

REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 1990

PRESENT

Don Dafoe	Mayor
Wesley J. Bloomfield	Council Member
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member

ABSENT

Rex T. Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Ken Rand	Chronicle/Progress
Deb Greathouse	Librarian
Jim Stewart	Insight Cablevision
John Keel	Insight Cablevision
Melanie Schena	Insight Cablevision
Steve Jacobsen	Insight Cablevision
Tom Nielsen	City Resident
Josh Nielsen	Boy Scout
Robert Terry	City Resident
Jim Robson	City Resident
Mark Watson	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held January 22, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe 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 list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Droubay MOVED that the accounts payable be approved for payment as listed in the amount of \$40,000.63. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY-FIRST DRAFT OF TWO SECTIONS

Mayor Don Dafoe noted that the Personnel Policy Draft was not included in Council's packets for review. Therefore, he recommended that the Council Members review the draft of two sections of the Personnel Policy prior to the next Regular City Council Meeting.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING INSIGHT CABLEVISION

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Insight Cablevision.

Attorney Waddingham introduced Jim Stewart, Vice President, and John Keel, Assistant Manager of Insight Cablevision. He then presented the following proposed ordinance entitled:

AN ORDINANCE GRANTING A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF DELTA, UTAH; GRANTING LICENSE TO USE THE CITY STREETS AND PUBLIC UTILITY EASEMENTS FOR SAID CABLE TELEVISION SYSTEM AND SETTING FORTH TERMS AND CONDITIONS FOR GRANTING OF THE FRANCHISE AND LICENSE.

Section 11 regarding Bonding Requirements was discussed at length. A reduction in the bond requirement of \$100,000 was discussed, and it was determined that a \$10,000 bond would be sufficient. However, in the event of construction, the bond will be increased to \$100,000 or to the estimated cost of construction.

Following discussion, Council Member Gayle Bunker MOVED to approve the format of the aforementioned ordinance, including the amendments discussed and including an extension for a ten year franchise with Insight Cablevision, subject to confirming the intent of the proposed language incorporated into the ordinance by Insight representatives. The motion was SECONDED by Council Member Robert

Droubay. Mayor Dafoe asked if there were any questions or comments regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE AMENDING SECTION 9-III-L. 10 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF DELTA (1981 EDITION), AS AMENDED

Mayor Dafoe asked Attorney Waddingam to present a proposed ordinance regarding business licensing.

Attorney Waddingham referred to Agenda Item No. 5D and recommended that the two issues be discussed together.

Discussion was then held regarding Joint Business Licenses as listed in the Business License Ordinance Section 9-121.

City Recorder Dorothy Jeffery asked the Council to clarify the intent and/or meaning of the Revised Code of Ordinances Section 9-121 - Joint Business Licenses, wherein it states the following:

"The license tax to be paid for such a license shall be computed at the highest license fee applicable to any of the businesses conducted at that location, to which will be added an additional fee determined according to the following schedule:"

Mrs. Jeffery asked if the number of employee fee schedule was based on full-time and/or part-time employees.

Following discussion, Council Member Wesley Bloomfield MOVED to amend Section 9-121 of the Revised Code of Ordinances to delete the number of employees and fee required but to charge the highest license fee applicable plus a \$50.00 fee for an additional business conducted at the same location. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe instructed Attorney Waddingham to include the amendment of Section 9-121 regarding Joint Business Licenses in the proposed ordinance amending Section 9-111-10.L regarding the requirements for the sale of foodstuffs.

NEW BUSINESS

GARY ROSE, DCYC MAYOR: DELTA CITY YOUTH COUNCIL REPORT

Gary Rose was unable to attend this meeting; therefore, this item was tabled until the next Regular City Council Meeting.

PUBLIC WORKS DIRECTOR NEIL FORSTER: REQUEST TO SELL TWO SURPLUS VEHICLES

Mayor Dafoe asked Public Works Director Neil Forster to present a request to sell two surplus vehicles to the Council.

Public Works Director Neil Forster addressed the Council and requested that they declare a 1983 Ford Crown Victoria and a 1984 Ford Crown Victoria surplus vehicles. He said that these two vehicles were previously used by the Delta City Police Department and are of no use to the City. Mr. Forster recommended that these two cars be advertised for sale and that sealed bids be accepted.

Following brief discussion, Council Member Robert Dekker MOVED to declare the two Ford Crown Victoria's surplus vehicles and to authorize Neil Forster to advertise them for sale and that sealed bids will be accepted. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: CONSUMPTION LICENSE VIOLATION

Mayor Dafoe asked Attorney Richard Waddingham to discuss a Consumption License violation.

Attorney Waddingham said that it has been brought to his attention that beer is being consumed and minors are being allowed on the premises at the Cellar Club. He then recommended that the Council consider repealing the Consumption Ordinance or put restrictions on the Cellar Club and require them to get a Beer License.

Attorney Waddingham explained that at the present time Delta City has an ordinance which states that no Class B or C license to sell beer shall be granted for licensed premises located within 600 feet of any church or school or church or school grounds. He then recommended that this ordinance be repealed.

Mr. Waddingham also said that State Law states that a beer license cannot be issued if it is in close proximity to a church or school. However, the local legislative body decides what close proximity is.

The location of the Cellar Club next to Kingdom Hall was briefly discussed.

Following brief discussion, Mayor Dafoe instructed Attorney Waddingham to research the Ordinance regarding Beer Licensing Requirements and to write a memorandum to the Council regarding his recommendations regarding modification of the ordinance.

CITY RECORDER DOROTHY JEFFERY: BUSINESS LICENSE ORDINANCE SECTION 9-121. JOINT BUSINESS LICENSES

This item was discussed with Agenda Item 4C. Proposed Ordinance Amending Section 9-111-1. 10.

COUNCIL MEMBER WESLEY BLOOMFIELD: APPOINTMENT OF PLANNING COMMISSION MEMBER

Mayor Dafoe asked Council Member Wesley Bloomfield to discuss the appointment of a Planning Commission Member.

Following brief discussion, Council Member Bloomfield MOVED to reappoint Larry Taylor as Planning Commission Member for a one-year term until February 1991. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING LOCAL OPTION SALES TAX

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Local Option Sales Tax.

Attorney Waddingham requested that this item be tabled to allow time for further research.

Council Member Robert Droubay MOVED to table discussion of a proposed ordinance regarding Local Option Sales Tax to allow Attorney Waddingham time for further research and review. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none he called for a vote. The motion passed unanimously.

SERGEANT CHUCH STEWART: MILLARD COUNTY SHERIFF'S OFFICE REPORT

Mayor Dafoe asked Sergeant Chuck Stewart to report on the activities of the Millard County Sheriff's Office.

Sergeant Stewart reported that everything is going very well with the transition of the Delta City Police Department to the Millard County Sheriff's Department.

Mr. Stewart reported that the traffic between the High School and the Vocational School is being patrolled; however, not all problems have been eliminated.

The Crossing Guard at the South Elementary was briefly discussed. There have been complaints that proper attention is not being given to the school children.

DEB GREATHOUSE, LIBRARIAN: COMPUTER PURCHASE FOR LIBRARY

Mayor Dafoe asked Librarian Deb Greathouse to discuss a computer purchase for the Delta City Library.

Deb Greathouse, Librarian, reported that in applying for a Literacy Grant this year she budgeted for a computer. She requested Council's approval to purchase an IBM computer and printer with the grant monies received.

Following brief discussion, Council Member Wesley Bloomfield MOVED to approve the purchase of an IBM computer and printer for the Delta City Library with Literacy Grant monies. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mrs. Greathouse reported that the Millard County Commissioners are issuing \$1,000 to every public library and school library in Millard County to be used as each library chooses. She also said that she has ordered a circulation and cataloging program in an effort to get the library automated in the near future.

COUNCIL MEMBER WESLEY BLOOMFIELD: RAILROAD CROSSING PROPOSAL

Mayor Dafoe asked Council Member Wesley Bloomfield to present a proposal regarding a railroad crossing.

Council Member Bloomfield requested that, in an effort to avoid future tragic accidents, the Council authorize Mayor Dafoe to write the Union Pacific Railroad requesting that crossing arms be installed at the railroad crossing located at 200 North 400 West, and a set of signal lights be installed at the crossing located at 800 North 300 West.

Mayor Dafoe said that he talked with Darrell Willden, Roadmaster, and asked him if the Railroad would install arms on the existing signal lights. Mr. Willden said that the arms cost approximately \$80,000 and the Railroad does not provide them. However, he said

22

that there is a possibility of acquiring some Federal funding for that purpose. Mr. Willden said that if the City is able to obtain funding for the purchase of the arms, the Railroad will provide the installation.

Mark Watson, Jim Robson, and Robert Terry encouraged the Council to pursue some type of action for the installation of signal arms and signal lights at the two railroad crossings.

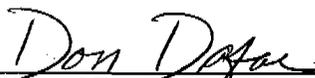
Council Member Wesley Bloomfield MOVED that Mayor Dafoe be authorized to write a letter to the Union Pacific Railroad requesting the installation of signal arms and lights at the two railroad crossings in Delta City. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Robert Droubay said that he has been asked about the plans for Delta City's streets. Mayor Dafoe said that the Streets Budget has been decreased, therefore, no new streets will be constructed at this time.

Gas prices in Delta City were briefly discussed.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:55 p.m.



 DON DAFOE, Mayor



 DOROTHY JEFFERY
 Delta City Recorder

MINUTES APPROVED: RCCM 2-26-90