mayor Bunker also told Council Members that, in making application for grants or any other type of funding, one of the first questions asked is how much the local entity is investing in the project. It is apparent that those who are willing to provide funding do not want to give to an entity who is unwilling to participate in funding their own project.

Following review, Council Member John Niles MOVED to set aside the \$25,000 received from Magnum Energy, LLC for lease of surplus water to be used in support of the West Millard Museums and Community Center and if the museum / community center project does not come to fruition, the funds can be used in some other area. 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

In the absence of Public Works Director Alan Riding, Assistant Public Works Director Ken Clark advised Council Members that Christmas decorations have been completed and, so far, have had few

problems with light burning out. There are a few new items it the park.

Public Works employees are now working on the airport fence project again when weather permits. There are approximately five miles of fencing to be completed so the project will be used to keep employees busy during the winter months when weather permits.

Council Member Western reported that she had heard comments from some out of town visitors last week regarding how amazing the lights are in the park.

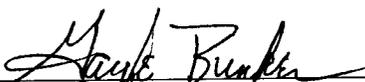
OTHER BUSINESS

Mayor Bunker reported that the board for Delta's Tree Festival would like to continue having the tree festival and light parade on the Friday following Thanksgiving rather than on Saturday. The tree festival raised approximately \$15,000 for the Sub for Santa program and the local food bank.

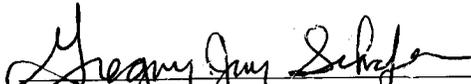
Mayor Bunker reminded Council Members that the city Christmas party is tomorrow evening at the Bird Senior Center. Appetizers will be available at 6:30 with dinner being served at 7:00 p.m.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Betty Jo Western MOVED to adjourn the meeting. 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 Bunker declared the meeting adjourned at 8:30 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 12-17-09