

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
JANUARY 21, 2010

PRESENT

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

ABSENT

Gregory Jay Schafer	City Recorder
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ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Karen Johnson	Assistant City Recorder
Jesse Johnson	Area 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.

Mayor Bunker welcomed new Council Member Tom Stephenson to the Council.

Council Member Bruce Curtis 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 December 17, 2009 were presented for consideration and approval. Mayor Bunker requested that the word "ordinance" on page 4 be changed to "resolution" where it appears in paragraphs one and two. Following review, Council Member Robert Banks MOVED to approve the minutes of the Regular City Council Meeting held December 17, 2009, as corrected. 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 Bruce Curtis MOVED to approve the accounts payable, dated January 21, 2010, in the amount of \$143,892.95. 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 COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

MAYOR GAYLE BUNKER: APPOINTMENT OF KAREN JOHNSON AS DEPUTY CITY RECORDER

Mayor Bunker noted that Karen Johnson has been acting in the position of Deputy Recorder but has never been officially sworn in so the position needs to be made official. The situation came to light recently when our City Recorder was unavailable to participate in the swearing in of recently elected officials. Mayor Bunker stated that City Recorder Gregory Schafer is still hospitalized in Provo and will be there for at least another five to six weeks. He is regularly working on city finances and records and will continue to do so.

Mayor Bunker made a telephone call to City Recorder Gregory Jay Schafer who then issued the Oath of Office to Karen Johnson via speaker telephone. Mayor Bunker acted as a witness to issuance of the Oath of Office.

MAYOR GAYLE BUNKER: RESOLUTION NO. 10-330 ADOPTING THE DELTA CITY WATER CONSERVATION PLAN

Mayor Bunker introduced the following resolution:

RESOLUTION NO. 10-330
A RESOLUTION ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF
DELTA, UTAH.

Mayor Bunker stated that a public hearing regarding adoption of the water conservation plan had been held just prior to this meeting with no negative comment being received.

Following discussion, Council Member Bruce Curtis MOVED to adopt Resolution No. 10-330, a resolution adopting a Water Conservation Plan for the City of Delta, Utah. 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 roll call vote. The vote was as follows:

Robert Banks	Yes
Bruce Curtis	Yes
John Niles	Yes
Tom Stephenson	Yes
Betty Jo Western	Yes

The motion passed unanimously.

MAYOR GAYLE BUNKER: APPOINTMENT OF COUNCIL MEMBER TO WEST MILLARD MUSEUMS AND COMMUNITY CENTER BOARD

Mayor Bunker advised Council Members that former Council Member Kiley Chase had been appointed a member of the West Millard Museums and Community Center Board. Mayor Bunker stated that he had discussed the position with Council Member John Niles, who is willing to serve on the WMMCC Board., and requested that Council Member John Niles be appointed as a member of that board.

Following discussion, Council Member Bruce Curtis MOVED to appoint Council Member John Niles as a member of the West Millard Museums and Community Center Board representing the Delta 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 vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: REVIEW OF POSITIVE AND NEGATIVE ASPECTS OF RECENT COMMAND CENTER ACTIVITY

Mayor Bunker indicated he had requested Sheriff Robert Dekker to be in attendance at this time to discuss recent use of our office space as a command center in response to the death of Deputy Josie Greathouse Fox. Sheriff Dekker had a previous commitment and could not be in attendance. This matter will be discussed at a future meeting.

MAYOR GAYLE BUNKER: REVIEW OF NEW YEARS EVE CELEBRATION

Mayor Bunker asked Council Members for discussion of things that should or should not be changed with the New Years Eve celebration. Council Member Banks felt that the activity scheduled for youth over 14 years of age was not well attended and suggested that the local stakes of the L.D.S. Church should continue their New Years Eve program for youth. Mayor Bunker agreed with Council

Member Banks..

Council Members felt the children's activities were very well attended, the "Deal or No Deal" and "Family Feud" games attracted a large group of people and many were playing board games through the evening. Council Member Banks was disappointed at the number of people who stayed to dance and listen to the band. Council Member Western received both positive and negative comments regarding the band. Council Member Western felt that the money spent on the celebration was well spent and was a benefit for the community. Council Member Western expressed appreciation for those who helped with the celebration. Mayor Bunker suggested that we have some type of entertainment next year before the band begins playing.

MAYOR GAYLE BUNKER: REVIEW OF REVISED UTILITY BILLING POLICY STATEMENT

Mayor Bunker outlined changes to the Utility Billing Policy Statement which is provided to each individual who requests utility services. The revised statement includes the increased security deposit amount, the increased late fee, and the new shut off notice fee. The revised statement also includes a requirement that deposits for utility services be made by cash, certified funds, debit card or credit card. Mayor Bunker advised Council Members that we have been somewhat "lax" in enforcing the shut off date and we feel those on the shut-off list wait longer and longer to pay their utility bills because they know we do not shut off services on the stated date. As of this month, we will shut off water service on the date shown on the shut off notice unless it is extremely cold. If we turn off water service when it is extremely cold, it increases the possibility of freezing water pipes, etc. We will probably have to shut off at least twenty services this month.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that all Christmas decorations have been taken down and put in storage. Public Works employees have been hauling and stockpiling lime fines from Graymont lime plant to be used at the new water tank site, working on equipment maintenance, and mixing salt and cinders for snow removal.

A representative from Rural Water Association of Utah has been here providing continuing education training for our employees so they can maintain water and wastewater certification.

Public Works employees have also been chasing dogs and trapping cats.

OTHER BUSINESS

On behalf of Delta City and Council Members, Mayor Bunker expressed condolences to Council Member Robert Banks on the recent passing of his mother.

Mayor Bunker reported that City Recorder Greg Schafer is currently working on fund balances and should have a report available by next week. The report will be discussed at the next meeting.

Mayor Bunker had intended to discuss the request we have for allowing chickens on residential lots but will schedule it for discussion at a later meeting.

Mayor Bunker advised Council Members that our next regular meeting is scheduled for Thursday, February 4th, which is the same day that Brigham Young University is doing a production as a fund raiser for Topaz Museum. Mayor Bunker plans to attend the production so there will not be a meeting held on February 4th unless an urgent matter arises that must be addressed prior to the following meeting date. Our next regularly scheduled meeting will be held on Thursday, February 18th.

Mayor Bunker called attention to a letter he received from the Cedar City Police Chief regarding the funeral service recently held for Deputy Josie Fox. The letter expresses praise for the outpouring of support from our residents, not only for Deputy Fox, but for all law enforcement. Mayor Bunker also received compliments from the honor guard from Boise, Idaho who stated they had attended 35-40 of these events and felt they had never attended a service as well done as the one in Delta and told Mayor Bunker he should be very proud of the citizens of our community. Mayor Bunker responded to the officers that he was very, very proud of the citizens of our community.

Mayor Bunker advised Council Members that he had received several suggestions for erecting a memorial for Deputy Fox in the City Park but the one Mayor Bunker feels is most appropriate is a request by Graymont lime plant to have a large piece of limestone engraved and placed in the City Park. There will be further discussion prior to any decision being made.

Council Member John Niles stated that he had observed a man walking down Main Street with an unleashed dog which appeared to be a pit bull and wondered if there is anything we can do to make certain dogs are on leashes when in public places. City Attorney Kaela Jackson stated that we have an ordinance in place so we just need to enforce it. Public Works Director Riding advised Council Members that there are several breeds which share characteristics with the pit bull breed and the only way to make certain that a particular dog is a pit bull mix is through a DNA test, which is rather expensive. Public Works Director Riding asked Council Members if they were comfortable with picking up a dog which, by a best guess, is probably a pit bull mix. We have a resident who has been questioned about having a pit bull mix dog. He claims the dog is an American bull dog and not a pit

bull. City Attorney Jackson advised that, if we take action against a dog owner for having a pit bull, it would be our burden of proof to prove that the dog is a pit bull mixture. Public Works Director Riding suggested that, inasmuch as a request to review our ordinance against pit bull breeds has been received, we should review the existing ordinance and either amend or reaffirm our position on pit bull breeds. City Attorney Jackson indicated that the ordinance could be amended to make running at large a misdemeanor, in the instance of repeated offenses, where fines could be increased and the possibility of jail time could be included. Mayor Bunker stated that we need to review our ordinance and determine what needs to be done.

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 8:00 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 02-18-10