

REGULAR CITY COUNCIL MEETING  
FEBRUARY 26, 2001

PRESENT

R. Dale Roper	Mayor
Gayle Bunker	Council Member
Bruce Curtis	Council Member
Robert Dekker	Council Member
Glen Swalberg	Council Member

ABSENT

Wesley Bloomfield	Council Member
Neil Forster	Public Works Director

ALSO PRESENT

Richard Waddingham	City Attorney
Gregory Jay Schafer	City Recorder
Larry Purvis	President, Intermountain Flying Club
Steve Lester	Intermountain Flying Club
Ken Thatcher	Airport Hangar Lessee
Gary Oberg	Intermountain Flying Club

Mayor Roper 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 City Building, located at 76 North 200 West, and had been given to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. Gregory Jay Schafer, City Recorder, acted as secretary.

Council Member Gayle Bunker offered an invocation, following which Mayor Roper led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held February 12, 2001 were presented for consideration and approval. Following review, Council Member Robert Dekker MOVED to approve the minutes of the Regular City Council Meeting held February 12, 2001, as presented. The motion was SECONDED by Council Member Glen Swalberg. 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

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to the meeting. Following discussion, Council Member Bruce Curtis MOVED to approve the accounts payable, dated February 23, 2001, in the amount of \$50,587.21. The motion was SECONDED by Council Member Gayle Bunker. 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.

#### UNFINISHED BUSINESS

#### MAYOR R. DALE ROPER: DELTA MUNICIPAL AIRPORT; INTERMOUNTAIN FLYING CLUB REQUEST TO OPERATE

Mayor Roper noted that the Council had received a business proposal from Intermountain Flying Club requesting permission to operate the Delta Municipal Airport. Mayor Roper asked what arrangements had been made for insurance. Larry Purvis, President of Intermountain Flying Club, advised the Council that insurance is one of two areas about which the flying club needs additional information, the other being utilities. Mayor Roper stated that Delta City carries a minimum basic liability insurance; Mr. Burraston's contract required that he maintain insurance for the airport with Delta City shown as an additional insured, and the utilities were paid by Mr. Burraston. Mayor Roper mentioned that City Attorney Richard Waddingham would need to review the matter in order to draft a contract for operation of the airport. Mr. Purvis felt that the details of the business proposal need to be discussed before drafting a contract.

Mayor Roper noted that the Council has also received a hand written proposal from George LaDamus and Pete Shields for operation of the airport.

Council Member Glen Swalberg felt that the Council needs to discuss the airport operation with Mr. Burraston prior to accepting any proposal. Mayor Roper suggested that the Council needs to discuss the matter with Public Works Director Neil Forster because he would know the answer to many of the questions being asked.

It is the desire of the flying club that the City establish an airport board to work on identification of projects which need to be done at the airport, then work on budgeting for funds to do those projects. The flying club would like to have a representative of Delta City assigned to the airport board and given responsibility for verifying that the designated projects have been completed

City Attorney Waddingham asked the Intermountain Flying Club if they had been in contact with anyone who is or has been operating under the Airport Authority Act. City Attorney Waddingham stated that he had been reviewing the Act; an act which establishes, in some particulars, what the flying club is describing; i.e., an airport board for maintenance and operation of an airport. However, City Attorney Waddingham has not completed his review of the Act and is uncertain, at this point, whether it is aimed at large commercial airports, or whether it is for situations such as the Delta Municipal Airport. Intermountain Flying Club members were not familiar with the Airport Authority Act. City Attorney Waddingham will complete his review of the Airport Authority Act prior to making recommendations to the Council.

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Council Member Robert Dekker felt that there should be someone, whether a board or an individual, to do the background work and make recommendations on projects at the airport, with the stipulation that nothing could be done until prior approval is given by the Council.

Council Member Glen Swalberg was in favor of forming a board, as suggested by the Intermountain Flying Club, because there is a great deal of work which could be done at the airport on a volunteer basis and the flying club appears to be willing to do what is necessary to maintain and utilize the airport.

Mayor Roper reminded the Council that all budgeting would need to be done through Public Works Director Forster, inasmuch as he is the department head with responsibility for the airport.

The Council felt that the proposal made by Intermountain Flying Club was a good plan, but that both the flying club and Delta City need to further explore the issues surrounding this matter. Mayor Roper suggested that City Attorney Richard Waddingham complete his review of the Airport Authority Act and that further information be obtained from Public Works Director Neil Forster.

Council Member Gayle Bunker MOVED to state, for the record, that the Council is in favor of the proposal presented by Intermountain Flying Club and instruct City Attorney Waddingham to research more information on a contract for operation of the Delta Municipal Airport and get together with Intermountain Flying Club for finalization of the proposal. The motion was SECONDED by Council Member Glen Swalberg. 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.

#### NEW BUSINESS

#### CITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE AMENDING ORDINANCE NO. 90-128

#### ORDINANCE NO. 01-193

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING SECTION 4. OF ORDINANCE NO. 90-128 FOR THE PURPOSE OF MAKING VIOLATION OF ORDINANCE NO. 90-128 A MISDEMEANOR CLASS WHICH COMPLIES WITH STATE LAW IN ACCORDANCE WITH U.C.A. § 76-6-412 (1) OR ANY SUCCESSOR STATUTE.

City Attorney Waddingham advised the Council that the Ordinance No. 90-128 was passed approximately ten years ago, making it a Class B misdemeanor to park on private business lots after business hours if the business posted signs prohibiting parking on the lot after business hours. The state law covering these violations was changed to require that they be classified as Class C misdemeanors. The proposed ordinance amends only Section 4 of Ordinance No. 90-128 to indicate that the violations will be punishable in accordance with state law.

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Council Member Gayle Bunker MOVED to adopt Ordinance No. 01-193, an ordinance of the City Council of Delta, Utah amending Section 4. of Ordinance No. 90-128 for the purpose of making violation of Ordinance No. 90-128 a misdemeanor class which complies with state law in accordance with U.C.A. § 76-6-412 (1) or any successor statute, as presented. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper 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	Absent
Gayle Bunker	Yes
Bruce Curtis	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The motion passed unanimously.

#### OTHER BUSINESS

Mayor Roper asked Council Members whether they had received any calls regarding a survey letter which had been sent out by Delta City. He advised the Council that, as a part of the Water Source Protection Plan for Delta City wells, we are required to survey households to determine what possible contaminants are being stored and in what amounts. In order to obtain this information, a survey form was sent out to 150 households, in a totally random selection, requesting information regarding what types of possible contaminants; i.e. fertilizers, herbicides, etc. are being used and stored in households within a designated area surrounding Delta City wells. Mayor Roper indicated that this information will also be helpful in obtaining information for the storm drain water, as discussed by Council Member Bloomfield at the last City Council Meeting.

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Council Member Robert Dekker asked Mayor Roper if any information has been obtained with regard to the new arsenic standards being required. Mayor Roper reported that Public Works Director Forster has been contacted by a company marketing point of use filters; approximately 40 of those filters will be put into place to determine the effectiveness and cost of using the filters. In addition, another water company has constructed filters to be used on wells. Delta City has ordered parts to construct the filters, which will be tested on two wells to see what the results will be.

In addition, a senator from New Mexico has presented a bill to Congress which would nullify the decision to require more strict arsenic levels in public water systems, but the status of that bill is currently unknown.

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Mayor Roper advised the Council that there will be a Mayor/Commissioner meeting in Fillmore on Tuesday, February 27<sup>th</sup>. The agenda shows a discussion regarding the relationship of counties and

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cities. Mayor Roper assumed that this item would deal with business licensing requirements. Mayor Roper stated that, at a previous meeting, it was agreed that we would honor a business license from either the county or other cities within the county, except those who have their business base in Delta City will be required to purchase a Delta City Business License.

In addition, the agenda shows discussion of Planning & Zoning and Economic Development. Mayor Roper requested that the Council advise him of any matters which they would like discussed with the County Commission.

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Mayor Roper advised the Council that City Recorder Gregory Jay Schafer sent flowers from Delta City for the funeral of Council Member Wesley Bloomfield's mother.

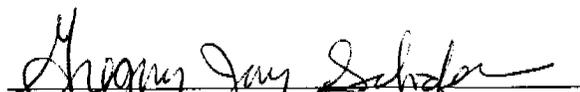
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Council Member Glen Swalberg asked Mayor Roper if he had any idea what items were going to be included in the new videotape presentation being made by Millard County Economic Development Association. Mayor Roper thought they were going to include a school, recreation areas, museum, and things which Delta City, Fillmore City and Millard County have to offer.

Mayor Roper asked if there were any comments, questions or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. 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.

Mayor Roper declared the meeting adjourned at 7:44 p.m.

  
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R. DALE ROPER, Mayor

  
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GREGORY JAY SCHAFFER, City Recorder

MINUTES APPROVED: RCCM 03-12-2001