



**DELTA CITY COUNCIL  
REGULAR CITY COUNCIL MEETING**

Thursday, September 1, 2016  
Delta City Building Council Chambers  
76 North 200 West  
Delta, Utah

**PRESENT**

Gayle Bunker, Mayor  
Travis Keel, Council Member  
John Niles, Council Member  
Betty Jo Western, Council Member (arrived at 7:45 p.m.)

**ABSENT**

Robert Banks, Council Member  
Kiley Chase, Council Member  
Gregory Jay Schafer, Recorder

**ALSO PRESENT**

Lora Fitch, Deputy Recorder	Sam Jacobson, Chronicle-Progress
Todd Anderson, City Attorney	Holly Remkes, Millard County Citizen
Dent Kirkland, Public Works Director	David Remkes, Millard County Citizen
Travis Stanworth, Asst. Public Works Director	Adam Remkes, Millard County Citizen
Lynn Ashby, Fire Chief	L. Howard Quackenbush II, Delta Citizen

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place, and the 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. Mayor Bunker informed that there was not yet a full quorum and the discussion only items would be handled first. Council Member Banks offered the opening remarks. Mayor Bunker led those in attendance in the Pledge of Allegiance.

**OTHER BUSINESS**

L. Howard Quackenbush II came before the Council to inquire how the Council would feel about the possibility of making exceptions to the Highway Commercial Zone setbacks. Mr. Quackenbush informed the Council that he has a clinic building in the Highway Commercial zone and would like to make the building solar-powered and wanted to put in a carport to support the solar panels along the full length of the building on the east side. Mr. Quackenbush stated that the Highway Commercial Zone has ten-foot setbacks and his parking spaces are five feet away from the property line. City Attorney Anderson informed the Council that he had done research on the proposed exception and other municipal codes had good precedence in a lot of other places that do allow exceptions for carports. City Attorney Anderson proposed that if the Council were to make carports exempt from the setbacks, that they do so for all zones, not just Highway Commercial.

City Attorney Anderson continued by saying that some of the additional restrictions that he has found, just applying to carports, includes building them only on the sides of the buildings and not for any frontage. If it is a corner lot, it cannot be on the corner lot side or go clear to the corner property line, must be constructed of non-flammable material, and the carports cannot be enclosed. Public Works Director Kirkland told the Council that his only concern was that the carports would need to remain open and not be enclosed after the fact. Council Member Niles agreed that it would be nice, as long as the carport is left open. Council Members present agreed that they were not opposed to his pursuing a setback exemption for carports.

Fire Chief Ashby gave the Council an update on the progress of the building of the new fire station. Fire Chief Ashby said that the contractors were a little behind schedule, but should be caught up shortly.

Mayor Bunker gave the Council an update on the condition of Recorder Gregory Schafer. Recorder Schafer will probably be back towards the end of the month and that he has been working from home.

Mayor Bunker informed the Council that the Athenian Academy inquired about having a fundraiser in the park. After some discussion, the Council decided to decline the request for the fundraiser because it is for a privately owned business and historically speaking the City has not permitted privately owned or for profit fund raisers.

After a brief discussion, the Council decided to continue to disallow attaching banners to City fences.

### **Public Works Update**

Public Works Director Kirkland stated that since the last meeting the Public Works Department had finished work on 1000 West. They had been working on the sewer main on Main Street and would probably have to have it lined to keep them functional. Public Works Director Kirkland informed the Council that work was being done on 200 North to do a chip seal and some of it would be postponed until the next week. Public Works Director Kirkland stated that the new generator for sewer lift station B is in the process of being installed. Public Works Director Kirkland informed the Council that there had been a Delta citizen that wanted her concerns about a thrift shop business on Main Street voiced to the Council. The Delta citizen had issued a complaint that the thrift shop is unsightly. Public Works Director Kirkland said that the owner of the shop was not doing anything that there is a code or ordinance against. City Attorney Anderson stated that there is not an ordinance on point with regards to the situation. There was a conversation about land use ordinances. Council Member Niles informed Public Works Director Kirkland that he had received a complaint about the light posts at the Neighborhood Park. Public Works Director Kirkland replied that the City is aware of the problem and are working on it, but due to the cost of replacing the poles, a bid would have to be issued out to the public. The possibility of removing the

poles entirely until they can be replaced was discussed. Public Works Director Kirkland informed the Council that there have been a couple of buildings that have been red-tagged for construction without a permit or inspections. Both were red-tagged a second time for continuing construction without resolving the first red tag. Sunrise Engineering had informed The City that they would not sign off on the footings of a building if they had not been able to inspect them. The other building has issues with not only building without a permit, but the structure they are building is partially on someone else's property. Public Works Director Kirkland wanted the Council's approval on cutting down some trees on the southeast side of the City Park since they are getting into the power lines and causing problems. The trees will be getting replaced with smaller tree types that fit under the power lines.

## **BUSINESS**

### Water/Sewer Charges, Mobile Park Plan

David Remkes came before the Council representing Desert Garden Village, LLC, regarding the old mobile park on Highway 6. Mr. Remkes informed the Council that he, his brother, and his wife are looking into purchasing the mobile park on the highway and are wanting to renovate it in blocks. The Remkes are wanting the City to only charge per standing structure rather than available spaces. Mr. Remkes stated that each time a mobile home is brought in a building permit and engineered plans would be needed, so the City would be able to keep track of how many units should be getting charged for. Mayor Bunker informed Mr. Remkes that a possible problem with the billing could perhaps be handled by licensing the park in phases of five units or small groups. Public Works Director Kirkland informed the Council that he had several concerns, and not just concerning water and sewer rates. Public Works Director Kirkland informed the Council that he was concerned about the infrastructure of the mobile park as the streets, fire-flow, and power were probably inadequate, but the sewer might be okay. Public Works Director Kirkland told the Council that the business licensing, water, and sewer are done per unit and licensing and billing per space/license would be quite difficult, but if the park was done in phases it might be manageable. City Attorney Anderson noted that other mobile parks and hotels are also charged per space. Mr. Remkes stated that there are 208 lots. Mayor Bunker said that he thinks that there is a need for a mobile home park in Delta, as the other one is full. Mr. Remkes said that he had had the electrical inspected and that the main high voltage lines were in good shape and worst case scenario the lines from the transformers to the pedestals would need to be replaced. Mr. Remkes continued by saying that the sewer system looks solid and that the City would not be responsible for maintaining the water or sewer lines within the park. Mayor Bunker confirmed that Delta City would not be responsible for the water and sewer line maintenance in the park, but wants to be sure that they are safe and viable for the people that would be living there. Fire Chief Ashby informed the Council that he had been in contact with the Utah State Fire Marshal and had been looking into the International Fire Code and that there were a few requirements to be met before they were willing to grant an occupation permit to a mobile home park. Fire Chief Ashby said that the water line size going into the park would need to be sufficient for fire flow. The roads would need to be wide enough for a fire truck to get through and the Fire Chief and State Fire

Marshal would need to see plans of the park to make sure that it meets the fire standards. Mayor Bunker told Mr. Remkes that the Council seems to be in favor of having a mobile home park, but they would need to see defined plans before any decisions can be made.

At 7:45 p.m. Council Member Western arrived and thereafter was a full quorum of Council Members present.

Ordinance No 16-270 Moratorium on Pole-Mounted and Ground-based Solar Panels

Public Works Director Kirkland informed the Council that there currently is no policy regarding solar panels and would like to have a six-month moratorium placed on them to give the Planning & Zoning Commission time to help draft and put a policy in place. Public Works Director Kirkland did not see a problem with structure mounted solar panels but was concerned about ground based and pole mounted ones being an issue. Council Member Keel MOVED to adopt Ordinance No. 16-270 issuing a six-month moratorium on pole-mounted and ground-based solar panels. The motion was SECONDED by Council Member Niles. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a roll call. The motion passed with Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Members Banks and Chase absent.

New Year's Eve

The Council held a discussion about bounce houses and other recreational-related devices and the possible insurance issues related thereto. City Attorney Anderson explained the City insurance and why they weren't covered. The bounce house company does offer insurance and the Council agreed that the possibility of having them for the New Year's celebration would be looked into regarding insurance. Council Member Western informed the rest of the Council that Charley Jenkins had been reserved for the celebration. Other possible types of additional entertainment were discussed and the Council decided to look into options and see what is available. Council Member Niles complimented Council Member Western on the Millard County Fair and the Council discussed using some of the same or similar entertainers.

**MINUTES**

The minutes of the Regular City Council Meeting held August 4, 2016 were presented for approval. Council Member Western MOVED to adopt the minutes of the Regular City Council Meeting held August 4, 2016 as presented. The motion was SECONDED by Council Member Niles. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion

passed with Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Members Banks and Chase absent.

**ACCOUNTS PAYABLE**

The Council reviewed the accounts payable for the period ending August 4, 2016 in the amount of \$492,373.60. There were some transactions discussed by the Council. Council Member Niles MOVED to approve the accounts payables for August 4, 2016 in the amount of \$492,373.60. The motion was SECONDED by Council Member Keel. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Members Banks and Chase absent.

**PUBLIC COMMENT PERIOD**

There were no public comments

Mayor Bunker asked if there were any comments, questions, or other items to be discussed, there were none. Council Member Niles MOVED to adjourn the City Council meeting. The motion was SECONDED by Council Member Keel. Mayor Bunker asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Keel, Council Member Niles, and Council Member Western in favor and Council Members Banks and Chase absent.

The meeting was adjourned at 8:04 p.m.

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GAYLE K. BUNKER, Mayor

**Minutes Approved:**

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GREGORY JAY SCHAFFER, Recorder