

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
MARCH 7, 2013

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
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ALSO PRESENT

Gregory Jay Schafer	City Recorder
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Todd Anderson	City Attorney
Tom Herbert	Airport Advisory Board
Robert Worley	Sunrise Engineering
Jim Pierson	City Resident
Dean Draper	Millard County Chronicle/Progress

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, on the Utah Public Notice website, the Delta City 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 Public Hearing held February 21, 2013 were presented for consideration and approval. Following discussion, Council Member Steven Pratt MOVED to adopt the minutes of the Public Hearing held February 21, 2013, as presented. The motion was SECONDED by Council Member Betty Jo Western. 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.

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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 discussion, Council Member John Niles MOVED to approve the accounts payable, dated March 7, 2013, in the amount of \$42,167.84. 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.

PUBLIC COMMENT PERIOD

There were no comments from the public.

BUSINESS

DONALD BROWN, HINCKLEY LIONS CLUB: FOURTH OF JULY DEMOLITION DERBY

Mayor Bunker suggested we support the Hinckley Lions Club Demolition Derby request for funding in the amount of \$1,000. Council Member Steven Pratt stated that he had spent some time becoming more educated about demolition derbies and felt the Hinckley Lions Club is an outstanding organization that does great things for the community but also felt that, if the demolition derby has been run poorly, they need to figure out what the problem is and fix it, rather than Delta City being expected to donate funds to support the fund raising efforts of Hinckley Lions Club every year. Council Member Pratt felt that the demolition derby has supported itself in the past and, with some reorganization, should be able to support itself in the future. Council Member Betty Jo Western questioned whether additional prize money would attract more drivers and cars to compete in the demolition derby. Council Members did not want to be expected to provide funding toward prize money every year in the future.

TOM HERBERT, DELTA MUNICIPAL AIRPORT ADVISORY BOARD: AIRPORT PROMOTIONAL TRIP

Mayor Bunker suggested we spend the \$4,000 required to send two airplanes and four individuals to the Oshkosh, Wisconsin air show for the purpose of promoting Delta Municipal Airport.

Following discussion, Council Member Robert Banks MOVED to approve expenditure of \$4,000 to send two airplanes and four individuals to the Oshkosh, Wisconsin air show for the purpose of promoting Delta Municipal Airport. 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.

MAYOR GAYLE BUNKER: AWARD OF SHERWOOD SHORES WATER PROJECT CONTRACTS

Mayor Bunker requested that Robert Worley, of Sunrise Engineering, review bids received for the Sherwood Shores Water Project. Mr. Worley reported that bids had been opened on Monday, March 4th. A total of sixteen contractors bid on the project and only one was local. It was predetermined that we would break the project into three phases; Schedule A, Schedule B and Schedule C, in an effort to make it more feasible for local contractors to bid on the job. The low bid for Schedule A, which is installing pipe from the Delta City water line to the east side of Gunnison Bed Reservoir, is Johansen Construction, with a bid of \$237,830.68. The low bid for Schedule B, which involves boring under the reservoir, was Barton Excavating, with a bid of \$351,570.25. The low bid for Schedule C, which includes all water line work to be done within Sherwood Shores Subdivision, was Vancon, Inc., with a bid of \$508,260.00. The bids resulted in being under budget and providing a healthy contingency fund for the project. There was discussion regarding giving priority to local vendors. City Attorney Anderson advised Council Members that the funding for this project is coming from the State of Utah, therefore, we are required to accept the lowest bid. In addition, the recent amendment to our purchasing policy, which provides an option for priority to local vendors, was not adopted until after the bid package on this project was sent out, thus the notice required in the purchasing policy was not included in the bid packet and bidders did not have notice of the local priority policy. Therefore, we need to follow the state purchasing policy, which requires that we accept the lowest bid, unless there is compelling reason not to do so.

Following discussion, Council Member Steven Pratt MOVED to approve awarding the low bids for the Sherwood Shores Water Project; i.e., Schedule A: Johansen Construction, \$237,830.68; Schedule B: Barton Excavating, \$351,570.25; and Schedule C: Vancon, Inc., \$508,260.00, contingent upon the contractors meeting all state water board requirements, obtaining financing approval, obtaining an easement from Millard County and providing a hold harmless agreement on the Millard County easement. 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, and Steven Pratt voting in favor, Council Member Betty Jo Western voting against based on awarding a contract to Johansen Construction with only a \$10,000 difference from the bid of a local bidder, and Council Member Tom Stephenson being absent.

MAYOR GAYLE BUNKER: RESOLUTION NO. 13-358: A RESOLUTION AMENDING RESOLUTION 12-348 AND THE BUDGET ADOPTED THERE BY TO PROVIDE FOR AMENDMENTS TO THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2013

Mayor Bunker introduced the following resolution:

RESOLUTION NO. 13-358

A RESOLUTION AMENDING RESOLUTION 12-348 AND THE BUDGET ADOPTED THEREBY TO PROVIDE FOR AMENDMENTS TO THE FISCAL YEAR 2012-2013 BUDGET OF THE CITY OF DELTA, UTAH

Mayor Bunker asked for any comments on the proposed amended budget. The major change to the budget is inclusion of the Sherwood Water Project and Community Center Project. Also included in the proposed amended budget are typical year end adjustments.

Following discussion, Council Member Robert Banks MOVED to adopt Resolution No. 12-358, a resolution amending resolution 12-348 and the budget adopted thereby to provide for amendments to the fiscal year 2012-2013 budget of the City of Delta, Utah. 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 roll call vote. The vote was as follows:

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

MAYOR GAYLE BUNKER: ACTION TO BE TAKEN FOR EXPIRATION OF REPTILE RESCUE SERVICE CONDITIONAL USE PERMIT

Mayor Bunker advised Council Members that the conditional use permit for Reptile Rescue Service expired at the end of December and Mr. Dix stated he would be moved out by the end of January, 2013. As of this date, it does not appear he has moved and he has made no attempt to obtain a renewal of the conditional use permit. City Attorney Anderson asked for Council guidance as to how to handle the situation. Council Member Steven Pratt noted that Mr. Dix has not paid the rent and the landlord has sought legal assistance to evict Reptile Rescue Service from the building. An eviction notice was served approximately ten days ago. City Attorney Anderson stated he had advised the landlord that, if the landlord ended up with all the animals in the building, Delta City would not be pursuing charges against him for being in violation of City Ordinances but would be attempting to assist in resolving the problem.

City Attorney advised Council Members that we can obtain a court ordered injunction, a long and drawn out procedure, but we could have the Sheriff physically stop the violation of city code. The other option would be to charge Mr. Dix with a misdemeanor for every day he is in violation of city code. The procedure would be through the City Justice Court and would hold Mr, Dix liable but, ultimately, we will not collect any funds and he will not pay any fines. The question is what avenue we want to follow to get him out and how much we want to spend to do so. Currently, Mr. Dix is bragging that what he is doing is only a misdemeanor and the City can do nothing about it. City Attorney Anderson wanted to know which direction he should take in an effort to eradicate the problem. Council Members felt that City Attorney Anderson should pursue the matter through civil action.

MAYOR GAYLE BUNKER: TRANSFER OF BUSINESS LICENSE

Mayor Bunker noted that Kousins Floral is being taken over by Deb Hillner. Kousins Floral renewed their license for 2013 and they would like to transfer the license rather than obtain a new license and pay another annual fee.

Following discussion, Council Member John Niles MOVED to approve transfer of the Kousins Floral business license from Marilyn Blanch to Deb Hillner, inasmuch as they are doing the same business in the same location that was previously licensed. 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.

ASSISTANT PUBLIC WORKS DIRECTOR KEN CLARK: UPDATE ON PUBLIC WORKS PROJECTS

Assistant Public Works Director Ken Clark noted that Public Works Director Alan Riding had been in attendance for a short time this evening. He has been increasing his work hours and currently works seven or eight hours each day, until his back begins getting stiff and he needs to lie down and rest.

Assistant Public Works Director Clark stated that public works employees have cleaned up all the dead leaves around the building and are preparing the park for the spring growing season. Now that the snow has melted and the weather is moderating, public works employees will begin their spring and summer water, sewer and storm drain projects.

Assistant Public Works Director Clark advised Council Members that the Fire Department would like to remove the non-working sign in their parking lot on Main Street and replace it with a flag pole and a planter, in an effort to improve that corner of Main Street. The sign does not work and the cost to repair it is more than the cost of a new sign so the Fire Department would like to replace

it. No direction was given by Council Members at this time.

OTHER BUSINESS

Mayor Bunker reminded Council Members that Easter falls on March 31st this year so our Easter Egg Hunt will be held on Saturday, March 30th. Mayor Bunker requested Council assistance to oversee the egg hunt. Council Member Robert Banks volunteered to take care of the Easter Egg Hunt.

Mayor Bunker provided an agenda for the Six County Leadership Summit. Council Members are invited to attend the summit, which is being held on April 3rd in Richfield.

Mayor Bunker reminded Council Members that the Utah League of Cities and Towns conference will be held in St. George on April 11th and 12th. Council Members who plan to attend need to advise City Recorder Gregory Schafer by Monday, March 11th.

City Recorder Schafer asked Council Member Western if she had any ideas of somewhere we can rent the inflatable slide and obstacle course for the Fourth of July celebration. Council Member Western will gather some contact information.

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 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.

Mayor Bunker declared the meeting adjourned at 8:42 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 030-21-13