

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
NOVEMBER 3, 2011

PRESENT

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

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Gregory Jay Schafer
Alan Riding

City Recorder
Public Works Director

ALSO PRESENT

Karen Johnson
Ken Clark
Todd Anderson
Lorie Skeem
Jeff Christensen
Dean Draper
Steven Pratt

Deputy Recorder
Assistant Public Works Director
City Attorney
Delta Area Chamber of Commerce
Delta Area Chamber of Commerce
Millard County Chronicle/Progress
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 on the Utah Public Meeting 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 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 Regular City Council Meeting held October 20, 2011 were presented for consideration and approval. Council Member Betty Jo Western noted that the name "Viveiros" was spelled different in one place than it was in another and requested that the spelling be corrected. Following review, Council Member Robert Banks MOVED to approve the minutes of the Regular City Council Meeting held October 20, 2011, as corrected. 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 with Council Members Robert Banks, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been provided to them at least two days prior to the meeting. Following review, Council Member Bruce Curtis MOVED to approve the accounts payable, dated November 3, 2011, in the amount of \$95,209.18. 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, Tom Stephenson, and Betty Jo Western voting in favor.

PUBLIC COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

There were no matters of unfinished business on the agenda.

NEW BUSINESS

JEFF CHRISTENSEN, DELTA AREA CHAMBER OF COMMERCE: ITINERANT MERCHANTS

Mr. Christensen advised Council Members that he had received a telephone call from a local merchant who was unhappy with the fees being paid by itinerant merchants who are undercutting the prices charged for items similar to those sold by the local merchant. He was also concerned that the tax base for the out-of-town merchants would not stay in our area. The Chamber of Commerce is currently sponsoring a program to promote the shop at home idea in order to keep sales taxes coming into the local area. Mr. Christensen noted several issues he has thought of pertaining to this matter. One issue is that, on one hand, we want to discourage outside vendors from coming in to compete with local vendors but, on the other hand, these outside vendors are paying a local business for use of their parking area, thus providing an additional revenue source for the local business.

Mr. Christensen wanted to come before the Council to report the concern that is being voiced by some of our local businesses and, as president of the Chamber of Commerce, he felt that it is important to represent local businesses and let the Council know about their concerns. Some businesses felt that our itinerant merchant fee of \$50 per day is a little low. The Chamber of Commerce did some preliminary research and found fees in other areas being charged anywhere from \$25 to \$125 per day for itinerant merchants. Mr. Christensen said the recommendation of the

Chamber of Commerce would be that we charge itinerant merchants \$100 to \$150 per day, and that the weekly fee be set at \$175 to \$250 per day.

City Attorney Todd Anderson noted that the ancillary purpose of fees can be to protect local businesses but we cannot put an unreasonable restraint on these itinerant merchants. We can regulate them but we have to be reasonable in our regulation and stay away from “arbitrary and capricious” regulation. If we check with other cities and determine what they are doing and we can show that other cities are doing the same thing, we have a better legal argument to support our fees. Council Member Tom Stephenson asked if we get any sales tax from itinerant merchants. City Attorney Anderson stated that, realistically, most of the sales are cash and even if we attempt to collect sales taxes through a special events tax license, it is not likely we will receive any sales tax. Council Member Stephenson felt that, because these vendors are hurting local business, we should make the licensing fee enough to make it worth our while to issue a license. Council Members discussed the quality of merchandise sold by itinerant merchants and the fact that we need to help our local businesses in any way we can.

Mr. Christensen felt that, although we do not want to attempt to keep itinerant merchants from coming here, we need to make ourselves a place where they can come but not make ourselves a target location with no barriers to entry. We need to have a reasonable, fair and competitive fee but it should be on the higher end of reasonable fees so our local businesses do not feel that we are undermining them. We can provide a free market for itinerant merchants where they can charge what they want to charge without hampering local businesses.

Mayor Bunker suggested that we take time to do some investigation to determine whether we need to change licensing fees for itinerant merchants.

MAYOR GAYLE BUNKER: FINAL REVIEW OF PROPOSED ZONING ORDINANCE

Mayor Bunker, Council Members and City Attorney Todd Anderson reviewed a red-line version of the proposed new zoning ordinance which included comments from Zoning Officer Alan Riding. They reviewed the draft page by page from page one through page 71. City Attorney Anderson explained all notes and comments inserted on the draft and requested Council Member comments. The remaining pages will be reviewed at a later meeting.

MAYOR GAYLE BUNKER: NEW YEARS EVE CELEBRATION

Mayor Bunker asked how arrangements for the New Years Eve celebration are coming along. Council Member Betty Jo Western stated that she has learned we will not be able to get into the Palladium to set up until Saturday morning, December 31st. We have also received permission to use the old gym and the Palladium, as we have in the past. Marva Jean Anderson will handle the “Deal or No Deal” game again. We have received commitments from all of the scheduled entertainment and the inflatable provider has agreed to provide the inflatable devices for the same price as last year.

Jason Hewlett has offered to do his show for \$4,000, with a 50% down payment. We will make the down payment next week.

Mayor Bunker will send out letters to businesses again this year to see if we can get some donations toward the celebration. Council Member Bruce Curtis verified that Fire Chief Lynn Ashby will take care of getting the fireworks ready.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Riding was ill and unable to attend the meeting. Assistant Public Works Director Ken Clark reported that public works employees have been working on preparing for Christmas. They have already hung the pole decorations and are working on wiring and placing decorations in the park. City clean up will be Friday and Saturday, November 4th and 5th. If they are unable to get everything picked up, they will complete pick up as soon as possible. Public works employees have also been rewiring the large hangar at the airport. Asphalt work is done for this year and the water feature (splash pad) for the park is almost ready to be shipped to us.

Council Member Betty Jo Western reported that numerous people are running the stop sign on 200 North near the Delta Technical Center. She wondered what can be done to call attention to the sign on that corner. Assistant Public Works Director Ken Clark will discuss the problem with Millard County Sheriff Dept. to see if they can patrol the area more heavily to help with the problem.

OTHER BUSINESS

Mayor Bunker advised Council Members that we will hold a Board of Adjustment meeting at 6:30 p.m. on Thursday, November 17, 2011 to hear a request for variance.

Mayor Bunker noted that we are currently receiving applications for the City Treasurer position. Council Members will conduct applicant interviews on Thursday, November 17th, following the Board of Adjustment meeting.

Mayor Bunker stated that Greg is doing well and is now able to sit up for short periods of time.

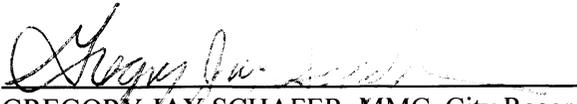
Council Member Betty Jo Western advised the Council that she has enlisted the help of a couple of Sterling Scholars from the high school to assist with entertainment at the Fair Building during the Light Parade celebration.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Tom Stephenson 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, Tom Stephenson and Betty Jo Western voting in favor.

Mayor Bunker declared the meeting adjourned at 9:02 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 11-17-11