

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
DECEMBER 15, 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

None

ALSO PRESENT

Alan Riding	Public Works Director
Gregory Jay Schafer	City Recorder
Todd Anderson	City Attorney
Todd Holt	Todd E. Holt, CPA
Steven Pratt	City Resident/Council Member-Elect
Lynn Ashby	Fire Chief

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. City Recorder Gregory Jay Schafer acted as secretary.

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 Board of Adjustment Meeting held December 1, 2011, were presented for consideration and approval. Following review, Council Member Bruce Curtis MOVED to adopt the minutes of the Board of Adjustment Meeting held December 1, 2011, as presented. 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.

The proposed minutes of a Public Hearing held December 1, 2011, were presented for consideration and approval. Following review, Council Member Tom Stephenson MOVED to adopt the minutes of the Regular City Council Meeting held November 17, 2011, as presented. 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 with Council Members Robert Banks, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor and no one voting against.

The proposed minutes of a Regular City Council Meeting held December 1, 2011, were presented for consideration and approval. Council Member Betty Jo Western noted a misspelling of the name Mark Kunz. Following review, Council Member Robert Banks MOVED to adopt the minutes of the Regular City Council Meeting held December 1, 2011, 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 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 Bruce Curtis MOVED to approve the accounts payable dated December 15, 2011, in the amount of \$71,789.70. 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

There were no comments from the public.

UNFINISHED BUSINESS

CITY ATTORNEY TODD ANDERSON: ORDINANCE NO. 11-252 VACATION OF PUBLIC RIGHTS OF WAY LOCATED AT APPROXIMATELY 100 EAST 112 FEET NORTH OF MAIN STREET TO 100 NORTH STREET; 100 NORTH STREET FROM 50 EAST TO 100 EAST STREET; 400 NORTH STREET FROM 100 WEST STREET TO 100 EAST STREET; CENTER STREET FROM 300 NORTH TO 450 NORTH STREET

Mayor Bunker noted that a public hearing was held on December 1, 2011 for the purpose of receiving public comment regarding vacation of these rights of way with no negative comment being

received. City Attorney Todd Anderson presented the following ordinance:

ORDINANCE NO. 11-252
VACATION OF PUBLIC RIGHT OF WAYS LOCATED AT APPROXIMATELY 100 EAST
112 FEET NORTH OF MAIN STREET TO 100 NORTH STREET; 100 NORTH STREET
FROM 50 EAST TO 100 EAST STREET; 400 NORTH STREET FROM 100 WEST STREET
TO 100 EAST STREET; CENTER STREET FROM 300 NORTH TO 450 NORTH STREET

Following discussion, Council Member John Niles MOVED to adopt Ordinance No. 11-252 vacating public rights of way located at approximately 100 East Street from 112 feet north of Main Street to 100 North Street; 100 North Street from 50 East to 100 East Street; 400 North Street from 100 West Street to 100 East Street and Center Street from 300 North to 450 North Street. 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 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.

CITY ATTORNEY TODD ANDERSON: ORDINANCE NO. 11-253 AMENDING ORDINANCE NO. 11-251 (PROHIBITING PARKING ON STREETS TO PROVIDE FOR EFFECTIVE SNOW REMOVAL)

City Attorney Todd Anderson presented the following ordinance:

ORDINANCE NO. 11-253
CHANGING THE CRIMINAL CLASSIFICATION OF ORDINANCE PROHIBITING
PARKING ON CURBED OR GUTTERED STREETS DURING WINTER MONTHS

Mayor Bunker requested that the word "highways" in section B. be changed to "streets." City Attorney Anderson noted that, at the previous Council meeting, there was concern regarding the fact that when the ordinance was adopted, it classified violation of that ordinance as a Class "C" misdemeanor. The purposes for which the City is passing the current ordinance is to change the penalty from a Class "C" misdemeanor to an infraction, which includes a lower fine and no possibility of jail time. This ordinance amends the classification of the ordinance from a Class "C" misdemeanor to an infraction.

Following discussion, Council Member Robert Banks MOVED to adopt Ordinance No. 11-253 changing the criminal classification of the ordinance prohibiting parking on curbed or guttered streets

during winter months. 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 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.

NEW BUSINESS

CITY ATTORNEY TODD ANDERSON: RESOLUTION NO. 11-340 AMENDING THE DELTA CITY FEE SCHEDULE TO INCLUDE FEES FOR VIOLATION OF ORDINANCE NO. 11-251

City Attorney Anderson presented the following resolution for consideration:

RESOLUTION 11-340

A RESOLUTION OF THE COUNCIL OF THE CITY OF DELTA, STATE OF UTAH,
ESTABLISHING CERTAIN FEES IN A DELTA CITY CONSOLIDATED FEE SCHEDULE

City Attorney Anderson noted that the changes in the fee schedule appear on page 3, under Judicial Court, where he has inserted the language “(all fines are recommendations, subject to discretion of the Court and Utah State Law)” and included the recommended fees for parking violations. The language about recommendations, means this is a recommendation but the court has the discretion to vary from the recommended fees.

Council Member Western asked what our process will be for enforcement, such as when a resident receives the \$20 or \$40 fine for parking on the street during snow removal. City Attorney Anderson responded that his proposal is that we write a letter to the Millard County Sheriffs Department, asking that they first issue a warning on the vehicle. The warning would be tracked in the Sheriffs Department system so they will know when a particular vehicle has received a warning then, if that vehicle is parked on the street during snow removal a second time, the \$20 fee will be charged. We need to provide this information to the Sheriffs Department so they know how we want enforcement handled.

Following discussion, Council Member Robert Banks MOVED to adopt Resolution No. 11-340 establishing certain fees in a Delta City Consolidated Fee Schedule. 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 roll call vote. The vote was as follows:

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

The motion passed unanimously.

TODD HOLT, TODD E. HOLT, CPA: DELTA CITY AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2011

Todd Holt provided information regarding the Delta City audit for the fiscal year ending June 30, 2011. Mr. Holt advised Council Members that it has been a pleasure doing the audit; the staff has been very helpful and, other than the few findings which will be outlined, the Delta City finances are in order and the assets are being properly handled.

The audit for the fiscal year ending June 30, 2011 showed a couple of items which are not significant but, if there are no findings in the audit, the State Auditor believes the auditor is not doing a very good audit. The first finding there was an asset purchased but, rather than being recorded as a fixed asset, was recorded in an expense account. This was the purchase of the new telephone system. That finding has already been corrected. The other finding was the balance on the general obligation bond had not been reduced by the amount of the payment. This finding has also been corrected and Mr. Holt did not believe this would be a problem in the future.

Mr. Holt advised Council Members that all findings from the previous audit had been corrected and were not findings this year. This was, in part, due to preliminary work done on the fixed asset account during the year. There were no variances in deposits or checks which were tested, proving that all funds are being properly recorded and processed. A couple of management suggestions were made and those suggestions have already been implemented.

Following discussion, Council Member Robert Banks MOVED to accept the Delta City audit for the fiscal year ending June 30, 2011. 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, Tom Stephenson, and Betty Jo Western voting in favor and no one voting against.

MAYOR GAYLE BUNKER: APPOINTMENT OF BRUCE CURTIS TO SERVE AS REPRESENTATIVE FOR MILLARD COUNTY FIRE DISTRICT

Mayor Bunker noted that Bruce Curtis has been representing Delta City with the Millard County Fire District for a number of years. The agreement with the Fire District provides for each entity to appoint one member to the governing board. Mayor Bunker stated that he would like to appoint Bruce Curtis to continue serving on the governing board of Millard County Fire District as representative for Delta City. Council Member Curtis stated that he is presently serving as vice chairman of the board.

Council Member John Niles MOVED to appoint Bruce Curtis as the Delta City representative for Millard County Fire District, to serve from January 1, 2012 through December 31, 2015. 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, John Niles, Tom Stephenson, and Betty Jo Western voting in favor and Council Member Bruce Curtis abstaining.

Council Member Bruce Curtis said that, inasmuch as this will be his last Council Meeting, he would like to let everyone know he has really enjoyed serving on the Council for the last fourteen years and has learned a great deal about how the City operates. Council Member Curtis thanked Delta City citizens for allowing him to serve and said he will miss the opportunity but feels confident that his replacement will do a good job. Council Member Curtis expressed appreciation for all those he has served with as well as those who are employed by Delta City. Mayor Bunker expressed appreciation for the years of service Council Member Curtis has provided.

Delta City Fire Chief Lynn Ashby expressed appreciation of the Fire Department for the service Council Member Curtis has provided, both as a member of the Fire Department and as representative to the Millard County Fire District. Chief Ashby advised Council Members that Council Member Curtis has worked very hard to keep funding coming to our department.

Chief Ashby advised Council Members that a man has constructed fireworks bunkers along Highway 257, west of Delta. He has also purchased some Trojan explosive boxes for the bunkers. The man wants to do our New Years Eve fireworks because Delta is now the home base for his business. He said he will provide a \$4,000 fireworks show for \$1,000 on New Years Eve. The company would also like the opportunity to bid on our Fourth of July fireworks display.

MAYOR GAYLE BUNKER: NEW YEARS EVE CELEBRATION PREPARATIONS

Mayor Bunker asked Council Member Western for an update on when we could set up and clean up at the Palladium. Council Member Western said that we may be able to begin set up a little earlier than we had previously planned. Set up will be done on Saturday, December 31st. We will need to do our clean up on Tuesday morning, January 3rd. We will begin clean up at 7:30 a.m. on January 3rd and need as much assistance as we can get from Council Members.

Council Member Western stated that all entertainment and the inflatable devices are confirmed. Robert and Karen Banks will handle the children's games. Council Member Western reminded Council Members that we can tell people that Jason Hewlett is entertaining but we cannot use his name in our print ads.

MAYOR GAYLE BUNKER: DELTA COMMUNITY CENTER UPDATE

Mayor Bunker reported he had met with the Permanent Community Impact Fund Board (CIB) last Thursday and was awarded a grant, in the amount of \$535,000, and a thirty year zero interest loan, in the amount of \$215,000, for construction of the Delta Community Center. Mayor Bunker noted

we need to begin planning the building and requested Council Members review some drawings he provided showing possible layouts for the building. Some design and layout decisions need to be made in the near future if we want to begin construction next summer. Mayor Bunker would like to have decisions made by early February so that building plans can be prepared. Mayor Bunker anticipates having Delta City act as general contractor for the project and using local contractors, where possible, to construct the building.

Council Member Betty Jo Western stated that she has heard some citizens say the Main Street property proposed for construction of a community center should be used for a fire station or for retail business. Council Member Robert Banks noted that we need to have public buildings some place on Main Street and where the community center is proposed is as good a location as any other location. Mayor Bunker noted that using the property for public buildings is more fitting inasmuch as Great Basin Museum is now constructing their new building on adjacent property. Mayor Bunker also stated that there a number of places on Main Street available for retail business but, at this time, he is not aware of businesses looking for Main Street space.

Mayor Bunker would like to discuss plans for the community center at the next meeting and asked Council Members to be thinking about design and layout.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that Public Works employees have been working on changing lights in city buildings to energy efficient fixtures and lamps. They have repaired the ceiling in the Council Chambers so all leak stains are gone, but they still need to change out the lights above the Council chairs. Most of the library fixtures are completed, as well as all of the shop buildings. The new lamps are expected to use about one-quarter of the energy used by older lamps.

Public Works employees have also been hauling in road de-icer in preparation for winter.

Mayor Bunker asked Public Works Director Riding to inform Council Members about a business that is requesting a Conditional Use Permit to operate Reptile Rescue Service in the building on Highway 6 that is owned by Losee Lumber. The business owner, James Dix, is licensed to house these animals through the Department of Agriculture, as well as the Division of Wildlife Resources. They do not sell animals, only rescue service, rehabilitation and display for educational purposes. The business is being relocated from West Valley City because Utah Department of Transportation is constructing a road through the property. UDOT has two people assigned to assist in finding a place to relocate the business. They have applied with Salt Lake City, Salt Lake County, Tooele County and, now, Delta City. Apparently all locations are positive about providing a location for the business but all need to modify their ordinances or prepare regulations because they do not have regulations for this type business in place. Delta City Planning & Zoning heard the request for Conditional Use Permit at their last meeting. There was a great deal of discussion, which resulted in scheduling a second meeting on Tuesday, December 20th to further discuss conditions and regulations to apply to the business. Planning & Zoning Commission Members were mostly positive about trying to work with the business and will likely grant a conditional use permit with numerous

conditions and regulations applied.

City Attorney Anderson advised Council Members that he had spent some time researching and, ultimately, drafting a proposed conditional use permit for review by the Planning & Zoning Commission. He learned today that representatives of the business had spent all day yesterday looking for liability insurance but found that insurance was cost prohibitive. This was one of the regulations that had been proposed in the draft conditional use permit but was the only proposed condition or regulation that they had difficulty with. The Planning & Zoning Commission will need to make a policy decision as to whether or not to remove that requirement. Representatives of the business were in agreement with all other proposed conditions and regulations contained in the draft conditional use permit.

Public Works Director Riding noted that Mr. Dix is, apparently, the only person licensed to handle and house venomous snakes in Utah. He will house boa constrictors and several venomous snakes. The venomous snakes will be housed in a separate locked room to avoid the possibility of escape. He will also house turtles, foxes, coyotes, alligators and other animals. The animals will be displayed in a manner so that children can go through and see the animals and reptiles for educational purposes. Mr. Dix is like the exotic animal control officer for the whole state and will travel around the state to pick up animals for law enforcement and animal control agencies. There will be a caretaker on site twenty-four hours per day, seven days per week. The Planning & Zoning Commission will meet again on Tuesday, December 20th to further discuss the matter.

Mayor Bunker requested that Public Works Director Riding advise Council Members about the meeting held with Sherwood Water Company. Public Works Director Riding stated that Sherwood Water Co. is still working on determining the route for their water line and obtaining rights of way for the line. The Division of Drinking Water is requiring that Sherwood Water Company install an eight inch water line and Delta City would like them to install a twelve inch line. Delta City is agreeable to paying the cost of increasing the line size from eight inch to twelve inch so that, in the event of future annexation, we will have an adequate supply line available. It is felt this is a good use of resources because the cost of excavation, to put the pipe in the ground, is already being paid by Sherwood Water Company. We are currently waiting to hear which route Sherwood Water plans to use to connect to the Delta City water system.

OTHER BUSINESS

Mayor Bunker advised Council Members that a letter has been mailed to Bob and Patty Viveiros advising them of the denial of their request for variance. Mr. Viveiros indicated he understood the situation and accepted the result of the Board of Adjustment decision. He said he would have the carport removed by April 1st.

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Mayor Bunker stated that, under Utah law, newly elected members of the City Council are to be sworn in on the first Monday after January 1st or as soon thereafter as possible. The first Monday of

January, 2012 is a legal holiday so we will be swearing in Council Members, Robert Banks, John Niles and Steven Pratt, on Thursday, January 5th at 6:30 p.m. City Council meeting will follow at 7:00 p.m.

City Attorney Todd Anderson advised Council Members that he had taken the liberty of informally speaking with a Mr. Bennett, who is the Millard County Public Defender, to see if he would be interested in acting as the Board of Adjustment for Delta City, in the event the Council wanted to appoint the responsibility for variance hearings. It was very informal but, if the Council is interested in having him act as the Board of Adjustment, City Attorney Anderson will prepare a proposal regarding cost associated with using him as the Board of Adjustment. No decision was made at this time.

Mayor Bunker wished everyone a Merry Christmas and reminded everyone that we need their help with the New Years Eve celebration.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, he called for a vote. Council Member Robert Banks 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 8:44 p.m.



GAYLE BUNKER, Mayor



Gregory Jay Schafer, MMC, City Recorder

MINUTES APPROVED: RCCM 01-05-12