

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
APRIL 7, 2011

PRESENT

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

ABSENT

Betty Jo Western	Council Member
Alan Riding	Public Works Director

ALSO PRESENT

Todd Anderson	City Attorney
Ken Clark	Assistant Public Works Director
Gregory Jay Schafer	City Recorder
Janet Lindquist	Millard County Sheriff Office
Van Beckstrom	Scout Leader
Terry Lisonbee	Scout Leader
Steven Broderick	Scout Leader
Aldair Moran	Boy Scout
Dallin Tolman	Boy Scout

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 on the Utah Public Notice website, mailed to the Millard County Chronicle/Progress, and provided to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Schafer acted as secretary.

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 March 17, 2011 were presented for consideration and approval. City Attorney Todd Anderson requested that the minutes be corrected on page 5 to state that the City Attorney asked the Morrises and Contractor Adam Lake if they had received the zoning officers determination regarding the basement constructed on the property located at 43 West 100 North and their response that they had received the notification. Council Member John Niles MOVED to approve the minutes of the Regular City Council Meeting held

March 17, 2011, as corrected by City Attorney Todd Anderson. 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 with Council Members Robert Banks, Bruce Curtis, John Niles, and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

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 Robert Banks MOVED to approve the accounts payable dated April 7, 2011, in the amount of \$60,977.14. The motion was SECONDED by Council Member Tom Stephenson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Council Members Robert Banks, Bruce Curtis, John Niles, and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

PUBLIC COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

JANET LINDQUIST, MILLARD COUNTY SHERIFF'S DEPT.: REGION III EMERGENCY ALERT SYSTEM

Ms. Lindquist stated that she had discussed this matter with Assistant Public Works Director Ken Clark, who advised her that we are in the process of distributing a magnet and information sheet regarding the emergency alert system that has been installed so that residents will know what the alert tones mean. Ms. Lindquist noted that the emergency alert sirens have been installed at all fire department buildings in the six county area (Juab, Millard, Piute, Sanpete, Sevier and Wayne counties). Not all sirens are in operation at this time but citizens need to be informed of what the three alert tones mean. One is for fire related emergencies, one is for shelter in place and the third is for community evacuation. At some point, citizens will need to be trained on how to correctly shelter in place. The reason for sheltering in place will be a hazardous materials incidents. Residents will need to learn how to put plastic up on windows, doors, outlets, ventilation system, plumbing, etc., to keep the hazardous material from entering their home and it needs to be done quickly. The Sheriff's Department has done some sheltering in place training but they were not well attended. People do not understand why they needed to know this information.

The reverse 911 (Code Red) telephone call will alert people who are inside and those who are outside when they hear the siren need to go inside as quickly as possible. The Code Red system will call anyone who has their telephone (hard wired or cellular) listed on the Code Red system. This applies to anyone with a Millard County address.

Council Members stated that they had been receiving questions about the sirens and felt that educating the public is going to be the most important issue. Assistant Public Works Director Clark stated that, when all the sirens are operational, the Sheriff's Department will be doing some training and testing. There will also be periodic training and testing on going in the future.

Ms. Lindquist advised Council Members that they need to have a disaster policy in place for gathering information required to track volunteer hours toward preparedness in order to claim those hours in the event of a declared emergency. FEMA will require this information prior to any payment being made for a declared disaster.

Council Members thanked Ms. Lindquist for her information.

MAYOR GAYLE BUNKER: SELECT THEME FOR FOURTH OF JULY CELEBRATION

Mayor Bunker read some of the themes used for past celebrations and requested suggestions for a theme to use for our celebration this year. City Attorney Anderson suggested "Always Stand Ready." Council Member Niles suggested "Neighbors Helping Neighbors." Mayor Bunker noted that we will be honoring Viet Nam Veterans at the celebration this year and suggested that we could use a theme in keeping with their service. Mayor Bunker suggested "Appreciated but not Forgotten" or something along that line. Mayor Bunker noted that many Viet Nam Veterans did not feel appreciated for their service and did not receive a warm welcome when they returned. Council Members felt that the term "Service . . . Appreciated and not Forgotten" would sound better. That could include anyone who serves another in any capacity. The theme for the celebration this year will be "Service . . . Appreciated and not Forgotten."

MAYOR GAYLE BUNKER: SELECT CHAIRPERSON FOR FOURTH OF JULY CELEBRATION

Mayor Bunker advised Council Members that we need to select a chairperson for the Fourth of July celebration. We need someone working on this right away. Council Members reviewed the responsibilities of the chairperson and Mayor Bunker stated that he has had the names of two individuals suggested - Gail Christensen and Darla Ewart. Angie Finlinson has been the chairperson for several years but her family is taking a lot of time right now. City Attorney Anderson suggested Julie Nelson.

Mayor Bunker requested that Council Members think about this and provide some names to us by the first of the week. Mayor Bunker noted that he had talked with the Lieutenant Governor yesterday and was told he would like to come to Delta on the Fourth of July but does not yet know whether

he will be able to. Representative Bill Wright said he would be glad to be our patriotic speaker on the Fourth of July.

ASSISTANT PUBLIC WORKS DIRECTOR KEN CLARK: PROPOSED PURCHASE OF ROLLER / COMPACTOR

Assistant Public Works Director Clark advised Council Members that the Public Works Department used to have a ride on compactor, which was an early 1980s model. The compactor became inoperative about five or six years ago, after having been repaired numerous times. Since that time, we have hired a local company to do our road patching work because we did not have the proper equipment. There is a lot of the patch work our employees could do if we had a roller. The Public Works Department would like to purchase their own roller so they can do more of the patch work rather than hiring someone else. The water line improvement project last year required two and one-half blocks of asphalt patch at a cost of \$33,000. Mayor Bunker questioned whether there were other items included in that cost. Assistant Public Works Director Clark noted that one-half of the cost of hiring the asphalt work is for equipment use and one-half is man hours. Once in a while we are able to rent the roller but when they are making asphalt, they are using their own equipment and we cannot rent it. The Public Works Department would like to purchase their own roller/compactor and utilize the manpower and capabilities that our employees have. We would still purchase the asphalt but would have more flexibility as to when patching is done.

Assistant Public Works Director Clark advised Council Members that we have sold the used loader that was replaced and have receive payment of \$48,000. Those funds have been placed back into our Class "C" Road Fund, which brought the total to approximately \$130,000. The roller / compactor could be purchased with Class "C" funds because it will be used for streets. Purchasing a 48" Caterpillar roller from at state contract price would be approximately \$34,000. There is a lease program available which would cost \$6,364 per year, for three years, with a purchase price of \$19,000 at the end of the three year lease. Assistant Public Works Director Clark noted that we had included purchase of a new snow removal sander for one of the dump trucks in the budget for this year but were able to get through the winter without purchasing it. The Public Works Department would like to put those funds, a total of \$15,000, towards the roller / compactor. We will be chip sealing more streets this year and there will be adequate funds available for the chip sealing projects.

Mayor Bunker asked what had happened to the used roller that had been discussed. Assistant Public Works Director Clark stated that, when researching the used roller, he found that it is a discontinued model, and the price was not as good as we believed, and the drum is a small 36" roller. In addition, Caterpillar has a used roller available for \$22,000. Assistant Public Works Director Clark requested approval from the Council to pursue looking for and obtaining quotes for purchase of a roller / compactor.

Council Member John Niles MOVED to table this matter until the next meeting to allow time to obtain additional information. 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 with Council Members Robert Banks, Bruce Curtis, John Niles, and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

ASSISTANT PUBLIC WORKS DIRECTOR KEN CLARK: EMERGENCY MANAGEMENT NEIGHBORHOOD NETWORKS

Assistant Public Works Director Ken Clark advised Council Members that we are in the process of reviewing and revising our emergency operations plan and, as part of that process, are attempting to put together a pamphlet outlining emergency procedures for Council Members. We obtained a copy of a pamphlet for Council Members from another city and are revising it to fit Delta City. One of the components of that city's emergency planning is including neighborhood networks which designate a person in charge of a segment of the city to do the contacting of neighbors and report on what is needed. This would create a designated person for the City to contact to find out what is needed in the community during a disaster or emergency situation. We want to know whether Council Members are interested in including neighborhood networks in our community emergency planning, including suggestions for implementation, if we include the program.

The L.D.S. Church already has geographic boundaries and a system in place for contacting and checking on people within their boundaries. If we could utilize that organization, we could provide the contact people for them to call at the city level to report needs. City Attorney Anderson noted that we could utilize the organization already established in the L.D.S. Church geographical areas as long as we are using the designation of a geographical boundary that is already established and using a system that is already established rather than using it because it is a religious organization.

Mayor Bunker felt that in, the event of an emergency, everyone is going to be working together but our need is to determine who is doing the coordinating. There was discussion as to how to work out the details and make sure all citizens are included in the system. Assistant Public Works Director Clark indicated that our question at this time is whether or not Council Members want to include this provision in our emergency planning. If they do, we will work on implementation but, if they do not want it included, we do not need to worry about implementation. City Attorney Anderson questioned whether this would be in conflict with the Code Red system used by the Sheriff's Department. Assistant Public Works Director Clark stated that we need to duplicate efforts in case of loss of communications with the Sheriff's Department. We are more focused on checking on people in neighborhoods than putting out warnings on a county-wide basis. After neighborhood citizens have been checked, that information can be forwarded to whatever agency is needed to assist. Mayor Bunker wanted to make certain that we do not have too many levels in the process because it becomes too cumbersome.

Mayor Bunker suggested that Assistant Public Works Director Clark meet with Jack Finlinson, who is in charge of emergency preparedness in the L.D.S. Church Delta Stake and bring the subject back to the Council at a later date. City Attorney Anderson requested that Mr. Clark or Karen Johnson check to see what information needs to be included in the City's policy in order to meet FEMA

requirements. Assistant Public Works Director Clark will meet with our local Homeland Security representative, Jeff Gallacher, who will help us determine what we need to do and how to get it done.

PUBLIC WORKS DIRECTOR ALAN RIDING: ANIMAL CONTROL FEES

In the absence of Public Works Director Riding, Assistant Public Works Director Clark advised Council Members that Delta City has not changed animal control fees for many years and we have been studying fees for other cities around the state to see what they are charging. Council Members received a copy of what is currently being charged by several other cities, along with Delta's current fees. Assistant Public Works Director Clark stated that we would like to upgrade our fees to be more in line with those charged elsewhere. We currently charge \$7/day boarding fee and we would like to increase that amount to \$10/day. It is time to renew our contract with Gunnison Bend Veterinary Service and the boarding cost may be increased when the contract is renewed. However, even if the boarding fee we are charged remains at \$7/day, we would like to increase the boarding fee we charge to \$10 in order to recoup some of the fees we incur with Gunnison Bend Veterinary. For instance, if we pick up an animal, it is boarded for three days and then euthanized, we are charged \$60 to \$70. In addition, we would like to increase license fees. We currently charge \$5 per spayed or neutered animal and \$10 for those who are not spayed / neutered. We would like to increase the fee to \$10 for spayed / neutered and \$15 for those which have not been spayed or neutered. We would also like to offer two year licenses, which would work well with the schedule for rabies shots that are required every two years. Another issue is impound fees. We currently charge a \$10 impound fee. Richfield charges a \$25 fee the first time an animal is picked up, \$50 the second time and \$100 the third time. We regularly pick up animals on a repeat basis and this may be a way to get people to pay attention so they will make sure their animals are being cared for and not roaming around town.

City Attorney Anderson added that it is frustrating when fees are not high enough to recoup the costs that are incurred in impounding an animal. If a case needs to be prosecuted, it is frustrating to have such low fees when we incur much greater costs in taking care of an animal that is impounded. In addition, we are getting more and more animal cases in justice court. Assistant Public Works Director Clark advised Council Members that we licensed seventy-four dogs last year and, so far this year, we have licensed forty-three.

Council Member Curtis liked the way Richfield had their impound fees tiered so that repeat offenders are charged larger amounts. Assistant Public Works Director Clark noted that, this past week, a dog was picked up for the third time. We do not currently issue citations for dogs running at large but have decided to begin doing so. The judge has agreed that we can issue "fix it" citations for unlicensed animals. The owners can then pay the fees and license their animal and the citation can be dismissed. This will help us track repeat offenders and how many times the same animal is impounded. Council Member Stephenson was in favor of the proposed changes, as was Council Member Banks.

Assistant Public Works Director Clark requested that a written fee schedule be adopted so that we all know what amount is going to be charged for impound fees, running at large, no license, etc.

because most animal owners will pay the fee and not go to court. City Attorney Anderson suggested that Council Members consider adopting an ordinance with a recommended fee schedule but allow the justice court discretion on those fees. Assistant Public Works Director Clark agreed with the City Attorney's suggestion. City Attorney Anderson said that we could produce our own bail schedule without adopting it by ordinance or resolution.

Assistant Public Works Director Clark advised Council Members that we have had people come into the office requesting applications to have chickens but we do not know what amount to charge for the licenses. Council Members recalled that we were not going to charge a fee but we do require that they complete and return the application so we know where chickens are being kept. Assistant Public Works Director Clark asked what we should charge if a citation is issued to someone keeping chickens. City Attorney Anderson suggested that perhaps he and the Public Works Department meet to discuss and produce the animal control fee schedule and make some suggestions for fees that should be charge for infractions that are regularly occurring. When produced, the proposed fee schedule will be brought before the Council for approval. Council Members agreed that City Attorney Anderson and Public Works representatives will meet to produce a fee schedule for animal control. City Recorder Gregory Schafer suggested that we incorporate all city fees into a fee schedule and adopt it by ordinance.

Assistant Public Works Director Clark stated that Public Works Director Alan Riding would like to raise the hydrant meter deposit, which is currently set at \$500. We would like to raise that fee to at least \$750 because we had a hydrant water user who gave us a \$500 deposit and left the area with the meter. It cost \$850 to replace the meter. We need to have a deposit sufficient to replace the meter if the water user does not return it. We would also like to increase road encroachment fees from \$500 per cut to \$750 per cut. This fee is charged when someone is going to make a cut in a street to install utilities and the fee is kept on deposit until one year after repairs to the street are made. If repairs are not completed or the repair does not hold up for a year, the funds are kept and the City makes the repairs or patches. Council Members were in agreement with raising the road encroachment fee to \$750. We will need a resolution to increase this fee.

Council Member Robert Banks MOVED to table further discussion of animal control fees until a proposed fee schedule is provided. 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 with Council Members Robert Banks, Bruce Curtis, John Niles, and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

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 reported that public works employees have been working on the waterfall stream. They have poured concrete in the stream bed and are now working to redo the piping to the waterfall. The balance of the concrete will be poured on Monday, weather permitting, and it should be completed and running

by next weekend.

Public works employees have also been working on mowing and cleaning the parks, removing the diagonal sidewalk in the center of the park, and preparing flower beds for planting. Work has also been done on sewer stations, we had a Rural Water Association of Utah training on Wednesday, the fence at the Ridgetop Well has been completed except for the front. The front part will probably have to wait until next winter to be completed.

Assistant Public Works Director Clark advised Council Members that Rocky Mountain Power is offering to pay fifty percent of the cost of parts and labor to replace T-12 fluorescent lights in municipal buildings to new high efficiency lighting. The T-12 lights are not going to be manufactured after 2012. We are currently pricing the cost to replace lighting in the City Building. New surface-mount fluorescent lights will be installed in the Council Chamber and the ceiling will be painted now that the leaks are repaired. Public Works is in the process of installing a transfer switch on the side of the City Building so we can use a generator to provide power during power outages. We will also be looking for a new telephone system to replace the phones in the City Building.

Mayor Bunker noted that concrete is going to be poured around the edge of the log cabin in the park in order to avoid sprinklers damaging the cabin.

MAYOR GAYLE BUNKER: PROPOSED DELTA CITY ZONING ORDINANCE PAGES 127 THROUGH 140

Due to the length of the meeting thus far, Mayor Bunker suggested that Council Members wait until the next meeting to review pages 127 through 140 of the zoning ordinance. Council Members agreed.

OTHER BUSINESS

Mayor Bunker reported that he, Council Member Bruce Curtis and City Recorder Gregory Schafer had met with the Chamber of Commerce and Millard County Commissioner Jim Withers regarding enterprise zones. We are attempting to provide areas around the community where there are tax advantages for businesses that locate in the zones if they meet certain criteria. We are required to identify those areas in order for businesses to get the tax credits. We will be providing additional information in the near future.

Mayor Bunker noted that a window on the southwest corner of the building has been broken for a number of years. The window covers concrete blocks and we have been trying to figure out how to repair it but it has not been done. We recently put in new exterior doors, with ADA compliant openers, and it was suggested that the south door into the City Office be fitted with an ADA

compliant opener. Repair of the broken window and fitting the door with an ADA compliant opener can be done for approximately \$3,200 so we will be making those changes in the near future.

Mayor Bunker advised Council Members that it is not necessary to adopt a new resolution for irrigation rates because the resolution adopted in 2009 does not require replacement until rates are changed.

Mayor Bunker told Council Members that application for a \$2 million grant has been sent to the National Parks Service for the Topaz Museum. If that grant is approved, we will be making application to the Permanent Community Impact Fund Board for a \$1 million grant to construct the Topaz Museum and Community Center. The Six County Association of Governments has advised that we need to submit an application to them by June 1st in order to get on the list for CIB funding. Prior to submitting the application to Six County AOG, we must hold a public hearing on the proposed Topaz Museum / Community Center. Mayor Bunker suggested that a public hearing be set on Thursday, May 5, 2011. Mayor Bunker also talked to one of the PFCIB board members yesterday who was quite confident that the PFCIB would be agreeable to the request for a \$1 million grant if the National Parks Service approves the \$2 million grant. Council Members were in agreement with holding a public hearing and making application to the PFCIB, if the grant from the National Parks Service is approved. A public hearing was scheduled for Thursday, May 5, 2011 at 6:30 p.m.

Mayor Bunker reminded Council Members that the Utah League of Cities and Towns conference will be next week in St. George.

Mayor Bunker advised Council Members that the contractor has paid the building permit fees for the basement that was poured without a building permit at 43 West 100 North. The contractor was told that he could not resume construction until he had a port-a-potty on the site. The port-a-potty was delivered this afternoon so construction will resume tomorrow. Mayor Bunker would still like to pursue some civil litigation with the contractor for acting without a building permit. Council Member Tom Stephenson stated that he feels some fines should be levied against the contractor for a beginning construction without first obtaining a building permit. City Attorney Anderson advised Council Members that, if directed by the Council, he will refer sufficient facts to the Millard County Attorney's office to show that there was violation of building without a building permit, which is a Class A Misdemeanor, that can carry a sentence of one year in jail and up to a \$2,500 fine for every day that work was done without a building permit. City Attorney Anderson recommended that the Council could pursue criminal action against the contractor with the Millard County Attorney

because it was clear that the contractor was told, at the Board of Adjustment meeting, that he still did not have a building permit and could not work on the house but there were people working on the house the following day (Friday) and again on Monday, before the building permit was issued. City Attorney Anderson recommended that the matter be forwarded to the Millard County Attorney's office for their review. City Attorney Anderson felt that was the best course of action, rather than pursuing it in City court, so we can show that we sent the facts to a different prosecutor and he made the decision as to how to handle the matter. Council Members agreed that the case should be sent to the Millard County Attorney for review and possible action. City Attorney Anderson noted that Mr. Harris, the concrete contractor, could also be guilty of the offense, if the prosecutor chose to file charges against him. City Attorney Anderson also advised Council Members that they have another option, which would be to refer the matter to the Utah Division of Occupational and Professional Licensing because it is a direct violation of the contractor license to start building without a permit. City Attorney Anderson recommended that the evidence be forwarded to the Utah Division of Occupational and Professional Licensing for both contractors in this instance. Council Members directed City Attorney Anderson to forward information on this matter to the Millard County Attorney and to the Utah Division of Occupational and Professional Licensing. City Attorney Anderson advised Council Members that the information will be forwarded to the Millard County Attorney but the decision whether to file any charges lies with the prosecuting attorney.

Mayor Bunker questioned whether Mr. Harris knew that a building permit had not been issued. Council Members felt that, inasmuch as two inspections were done, perhaps Mr. Harris believed the permit had been issued. Mayor Bunker noted that we are making changes in our building permit procedures to keep this situation from happening in the future. Council Member Stephenson questioned whether Delta City should explore the possibility of hiring our own inspector rather than using the Millard County Building Inspector. Mayor Bunker stated there is a licensed inspector in Holden who does inspections for Holden and, possibly, Oak City and Hinckley. Council Member Curtis expressed that we should consider the possibility of using a building inspector other than the one hired by Millard County. Mayor Bunker has talked with Millard County Commissioners and they have no interest in correcting the situations which Delta City sees as being a problem. If we are considering cancellation of our contract for building inspection services from Millard County, we need to give them ninety days notice of our intent to do so. City Attorney Anderson suggested that, if there is a chance that Delta City will continue to use the Millard County Building Inspector, we need to include a hold harmless clause in the contract with Millard County. Mayor Bunker stated that he has been hesitant to make a change because it is very convenient to have the inspector readily available as opposed to having a part time inspector which would require scheduling inspections. Council Member Stephenson suggested the possibility of getting retired building inspectors Gary Church or Gary Walker to do inspections for Delta City. Mayor Bunker stated that Gary Church does not want to be tied down right now and Gary Walker does not really want to do inspections. Fillmore City uses Sunrise Engineering for inspections. Mayor Bunker asked Council Members to think about available options and we can explore the costs associated with each. This matter can be discussed further at a future meeting. City Attorney Anderson suggested that we seek proposals from other providers of inspection services. Mayor Bunker stated that we will seek proposals as a part of our discussion of available options. City Attorney Anderson was concerned that we should study the

options and have another option in place prior to sending a letter to Millard County telling them that we intend to terminate the contract for inspection services. Council Members felt that Millard County will attempt to alleviate problems in order to keep Delta City using building inspection services because it will be difficult to justify having an inspector on staff if Delta City terminates the contract. Mayor Bunker felt that, even though we would be sending a termination letter, we would still be able to back out on the termination if we ultimately choose not to terminate the contract.

Mayor Bunker will have this matter on the agenda for further discussion at the next meeting.

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 with Council Members Robert Banks, Bruce Curtis, John Niles and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

Mayor Bunker declared the meeting adjourned at 9:13 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 05-05-11