

REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 2000

PRESENT

Wesley Bloomfield	Council Member
Gayle Bunker	Council Member
Bruce Curtis	Council Member
Robert Dekker	Council Member
Glen Swalberg	Council Member

ABSENT

R. Dale Roper	Mayor
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ALSO PRESENT

Gregory Jay Schafer	City Recorder
Neil Forster	Public Works Director
Robert Droubay	City Resident

In the absence of Mayor Roper, Mayor Pro Tempore Gayle Bunker called the meeting to order at 7:00 p.m. He 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, KNAK Radio, and to each member of the City Council at least two days prior to the meeting.

Council Member Wesley Bloomfield offered an invocation, after which Mayor Pro Tempore Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held August 14, 2000 were presented for consideration and approval. Following review, Council Member Wesley Bloomfield MOVED to approve the minutes of the Public Hearing held August 14, 2000, as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore 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 August 14, 2000 were presented for consideration and approval. City Attorney Richard Waddingham requested that, on Page 4, Paragraphs 4 and 5, wording be changed in order to clarify the discussion, and action to be taken, with regard to the Erichsen property. Following discussion, Council Member Glen Swalberg MOVED to approve the minutes of the Regular City Council Meeting held August 14, 2000, as

corrected. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper 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 given to them two days prior to the meeting. Mayor Pro Tempore Bunker noted that this batch of accounts payable is rather large due to payment of the quarterly law enforcement contract, sidewalk, curb and gutter work, and purchase of the SCADA system. The Council discussed the cost of postage to send out delinquent utility notices, by certified mail, and suggested that our resolution be amended to allow those costs to be passed on to the utility customers who receive this service. Following discussion, Council Member Wesley Bloomfield MOVED to approve the accounts payable, in the amount of \$155,832.40. The motion was SECONDED by Council Member Glen Swalberg. Mayor Pro Tempore 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

CITY ATTORNEY RICHARD WADDINGHAM: REPEAL OF RESOLUTIONS 80-07, 80-12, 81-23, 81-39, 82-67, AND 83-86 PROVIDING FOR STANDARDS AND PROCEDURES FOR ANNEXATION OF TERRITORY INTO THE CITY OF DELTA, UTAH

RESOLUTION NO. 00-267

A RESOLUTION REPEALING RESOLUTION NOS. 80-07, 80-12, 81-23, 81-39, 82-67, AND 83-86 PROVIDING FOR STANDARDS AND PROCEDURES FOR ANNEXATION OF TERRITORY INTO THE CITY OF DELTA, UTAH.

City Attorney Richard Waddingham explained that the purpose of this resolution is to repeal all previous ordinances dealing with annexation procedures. Council Member Wesley Bloomfield MOVED to adopt Resolution No. 00-267, a Resolution repealing Resolution Nos. 80-07, 80-12, 81-23, 81-39, 82-67, and 83-86 providing for standards and procedures for annexation of territory into the City of Delta. The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore Bunker 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:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

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CITY ATTORNEY RICHARD WADDINGHAM: ADOPTION OF NEW ANNEXATION POLICY

City Attorney Waddingham advised the Council that he and Zoning Officer Neil Forster had met to discuss the new annexation policy. City Attorney Waddingham is in the process of preparing a draft of a new annexation policy for review by the Council. He requested that this item be tabled for discussion at the next meeting, after Council Members have had an opportunity to review the proposed policy.

Council Member Glen Swalberg MOVED to table discussion of this item until the next meeting of the City Council. The motion was SECONDED by Council Member Bruce Curtis. Mayor Pro Tempore asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: DROUBAY/BUNKER PETITION FOR ANNEXATION

RESOLUTION NO. 00-268

A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION (DROUBAY/BUNKER ANNEXATION) TO THE CITY OF DELTA, UTAH.

Mayor Pro Tempore Bunker stated, for the record, that he has a conflict of interest with regard to this agenda item, inasmuch as he is one of the petitioners.

City Attorney Richard Waddingham noted that the Petition for Annexation, and the accompanying plat, had been received by the Delta City Recorder on September 8, 2000 and Petitioner Robert Droubay verified that he had mailed a copy of the petition to the Millard County Clerk on September 8, 2000. City Attorney Waddingham then reviewed the requirements of the petition and the resolution accepting the Petition for Annexation.

Following discussion, Council Member Wesley Bloomfield MOVED to adopt Resolution No. 00-268, a Resolution accepting a Petition for Annexation (Droubay/Bunker Annexation) to the City of Delta, Utah. The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore Bunker 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:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

NEW BUSINESSMAYOR R. DALE ROPER: LYMAN SUBDIVISION LOCATED AT APPROXIMATELY 254 NORTH 500 WEST

Mayor Pro Tempore Bunker stated that a public hearing had been held, prior to this meeting, for the purpose of receiving public comment regarding the proposed Lyman Subdivision, located at approximately 254 North 500 West. There were no negative comments received at the public hearing.

Following discussion, Council Member Robert Dekker MOVED to approve the Lyman Subdivision, located at approximately 254 North 500 West, subject to signing an Improved Lot Subdivision Agreement with Delta City and subject to proper signatures being affixed to the plat. The motion was SECONDED by Council Member Glen Swalberg. Mayor Pro Tempore 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 R. DALE ROPER: RESOLUTION TO TRANSFER CABLE TELEVISION FRANCHISE FROM TCI OF INDIANA, INC. TO MALLARD CABLEVISION, L.L.C.

RESOLUTION NO. 00-269

A RESOLUTION CONDITIONALLY APPROVING THE TRANSFER OF AN EXISTING CABLE TELEVISION FRANCHISE, "FRANCHISE", HERETOFORE GRANTED BY DELTA CITY TO TCI OF INDIANA, INC., PURSUANT TO DELTA CITY ORDINANCE NO. 90-122 AND RESOLUTION NOS. 98-257 AND 98-258 AND SETTING FORTH TERMS AND CONDITIONS FOR APPROVING SUCH TRANSFER OF SAID FRANCHISE FROM TCI OF INDIANA, INC. TO MALLARD CABLEVISION, L.L.C.

City Attorney Richard Waddingham advised the Council that he has required the following conditions be met prior to final approval of transfer of the franchise: that all franchise fees be paid to date, insurance be provided showing Delta City as an additional insured, provide a copy of a franchise bond, that TCI of Indiana, Inc. indemnify and hold Delta City harmless between now and the time the franchise is conveyed and at the time of conveyance, that Mallard Cablevision, L.L.C. indemnify and hold Delta City harmless, and that a document be prepared showing that Mallard Cablevision, L.L.C. agrees to comply with the provisions of the Delta City franchise ordinance.

Following discussion, Council Member Wesley Bloomfield MOVED to adopt Resolution No. 00-269, a Resolution conditionally approving the transfer of an existing cable television franchise heretofore granted by Delta City to TCI of Indiana, Inc., pursuant to Delta City Ordinance No. 90-122 and Resolution Nos. 98-257 and 98-258, and setting forth terms and conditions for approving such transfer of said franchise from TCI of Indiana, Inc. to Mallard Cablevision, L.L.C. The motion was SECONDED by Council Member Bruce Curtis. Mayor Pro Tempore Bunker asked if there

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

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

MAYOR R. DALE ROPER: RESOLUTION TO CHANGE PLANNING & ZONING REGULAR MEETING DATE TO FIRST WEDNESDAY OF EACH MONTH

City Attorney Richard Waddingham advised the Council that the Zoning Ordinance specifically allows the Planning & Zoning Commission to set their own meeting schedule, as long as they comply with the open meetings act and publish notice of the regular meeting date. City Attorney Waddingham requested that a motion be made to strike this item from the agenda. Council Member Wesley Bloomfield MOVED to strike this item from the agenda. The motion was SECONDED by Council Member Glen Swalberg. Mayor Pro Tempore Bunker 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

City Attorney Richard Waddingham advised the Council that, in 1981, the annexation filing fee was set at \$500.00. That fee was reduced to \$100 in 1983, when the Master Annexation Policy Declaration was adopted. City Attorney Waddingham requested that the Council consider adopting an annexation filing fee which more closely covers the cost of reviewing the Petition for Annexation and the Plat

Council Member Wesley Bloomfield reported that the Utah League of Cities and Towns has several resolutions which will be presented at the Annual Meeting to be held later this week in Salt Lake City. He also noted that the Utah League of Cities and Towns currently has a subcommittee working on Utah annexation procedures in attempt to make the process less cumbersome for cities. Resolution No. 00-1 addresses the control of state roads which pass through municipalities. Currently, the Utah Department of Transportation controls all matters involving state roads. This resolution would transfer right and control to the municipalities in which those portions of state highway are located.

Resolution No. 00-2 addresses funding for recreational, cultural and zoological uses. The resolution requests that the Utah Code be amended to allow not only counties of the third class, but also municipalities, to have a ballot issue allowing residents to vote on designating a portion of sales tax

for development of recreational, cultural, and zoological uses within the municipality.

Resolution No. 00-3 would change the oath of office administered to local officials to include an oath to support the laws and ordinances of the municipality in which they serve.

Council Member Glen Swalberg reported that the issue of putting flags up on Main Street on holidays has been resolved by finding an individual who is willing to put up the flags and take them down on each holiday.

Public Works Director Neil Forster advised the Council that, upon the retirement of Roy Wood, Delta City began the advertising process for hiring someone to replace him. There were 35 applications received, those were narrowed to five individuals to be interviewed. After interviewing the individuals, the job was offered to Leonard Hardy, who began his employment today, with a probationary period of 90 days. Mr. Hardy has been instructed that he must provide a certified copy of his driving record and he has obtained a learner permit for a commercial driver license.

Public Works Director Forster reported that we have a utility customer who has become delinquent on his water billings, almost to the delinquent shut-off point and he has recently been sent to prison. Public Works Director Forster requested permission of the Council to terminate service to the residence. Council Member Bruce Curtis advised the Council that someone has already moved into the residence. Public Works Director Forster stated that he would follow the delinquent shut off procedure prior to any termination of service.

Council Member Robert Dekker asked who is responsible for trimming trees on Main Street. Council Member Dekker noted that trees are creating an obstruction on the north side of Main Street at Thomas Road. Public Works Director Forster will make certain that the obstruction is removed.

City Recorder Gregory Schafer reported that Rebecca Schmidt has been hired as a crossing guard on Center Street at 100 North.

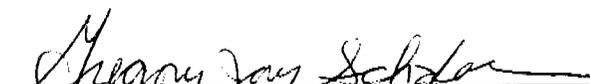
Mayor Pro Tempore Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn the meeting.

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The motion was SECONDED by Council Member Robert Dekker. Mayor Pro Tempore 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 Pro Tempore Bunker declared the meeting adjourned at 8:26 p.m.


GAYLE BUNKER, Mayor Pro Tempore
GREGORY JAY SCHAFFER, City Recorder

MINUTES APPROVED: RCCM 09-25-00