

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
OCTOBER 4, 2012

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
John Niles	Council Member
Steven Pratt	Council Member
Betty Jo Western	Council Member

ABSENT

Tom Stephenson	Council Member
----------------	----------------

ALSO PRESENT

Gregory Jay Schafer	City Recorder
Alan Riding	Public Works Director
Todd Anderson	City Attorney
Dean Draper	Millard County Chronicle/Progress
Shane Crapo	Boy Scout Leader
Kyle Crapo	Boy Scout
Aiden Gamble	Boy Scout

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place and agenda of the meeting had been posted at the City Building and on the Utah Public 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 Steven Pratt 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 on September 20, 2012 were presented for consideration and approval. Following review, Council Member Robert Banks MOVED to approve the minutes of the Regular City Council Meeting held September 20, 2012, as presented. 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, John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Member Tom Stephenson being absent.

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 Robert Banks MOVED to approve the accounts payable, dated October 4, 2012, in the amount of \$44,851.55. The motion was SECONDED by Council Member Steven Pratt. 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, Steven Pratt and Betty Jo Western voting in favor and Council Member Tom Stephenson being absent.

PUBLIC COMMENT PERIOD

There were no comments from the public.

BUSINESS

COUNCIL MEMBER ROBERT BANKS: APPOINTMENT OF TWO MEMBERS TO LIBRARY BOARD

Council Member Robert Banks MOVED to appoint Jody Davis to fill a four year term on the Library Board and to re-appoint Tammy Bean to serve for an additional four year term. 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, John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Member Tom Stephenson being absent.

MAYOR GAYLE BUNKER: DELTA CITY PURCHASING POLICY

Mayor Bunker noted that Council Members had received a copy of the current purchasing policy and stated he would like to amend the policy to allow some preferential treatment for local vendors when we are making purchases. The current policy requires that we accept the lowest bid. Mayor Bunker asked City Attorney Todd Anderson if we could incorporate language allowing acceptance of a local bid where it is within five or ten percent of the lowest bid.

Mayor Bunker did not expect a decision at this time but wanted Council Members to discuss the idea. City Attorney Anderson replied that he agreed with the intent and goal but, the research he has done indicates that problems arise when someone submits the low bid and they are not chosen due to a clause that provides preferential treatment for local bidders. City Attorney Anderson's advice was that this type of clause always has a potential of problems and, if Council Members determine they want to provide this preference, the language must be very specific as to how and why we can defer from the lowest bid policy. State law general policy is that the lowest bid be accepted so we need to be very specific as to why we would not choose the lowest bidder. His suggestion would be

incorporating a specific percentage difference due to the fact that funds would be recycled locally.

City Attorney Anderson noted that complaints from a low bidder who is not chosen carry potential litigation and liability, while complaints from a local vendor who was not chosen has no recourse if we accepted the low bid. Mayor Bunker asked if we could do selective bidding; i.e., allowing only local contractors to bid. City Attorney Anderson advised that we cannot limit who can provide bids.

Mayor Bunker requested that Council Members think about whether we want to amend our purchasing policy and it will be discussed further at a future meeting. City Attorney Anderson will research language that could be used if Council Members decide to amend the current purchasing policy. Council Members also discussed what area would be included in the term "local vendor." It was determined that "local vendor" could include those having their principal place of business located within the Delta area.

Council Member Betty Jo Western MOVED to explore the option to amend the Delta City Purchasing Policy to be able to give some preference to local businesses. 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, John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Member Tom Stephenson being absent.

CITY ATTORNEY TODD ANDERSON: RESOLUTION 12-351 APPROVING SUBSTITUTION OF CASH DEPOSIT FOR DEED OF TRUST ON PAHVANT BUTTE ESTATES SUBDIVISION IMPROVEMENTS

City Attorney Todd Anderson introduced the following resolution:

RESOLUTION NO. 12-351

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, STATE OF UTAH,
APPROVING THE SUBSTITUTION OF A TRUST DEED ON REAL PROPERTY FOR
CASH THAT WAS PREVIOUSLY DEPOSITED WITH THE MUNICIPALITY TO
GUARANTEE IMPROVEMENTS TO BE DEDICATED TO DELTA CITY

Mayor Bunker noted that this resolution allows the subdivider to provide a trust deed on a building lot to replace the remaining approximately \$15,000 balance of funds on deposit with Delta City for the purpose of providing a warranty on the improvements for one year after completion of the project. The improved lot is valued at more than double the amount of funds remaining on deposit.

Following discussion, Council Member John Niles MOVED to adopt Resolution No. 12-351, a resolution of the City Council of the City of Delta, State of Utah, approving the substitution of a trust deed on real property for cash that was previously deposited with the municipality to guarantee

improvements to be dedicated to Delta City. 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 roll call vote. The vote was as follows:

Robert Banks	Yes
John Niles	Yes
Steven Pratt	Yes
Tom Stephenson	Absent
Betty Jo Western	Yes

The motion passed.

Council Member Robert Banks MOVED to adjourn City Council Meeting to Convene as the Local Building Authority of Delta City. City Council Meeting was adjourned at 7:42 p.m.

Following completion of the Local Building Authority Meeting, City Council Meeting reconvened at 7:48 p.m.

MAYOR GAYLE BUNKER: RENTAL OF CITY FACILITIES TO PRIVATE ENTERPRISES

Mayor Bunker advised Council Members that this subject came up when we were approached by Barney Trucking requesting approval to use the City Building to hold monthly driver training meetings. We have not previously rented the facility, although Intermountain Power Agency has used the facility several times to conduct contract negotiations and we have allowed attorneys to conduct depositions in the building. There have been no fees charged for these uses. Mayor Bunker asked Council Members if we wanted to charge for use of the City Building and if we wanted to allow private industry, such as Barney Trucking, to use the facility for meetings. If allowed, Barney Trucking would be using the building on the last Tuesday of each month, from 9:00 a.m. to 5:00 p.m.

Council Members discussed whether to allow use of the facility and, if approved, what fees should be charged for use of the City Council Chamber. City Attorney Anderson felt that we need to develop a policy of who would and would not be charged for use of the Council Chamber and setting the fee for use of the facility. Mayor Bunker declared that we will begin work on a policy for renting City facilities to private enterprise and advise Barney Trucking of what the fee will be to use the facility at the end of October.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding advised Council Members that public works employees have been doing some asphalt repairs and repairing the collapsed sewer main line. The sewer line required a bypass during the time of repair and the project has been completed. It is hoped we can repair the asphalt at the site of the sewer repair this coming week. The concrete patch at the airport has been

removed so we can relocate the jet fuel dispenser to the pump island and install the new card reader. The pipe has been placed in the ground and we hope to get the asphalt patched next week. This work will result in both dispensers being out on the fuel island adjacent to the card reader.

Council Member Betty Jo Western asked if the pile of debris at the dump site had been burned or if it is still growing. Public Works Director Riding stated they are waiting for less hazardous fire conditions and a sustained southerly breeze before burning the pile.

Council Member Western asked when the fall clean up will be. Public Works Director Riding advised Council Members that we have scheduled clean up on November 2nd and 3rd. We normally attempt to do the fall clean up the first weekend of November. Notice has been placed on utility bills and will be advertised in the local newspaper for the next two weeks.

Council Member Western asked when the park restrooms will be closed for the winter. Public Works Director Riding said they would remain open until approximately November 1st when we clear park water lines for the winter. The splash pad will be winterized at the same time.

OTHER BUSINESS

Mayor Bunker asked Council Members if we want to address the issue of providing restroom facilities for businesses such as the snow cone shacks, hot dog carts, etc. We have a proposed new business, a drive-thru coffee service, opening up that brought this question to our attention. Employees at these businesses need access to restroom facilities. Mayor Bunker asked Council Members to think about this question and it will be discussed at a future meeting. He also mentioned that we require portable restroom facilities at construction sites to avoid placing a burden on surrounding businesses.

Mayor Bunker advised Council Members that Rocky Mountain Power will be introducing their new mascot, Slim the Lineman, at Delta Elementary School next Tuesday morning at about 9:30 a.m. They would like to take a photo of their mascot at some historical place in Delta. Mayor Bunker asked for assistance of Council Members to think of a location for the photo shoot. Council Members suggested several possible locations.

Council Member John Niles noticed that Reptile Rescue Service is open and asked if they were authorized to be open. Mayor Bunker answered that they are allowed to be open by appointment but not to the general public. We received a telephone call from Millard County Tourism today who requested permission to have a group go to Reptile Rescue Service and look at the animals. They were given permission to call and make an appointment for a visit. Mr. Dix has advised Public

Works Director Riding that he is going to accept donations rather than charging admission.

Council Member Niles said he had been advised that someone is filling a water truck from a hydrant without a meter near 750 North and 100 West. Assistant Public Works Director Ken Clark remarked that arrangements had been made for the person to count loads of water because we do not have a hydrant meter available for use at this time. We currently have three companies using hydrant meters. If there is an established company that has a five thousand gallon tank and has purchased water from us previously, we will allow them to fill the tank and keep track of the number of loads they use.

Council Member Niles was also asked about the cows being pastured at 350 East and 750 North. Assistant Public Works Director Clark noted that the property is zoned for agricultural use. Council Member Niles said a person who normally walks on the canal along 750 North in the evenings has been unable to do so because there are gates and an electric fence blocking access to the canal. City Attorney Anderson advised that the gates were a joint effort between the canal company and the property owner to block access to the canal in order to limit liability for the canal company.

Council Member Western expressed concern about holding the New Years Eve celebration at the Palladium, with all the construction going on in that area. Mayor Bunker said that we will hold the celebration at the Palladium, even with the construction and parking restrictions. Council Member Western reported she had talked with Shawn Rapier, a family friendly comic, and the band, Local Grown, about entertaining for New Years Eve. The cost for both of these acts would be approximately \$5,000. Both acts are willing to come to Delta on New Years Eve but we need to book them right away because they have other requests for that evening. Mayor Bunker advised that we have received a \$1,000 donation from Rocky Mountain Power to help pay for the New Years Eve celebration. Council Members were in agreement with booking Shawn Rapier and Local Grown for New Years Eve entertainment and to begin the entertainment at 8:00 p.m.

Council Member Western remarked that she had attended a meeting of Community First, the local after-school program. The average attendance at Community First has increased from seventeen to thirty students and they are seeking additional grant funds to upgrade their computer lab. Five students were sent to a conference to learn drug awareness; these students will be presenting an assembly at the high school about the information gained at the conference. There has been a recent survey released showing that Delta City has been designated as the most obese city in the Six County area. They have a counselor who works with students on parent/student relationships and is a great

resource for the community. To date, Community First has facilitated 192 students at their center. Community First is doing great things for area children and they have a wonderful staff. Community First expressed appreciation to Delta City for their support. City Attorney Anderson advised Council Members that there is a minor potential for conflict of interest in that his law partner and wife, Jessica Anderson, is legal counsel for Community First.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Betty Jo Western MOVED to adjourn the meeting. The motion was SECONDED by Council Member Steven Pratt. 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, Steven Pratt and Betty Jo Western voting in favor and Council Member Tom Stephenson being absent.

Mayor Bunker declared the meeting adjourned at 8:34 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 10-18-12