

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
DECEMBER 1, 2011

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

Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Karen Johnson	Deputy City Recorder
Todd Anderson	City Attorney
Steven Pratt	City Resident
Dean Draper	Millard County Chronicle/Progress
Scott Johnson	Sherwood Water Company
Peggy Bryner	
Breanne Johnson	
Robert Worley	Sunrise Engineering
Mark Kunz	City Resident
Vance & Annette Bishop	City Residents

Mayor Bunker called the meeting to Order at 7:00 p.m. He stated that notice of the time, place and agenda for the meeting had been posted in the City Building and on the Utah Public Meeting Notice website 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 Robert Banks 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 17, 2011, were presented for consideration and approval. Following review, Council Member Bruce Curtis MOVED to adopt

the minutes of the Regular City Council Meeting held November 17, 2011, as presented. 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 and no one voting against.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them at least two days prior to the meeting. Following review, Council Member Betty Jo Western MOVED to approve the accounts payable dated December 1, 2011, in the amount of \$44,336.93. 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 and no one voting against.

PUBLIC COMMENT PERIOD

Mayor Bunker noted that, during the past ten days, two former Delta City governmental leaders have passed away. Leland Roper was a former Mayor and Glen Swalberg was a former three term Council Member. Mayor Bunker stated that we appreciate the time and contributions they gave to Delta City and express our condolences to their families.

BUSINESS

ROBERT WORLEY, SUNRISE ENGINEERING: REQUEST FOR WATER CONNECTION AGREEMENT BETWEEN SHERWOOD WATER COMPANY AND DELTA CITY

Mayor Bunker advised Mr. Worley that we received a copy of the proposed contract between Delta City and Sherwood Water Co. but did not provide copies for Council Members because details need to be worked out prior to discussing approval of the agreement.

Mr. Worley advised Council Members that Sherwood Water Company had talked to Delta City about purchasing water from the Delta City water system. Since that time, Sherwood Water Company has approached the Division of Drinking Water and received a funding package to install a water line to connect to the Sherwood Water system to the Delta City system. At this point, Sherwood Water is requesting approval of their proposal to connect to the Delta City water system. If Council Members are in favor of the proposal, a time can be set to review and work out details of the agreement between the two entities. One of the conditions for providing the funding package is that the Division of Drinking Water is requiring a long term agreement to put water into the pipeline. The Sherwood Water Company attorney has drafted an agreement, which was forwarded to the Delta City Attorney today.

Mr. Worley and other officers of Sherwood Water Company met with Public Works Director Alan Riding and Assistant Public Works Director Ken Clark a few weeks ago to get ideas on how to construct the system. It was determined that a meter will be installed, with Delta City owning and maintaining all water lines on the Delta City side of the meter and Sherwood Water Co. will own and maintain all lines on their side of meter. The Division of Drinking Water has specified that an eight inch line be installed but Public Works Director Riding and Assistant Public Works Director Clark felt that, if a water line is going to be constructed, it should be upgraded to a twelve inch line, with Delta City paying the increased cost of upgrading from an eight inch line to a twelve inch line. We also need to determine the cost of water for use by Sherwood Water Co. Another point to be discussed is transfer of sufficient water rights or purchase of water to supply Sherwood Water Co.

Mayor Bunker advised Council Members that we want to be of assistance to Sherwood Water Company because we understand the situation they are in. We have facilities that would handle and provide water to Sherwood Water Company but, in the event of water shortage, state law requires that we give priority to Delta City residents. Mayor Bunker felt that if Sherwood Water were to provide water shares to the Delta City system, they would be regarded as all other city residents.

Mayor Bunker asked Council Members if they were in agreement with providing water to Sherwood Water Company if we can work out an agreement. City Attorney Todd Anderson asked if Council Members were in agreement with amending the ordinance requiring double rates for providing water outside Delta City limits. Mayor Bunker noted that, inasmuch as Delta City is just pumping the water for Sherwood Water Company, we may be able to amend the ordinance to allow sale of water to their system. Council Members were in agreement with providing water for Sherwood Water Company if we can come to an agreement on details.

Sherwood Water Company representatives will meet with Mayor Bunker and Delta City Public Works officials on Wednesday, December 7th to work on details of the agreement. Mayor Bunker invited any Council Members who are available at that time to also attend the meeting.

MAYOR GAYLE BUNKER: APPROVAL FOR HIRING REPLACEMENT FOR RETIRING CITY TREASURER

Mayor Bunker requested approval of Council Members to hire Jody Tasker Thomas to replace retiring City Treasurer Judy Sabey. Mrs. Thomas is currently the City Treasurer in Santaquin and wants to return to Delta where she grew up. If approved by Council Members, we will ask her to begin working on December 27, 2011.

Council Member Robert Banks MOVED to approve the hiring of Jody Tasker Thomas as City Treasurer beginning December 27, 2011. 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 and no one voting against.

MAYOR GAYLE BUNKER: REVIEW OF CHRISTMAS LIGHT PARADE CELEBRATION

Mayor Bunker asked if there were any comments regarding the Christmas Light Parade celebration. Council Member Betty Jo Western said she wished we had more floats for the parade because we had a lot of people come for the celebration. Mayor Bunker said we could have a great parade if a few more people would be participants rather than patrons for the parade. There was some discussion about the lack of businesses participating in the parade and the limited time businesses have to prepare a float at that time of year. Council Member Tom Stephenson felt that everything went well with the celebration and the number of people who attended events at the Fair Building after the parade.

MAYOR GAYLE BUNKER: PREPARATIONS FOR NEW YEARS EVE CELEBRATION

Mayor Bunker asked if there were any loose ends to tie up or the celebration. Council Member Betty Jo Western stated that we need to begin advertising. She will get some information to the City Office next week so we can make flyers and get advertising in the local newspaper. Council Member Western asked if we want to do our own posters or if we want to purchase some already made. She has found that we can get 50 nice posters for \$120 - 150. Mayor Bunker felt that the ones we are doing in-house are adequate to get the message out. Mayor Bunker reminded Council Members that we need help setting up on Saturday morning, December 31st, beginning at 8:00 a.m. We will have children's games from 6:00 to 7:30 p.m. in the old gym; the inflatable devices from 6:00 to 11:00 in the old gym; Vocalocity will entertain from 7:00 to 8:00 p.m. in the Palladium; Jason Hewlett from 8:15 to 9:30 p.m. and Black Tie Affair from 9:45 until closing. We can begin Deal or No Deal at 9:30, so that everyone can listen to the Jason Hewlett entertainment.

We will also need help cleaning the Palladium and the old gym but Council Member Western will make certain what time we need to clean up.

CITY ATTORNEY TODD ANDERSON: FEE FOR VIOLATION OF ORDINANCE 11-251 (PROHIBITING OVERNIGHT PARKING ON STREETS TO PROVIDE FOR EFFECTIVE SNOW REMOVAL)

City Attorney Todd Anderson advised Council Members that we have not designated a fee for violation of this ordinance so it will be treated as a Class C misdemeanor, which carries a fine of \$0 to over \$1,000. City Attorney Anderson felt that we should set a fee to give the court some guidance and limit the fees. City Attorney Anderson suggested that we have an unwritten policy that the first violation be a warning, the second violation have a fine of \$20 and the fine for any further violations be \$40. Officers have the ability to track whether a particular vehicle has previously been cited for the violation. Mayor Bunker felt those fees were reasonable and Council Members were also in

agreement.

Mark Kunz suggested that making this violation a Class C misdemeanor could result in people being denied employment because of a parking violation. Many employers deny employment for having a criminal record, with no differentiation for the type of violation. Mr. Kunz felt that we should make violation of this ordinance an infraction rather than a Class C misdemeanor. Mr. Kunz understood the need to have vehicles off the street to allow snow plows to do their job but people who happen to be out of town during a storm could end up with a Class C misdemeanor and a criminal record for a parking violation.

City Attorney Anderson agreed with Mr. Kunz that he had a valid concern and the only reason the ordinance was written as a Class C misdemeanor was because the existing ordinance had that classification. City Attorney Anderson said that we can readdress that issue and make violation an infraction, if Council Members are in agreement, because this is a valid concern. A Class C misdemeanor can involve jail time and a higher possible fine but reducing violation to an infraction will result in excluding the possibility of jail time and reduce the maximum fine to \$750.

City Attorney Anderson will redraft the ordinance to amend violation to an infraction and will redraft the fee schedule to include the fee for violation of the ordinance. Mayor Bunker thanked Mr. Kunz for his remarks.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director reported that Public Works employees have been working on putting up Christmas decorations and all are up and lighted. Mayor Bunker and Council Members expressed appreciation to Public Works employees for how nice the decorations look this year. Council Members thanked Public Works employees for the work they did on clean up days. Public Works Director Riding noted that they had again hauled fifty to sixty dump truck loads. This time of year, a large percentage of the refuse is tree limbs, grass clippings, leaves, etc.

MAYOR GAYLE BUNKER: REVIEW FINAL DRAFT OF PROPOSED DELTA CITY ZONING ORDINANCE

Planning & Zoning Commission Chairman Vance Bishop asked how close Council Members were to completing their review of the proposed ordinance and expressed concern that our land use plan allows small lots and narrow streets and asked if we could consider requiring larger lots, wider streets and requiring a minimum amount of off street parking for each residential lot. Mayor Bunker advised Mr. Bishop that we are considering requiring wider streets. Mayor Bunker also noted that a large problem is residents are parking their 4-wheelers, boats and recreational vehicles in their driveway and parking their cars on the street.

Council Members reviewed pages 72 through 90 of the proposed zoning ordinance and discussed

sidewalk and parking area requirements. Council Members will continue their review of the ordinance at a later meeting.

OTHER BUSINESS

Mayor Bunker advised Council Members that City Recorder Gregory Schafer has been back to work full time this week but Mayor Bunker elected to send him home rather than have him stay for the meetings this evening.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member John Niles MOVED to adjourn the meeting. 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 and no one voting against.

Mayor Bunker declared the meeting adjourned at 9:00 p.m.



GAYLE BUNKER, Mayor


GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 12-15-11