

CITY OF DELTA, UTAH
SPECIAL CITY COUNCIL MEETING
JANUARY 22, 2009

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
Kiley Chase	Council Member
Bruce Curtis	Council Member
John Niles	Council Member
Betty Jo Western	Council Member

ABSENT

Gregory Schafer	City Recorder
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ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Asst. Public Works Director
Karen Johnson	Asst. City Recorder
Robert & Sharry Harper	City Residents
Kyle Rowley	Area 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 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 Kiley Chase 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 20, 2008 were presented for consideration and approval. Following discussion, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Council Meeting held November 20, 2008, as presented. The motion was SECONDED by Council Member Kiley Chase. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held December 4, 2008 were presented for consideration and approval. Following discussion, Council Member Robert Banks MOVED to approve the minutes of the Regular City Council Meeting held December 4, 2008, 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 unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been provided to them two days prior to the meeting. Following review, Council Member Bruce Curtis MOVED to approve the accounts payable dated January 22, 2009, in the amount of \$555,469.52. 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 unanimously.

UNFINISHED BUSINESS

There were no matters of unfinished business on the agenda.

NEW BUSINESS

ROBERT & SHARRY HARPER: DISCUSSION OF THE FUTURE OF THE DELTA CAR SHOW

Robert and Sharry Harper advised Council Members that they will no longer be organizing the Delta Car Show and thanked Mayor Bunker, Council Members and Public Works employees for their support and cooperation for past car shows. The Harpers stated that they would be willing to support and assist any other individuals interested in organizing future car shows. Mayor Bunker expressed appreciation to the Harpers for their work and dedication in organizing the Delta Car Show and for their care of the park and City properties during past car shows.

MAYOR GAYLE BUNKER: PETITION FOR ANNEXATION SUBMITTED BY MG INTERESTS, LLC REQUESTING ANNEXATION OF PROPERTY LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 SOUTH, RANGE 7 WEST AND LYING ADJACENT TO DEL PARK MOBILE HOME PARK

Mayor Bunker explained that the Petition for Annexation involves a small parcel of property (1.36 acres) owned by the same entity as Del Park Mobile Home Park that, for some reason, was not included in the annexation of the mobile home park. The petition needs to be accepted by the City Council in order to begin the annexation process.

Following discussion, Council Member Bruce Curtis MOVED to accept the Petition for Annexation filed by MG Interests, LLC. The motion was SECONDED by Council Member Kiley Chase. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

KYLE ROWLEY: AMENDED PLAT 1 FOR PAHVANT BUTTE ESTATES SUBDIVISION

Mayor Bunker noted that this matter had been discussed at the City Council meeting held December 4, 2008, at which time Mayor Bunker requested that a restriction be placed on future development to require that site improvements be made by Mr. Rowley. The subdivision was approved, as requested, subject to restrictive language being placed on the recorded plat requiring a fifty foot wide street extending south from Birch Drive, with the developer bearing all costs, when future lots are developed. Since that meeting there has been some discussion with City Attorney Kaela Jackson as to the method by which these improvements can be guaranteed. City Attorney Jackson advised that the City Council can waive the requirement for the street on the two lots now being developed on the condition that the fifty foot roadway between the two lots be secured with a trust deed. The trust deed will be released at closing of the sale of the lot in exchange for a cash deposit guaranteeing construction of the roadway. This will allow Mr. Rowley to sell the lot without any encumbrance and the City will have security on the improvements.

Following discussion, Council Member Betty Jo Western MOVED to approve waiver of the requirement for curb & gutter improvements for Amended Plat 1, Pahvant Butte Estates Subdivision, with the condition that the developer install improvements when future lots are developed and that the fifty foot roadway between the two lots be secured with a trust deed, which would be released at closing of sale of the second lot in exchange for a cash deposit guaranteeing construction of the roadway. 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 unanimously.

MAYOR GAYLE BUNKER: MEMBERSHIP IN US ROUTE 6 ASSOCIATION

Mayor Bunker reported that he had received a request from the US Route 6 Association for Delta City to become a member of the association. Mayor Bunker has been hoping to receive some funding from the association for the museum / community center project. Cost of membership in the association is \$250 per year or \$500 for a three-year membership. Mayor Bunker asked for input from Council Members as to whether or not to become association members. Mayor Bunker suggested that Council Members think about the matter and discuss it further at the next meeting.

Following discussion, Council Member John Niles MOVED to table further discussion of membership in the US Route 6 Association until the next meeting. 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 unanimously.

MAYOR GAYLE BUNKER: MUSEUM / COMMUNITY CENTER PROJECT UPDATE

Mayor Bunker displayed a drawing of the exterior design for the museum / community center which was chosen by the museum committee. The design was chosen from three possible exterior designs presented by the architect. Mayor Bunker reviewed details of the design for Council Members.

MAYOR GAYLE BUNKER: REVIEW OF NEW YEARS EVE CELEBRATION

Mayor Bunker asked Council Member Western to review the New Years Eve celebration. Council Member Western reviewed the events which took place and the positive comments she received. She felt that all those who attended had a great time and hoped the celebration would be held again next year. Council Members discussed the need for more advertising for the event. They also discussed the time line for events at future celebrations so that events end at 11:45 p.m. rather than between 11:00 and 11:30 p.m. Council Members will think about the events and make a decision later in the year.

MAYOR GAYLE BUNKER: COUNCIL MEMBER CONFLICT OF INTEREST DISCLOSURE STATEMENTS

Mayor Bunker requested that Council Members complete and return their Conflict of Interest Disclosure Statements right away.

MAYOR GAYLE BUNKER: REAPPOINTMENT OF ROGER ZEEMAN TO PLANNING & ZONING COMMISSION

Mayor Bunker reported that Roger Zeeman has agreed to fill another term on the Planning & Zoning Commission and recommended that he be reappointed for a new four year term beginning February 2, 2009 and ending February 4, 2013.

Following discussion, Council Member Kiley Chase MOVED to reappoint Roger Zeeman as a member of the Delta City Planning & Zoning Commission for a four term beginning February 2, 2009 and ending February 4, 2013. 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 unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: REQUEST FOR WRITE-OFF OF UTILITY ACCOUNTS DEEMED UNCOLLECTIBLE

Pubic Works Director Alan Riding presented a list of utility accounts which are deemed to be uncollectible because the individuals are no longer in the area. Write off of the account stops monthly delinquent charges from accruing and puts the account on a "black list" which means that, if the person should return to the area and request service again, they are required to pay the balance which has been written off, along with a new security deposit before service is provided. The total amount requested for write-off is \$2,928.26.

Following discussion, Council Member Robert Banks MOVED to approve write off of utility accounts deemed uncollectible in the amount of \$2,928.26. 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 unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding advised Council Members that Christmas decorations have been taken down and put away. Sewer Lift Station "A" had a major problem and has been taken down and repaired. Extension of the water line in the southwest portion of the city is progressing, with pipe installation being approximately half completed. This line will provide another tie-in to the water system, making it possible to provide water service to any location from more than one direction. The water line will also provide increased pressure and will increase fire flow to areas on the outer boundaries of the city.

During the last week, public works employees have been working to complete the Ridge Top Well house prior to a state inspection scheduled next week. The well was test-fired this afternoon with good results. There is some fine tuning to be completed but the well should be online very soon.

Council Members reported receiving many compliments on the Christmas decorations in the park this year.

Public Works Director Riding reported that he and Mayor Bunker have been discussing the irrigation water system; specifically the instances where individuals request irrigation water for their yards but they are the only irrigation customer in their area. The irrigation system does not provide adequate revenue to offset the operating cost. There are some irrigation water users for which water is run through a ditch several blocks to serve one user. In one instance, the water is run through a ditch from 200 North to 450 South to irrigate one yard. There are two or three other users for which water is run from the head ditch on 200 North to the south side of town for two or three hours to serve one user. This requires maintenance of several blocks of ditch, which becomes more expensive each year. In addition, the employee who oversees the irrigation system has his forty hours of work completed in two and one-half days and is unavailable for the balance of the week except on an overtime basis.

Mayor Bunker advised Council Members that no decision on irrigation water needs to be made at this time but requested that they think about the situation for decision by March 1st. For the last two years, the user fee has been set at \$70 per user, with water rent at \$35 per acre foot.

OTHER BUSINESS

Mayor Bunker stated that we had received a telephone call on Tuesday, January 20th from Bresnan Communications, the operator of the local cable television service, advising that they are selling the local cable television franchise to Satview Broadband of Reno, Nevada. This will necessitate transfer of the cable television agreement from Bresnan Communications to Satview Broadband. Transfer of the agreement will be on the agenda for approval at the next Council meeting.

Council Member Betty Jo Western requested that a bid be obtained for upgrading the electronic sign on Main Street so we can resume advertising community events.

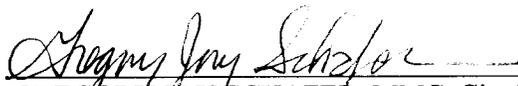
Council Member Betty Jo Western asked whether the cellular communications tower being erected near her home had received proper approval. Mayor Bunker responded that the company needed to obtain a Conditional Use Permit and the Planning & Zoning Commission is responsible for issuing Conditional Use Permits. The company appeared before the Planning & Zoning Commission and was granted a Conditional Use Permit for construction of the tower and auxiliary structures.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Robert Banks MOVED to adjourn the meeting. 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 unanimously.

Mayor Bunker declared the meeting adjourned at 8:25 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 02-05-09