

REGULAR CITY COUNCIL MEETING
MARCH 26, 1990

PRESENT

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

ABSENT

Rex R. Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Gordon Searle	Wagon Wheel
Bryce Ashby	Delta Fire Chief

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 March 12, 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 Wesley

Bloomfield MOVED that the accounts payable be approved for payment as listed in the amount of \$48,416.37. 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

Mayor Dafoe asked Attorney Richard Waddingham to present a draft of the Delta City Personnel Policy.

Attorney Waddingham presented and reviewed a draft of two sections of the Delta City Personnel Policy entitled:

EMPLOYMENT STATUS CATEGORIES

SEXUAL HARASSMENT

In discussing the Sexual Harassment section of the Personnel Policy, it was agreed that a Personnel Officer will be appointed by the Mayor at the advice and consent of the Governing Body.

Following review and corrections by the Council, Council Member Gayle Bunker MOVED to present the above mentioned sections of the Personnel Policy to the employees for their review. The motion was SECONDED by Council Member Robert Dekker. 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: RESOLUTION APPROVING UTAH LEAGUE OF CITIES AND TOWNS COOPERATIVE AGREEMENT FOR THE PURPOSE OF CREATING THE UTAH LEAGUE OF CITIES AND TOWNS

Mayor Dafoe asked Attorney Waddingham to present a resolution approving the Utah League of Cities and Towns Cooperative Agreement.

Attorney Waddingham reported that he contacted the Utah League of Cities and Towns and expressed his concerns regarding a Cooperative Agreement for the purpose of creating the Utah League of Cities and Towns; however, he has not yet received the information he requested.

Council Member Robert Droubay MOVED to table this agenda item until Attorney Waddingham has received further information. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any further comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AN ORDINANCE AMENDING ORDINANCE NO. 90-122 (INSIGHT CABLEVISION ORDINANCE) BY GRANTING PROVISIONS CONCERNING THE EXTENSION OF CABLE TELEVISION SERVICE AND PROVIDING PROVISIONS TO ESTABLISH A PROCEDURE FOR FURTHER AMENDMENTS TO THE CABLE ORDINANCE

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance amending Ordinance No. 90-122 (Insight Cablevision Ordinance).

Attorney Waddingham presented the following ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 90-122 BY INCORPORATING PROVISIONS CONCERNING THE EXTENSION OF CABLE TELEVISION SERVICE AND PROVIDING A PROVISION TO ESTABLISH A PROCEDURE FOR FURTHER AMENDMENTS TO THE CABLE ORDINANCE.

Following discussion, Council Member Robert Droubay MOVED to adopt Ordinance No. 90-126 as presented. 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 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

Mayor Dafoe then signed the contract; attested by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: STATUS OF WHITE SAGE APARTMENT PROPERTY

Mayor Dafoe said that Al Pitzer, Los Angeles Water & Power, informed him that Richard Holmes, Tumurru Trades, Inc., has indicated that Tumurru Trades, Inc. will furnish a Letter of Credit to I.P.A. regarding the removal of foundations and clean-up of property at the White Sage Apartment area. Mr. Pitzer said that when he receives a Letter of Credit he will send a copy of the letter to Delta City; therefore, Tumurru Trades, Inc.'s, contract shall be extended to August 1, 1990, for clean-up of the property.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PARTIAL PAYMENT REQUEST - BUSH & GUDGELL, INC. - WEST DELTA WATER UPGRADE

Mayor Dafoe asked Public Works Director Neil Forster to present a partial payment request for Bush & Gudgell, Inc., for the West Delta Water Upgrade Project.

Public Works Director Neil Forster said that a Contract for Engineering Services Between The City of Delta and Bush & Gudgell, Inc. has been given to Bush & Gudgell, Inc. but he has not yet received a signed copy. However, he requested that partial payment in the amount of \$6,699.54 be issued to Bush & Gudgell, Inc. for the West Delta Annexation, Water System Improvements.

Council Member Gayle Bunker MOVED to authorize payment to Bush & Gudgell, Inc. in the amount of \$6,699.54 upon receipt of a signed contract. 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.

CITY RECORDER DOROTHY JEFFERY: STATUS OF BUSINESS LICENSE VIOLATION

Mayor Dafoe asked City Recorder Dorothy Jeffery to review with the Council the status of a business license violation.

City Recorder Dorothy Jeffery reported that Mr. Lazaro has not responded to a letter sent to him March 2, 1990, informing him that he is in violation of the Delta City Business License Ordinance.

The Council instructed Mrs. Jeffery to send Mr. Lazaro a follow-up letter by certified mail stating that he has five days to respond. If a response is not received, this issue will then be turned over to Attorney Waddingham for further action.

NEW BUSINESS

ATTORNEY RICHARD WADDINGHAM: CONVEYANCE OF 13.91 ACRES OF PROPERTY LOCATED AT THE DELTA MUNICIPAL AIRPORT TO THE UNITED STATES OF AMERICA FOR THE PURPOSE OF CONSTRUCTING A BY-PASS ROAD

Mayor Dafoe asked Attorney Waddingham to present a Quit Claim Deed regarding the conveyance of property located at the Delta Municipal Airport to the United States of America for the purpose of constructing a by-pass road.

Attorney Waddingham explained that on August 29, 1989, Delta City issued a Quit Claim Deed to the United States of America, Bureau of Land Management for 12.05 acres of property located at the Delta Municipal Airport for the purpose of constructing a by-pass road to IPP.

Attorney Waddingham then presented a Quit Claim Deed from the City of Delta to the United States of America, Bureau of Land Management for 13.91 acres of property located at the Delta Municipal Airport. Mr. Waddingham explained that this property

should have been included in the first Quit Claim Deed issued; however, due to an oversight by Millard County, it was not.

Following brief discussion, Council Member Gayle Bunker MOVED to approve a Quit Claim Deed to the United States of America, Bureau of Land Management for the purpose of constructing a by-pass road. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions 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

Mayor Dafoe then signed the Quit Claim Deed; attested by City Recorder Dorothy Jeffery.

BRYCE ASHBY, DELTA FIRE CHIEF: PURCHASE OF FOURTH OF JULY FIREWORKS

Mayor Dafoe asked Delta Fire Chief Bryce Ashby to discuss the purchase of fireworks for the Fourth of July.

Fire Chief Bryce Ashby informed the Council that fireworks cannot be purchased with Millard County Fire District Operation and Maintenance money and asked the Council for their recommendation.

Following discussion, Mayor Dafoe said that he would contact the Millard County Commissioners to see if they would be willing to participate in 50 percent of the funding for fireworks and insurance for Delta City's Fourth of July Celebration.

Council Member Robert Dekker MOVED to approve the purchase of fireworks and insurance in the amount of approximately \$3,500 and to see if Millard County will provide one-half of the funding. 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/ROBYN PEARSON: INTERLOCAL AGREEMENT REGARDING CDBG GRANT-CITY PARK RESTROOM FACILITY

Mayor Dafoe asked Attorney Richard Waddingham to present an Interlocal Agreement regarding a Community Development Block Grant (CDBG) for a restroom facility in the City Park.

Attorney Waddingham said that he talked with Millard County Administrator Robyn Pearson, who said that Fillmore City's

Attorney Scott King is drafting an Interlocal Agreement regarding CDBG funds to build a restroom facility in the Fillmore City Park.

Attorney Waddingham said that since Fillmore City is also receiving CDBG money for the construction of a restroom facility, rather than duplicating legal services, he would wait to receive a copy of Fillmore City's Interlocal Agreement and modify the agreement, as necessary, for Delta City's Interlocal Agreement with Millard County.

Mr. Waddingham said that he advised Robyn Pearson that he was not going to take any action until Mr. Pearson or Attorney Scott King contacted him regarding the Interlocal Agreement.

CITY RECORDER DOROTHY JEFFERY: WAGON WHEEL BUSINESS LICENSE

Mayor Dafoe asked City Recorder Dorothy Jeffery to discuss the Wagon Wheel Business License.

City Recorder Dorothy Jeffery said that Arda Avalos, licensee of the Wagon Wheel, has submitted a request to have her name withdrawn from the Wagon Wheel's business license.

City Recorder Dorothy Jeffery said that Gordon Searle explained to her that he has been managing but would now be running the Wagon Wheel and would like to have the business license issued in his name. However, under the present Delta City Ordinance, Mr. Searle cannot be issued a business license due to a prior alcohol related offense.

Discussion was held regarding a possible amendment to the Delta City Ordinance which would allow for a time limitation of three years for an alcohol related Class B and/or Class C Misdemeanor. However, a license will not be issued to anyone if they have had a felony conviction.

Mayor Dafoe then recommended that Gordon Searle be allowed to continue to operate the Wagon Wheel under the present license until the ordinance is amended. The Council agreed.

Attorney Waddingham then recommended that Gordon Searle proceed as an applicant for a business license, which Mr. Searle said he has already done.

OTHER BUSINESS

Council Member Robert Dekker reported that he reviewed the route for the March of Dimes Walkathon with Barbara Cox and made recommendations to her for safety precautions.

Mayor Dafoe read a letter from Utah Department of Transportation (UDOT) regarding funding for Pedestrian Safety Projects along State Highways. Mayor Dafoe suggested two areas east of Delta

where sidewalks could be installed. He then instructed Public Works Director Neil Forster to review those areas and make recommendations.

Mayor Dafoe said that all department heads have been instructed to have their budgets for FY 1990-1991 completed and submitted for typing by April 30, 1990.

Mayor Dafoe invited all Council Members to attend a Chamber of Commerce meeting on April 10, 1990, at the Millard County Fairgrounds where Governor Bangerter will be speaking.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. 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 declared the meeting adjourned at 8:55 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 4-09-90