

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 2007

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
Kiley Chase	Council Member
Bruce Curtis	Council Member
Glen Swalberg	Council Member
Betty Jo Western	Council Member

ABSENT

None

ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Gregory Jay Schafer	City Recorder
Dean Draper	Millard County Chronicle/Progress

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building and provided to the Millard County Chronicle/Progress and to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Schafer acted as secretary.

Council Member Glen Swalberg offered opening remarks following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held October 18, 2007 were presented for consideration and approval. Following review, Council Member Kiley Chase MOVED to approve the minutes of the Regular City Council Meeting held October 18, 2007, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker 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. Following review, Council Member Glen Swalberg MOVED to approve the

accounts payable dated November 1, 2007, in the amount of \$529,185.96. The motion was SECONDED by Council Member Betty Jo Western. Mayor 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

MAYOR GAYLE BUNKER: ORDINANCE NO. 07-237 ADDING A NEW SECTION 10-337 TO THE REVISED ORDINANCES OF DELTA CITY PROVIDING FOR REMOVAL OF GRAFFITI ON BUILDINGS AND STRUCTURES

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 07-237

AN ORDINANCE AMENDING SECTION 10-330 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, ("DELTA CITY ORDINANCES") PERTAINING TO NUISANCES ON PROPERTY BY ADOPTING A NEW SECTION 10-337 RELATING TO GRAFFITI AND ESTABLISHING DEFINITIONS, PROVIDING FOR THE PROHIBITION OF GRAFFITI, REMEDIES AVAILABLE TO DELTA CITY FOR THE ENFORCEMENT OF THE GRAFFITI ORDINANCE AND PENALTIES FOR CRIMINAL VIOLATIONS OF THE GRAFFITI ORDINANCE

Following review of the proposed ordinance, Council Member Bruce Curtis MOVED to adopt Ordinance No. 07-237 amending Section 10-330 of the Revised Ordinances of Delta City (1981 Edition), as amended, pertaining to nuisances on property by adopting a new Section 10-337 relating to graffiti and establishing definitions, providing for the prohibition of graffiti, remedies available to Delta City for the enforcement of the graffiti ordinance and penalties for criminal violations of the graffiti ordinance. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Robert Banks	Yes
Kiley Chase	Yes
Bruce Curtis	Yes
Glen Swalberg	Yes
Betty Jo Western	Yes

The motion passed unanimously. Following adoption of the ordinance, there was discussion regarding the possibility of having assistance of the City to remove graffiti if the property owner was elderly and receiving limited income. Following discussion, Council Member Bruce Curtis MOVED to rescind his motion to adopt Ordinance No. 07-237 and Council Member Glen Swalberg

rescinded his SECOND of the motion to adopt Ordinance No. 07-237. Council Member Bruce Curtis then MOVED to table further discussion of this item until the ordinance has been amended to include language allowing the City to assist those who are unable or cannot afford to remove graffiti from their property. Council Member Glen Swalberg SECONDED the motion. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion was unanimous.

MAYOR GAYLE BUNKER: RATIFICATION OF COUNCIL DECISION TO MAKE CONTRIBUTION TO ROOSEVELT CITY LEGAL FEES TO APPEAL STATE ENGINEER DECISION ON WATER RIGHTS

This matter was discussed at the last meeting and Council Members approved donation of \$1,000 toward legal fees to appeal the decision of the State Engineer regarding a request by Roosevelt City to transfer some of their water rights to a different location. Inasmuch as the matter was not on the agenda at the previous meeting, it is necessary that the Council ratify the decision at this time.

Following review, Council Member Betty Jo Western MOVED to ratify the decision to contribute \$1,000 to Roosevelt City for legal fees to appeal the decision of the State Engineer regarding transfer of water rights. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker 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

MAYOR GAYLE BUNKER: ORDINANCE NO. 07-233 PERTAINING TO NOISE CONTROL AND ESTABLISHING DEFINITIONS, NOISE LEVELS, EXEMPTIONS TO THE NOISE ORDINANCE AND REMEDIES AVAILABLE FOR ENFORCEMENT OF THE NOISE ORDINANCE

Mayor Bunker introduced the following ordinance for discussion:

ORDINANCE NO. 07-233

AN ORDINANCE AMENDING SECTION 13-331 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, ("DELTA CITY ORDINANCES") PERTAINING TO NOISE CONTROL AND ESTABLISHING DEFINITIONS, NOISE LEVELS, EXEMPTIONS TO THE NOISE ORDINANCE, REMEDIES AVAILABLE TO DELTA CITY FOR THE ENFORCEMENT OF THE NOISE ORDINANCE AND PENALTIES FOR CRIMINAL VIOLATIONS OF THE NOISE ORDINANCE

Mayor Bunker noted that this ordinance had been discussed in March but was tabled at that time because of questions regarding the decibel level to be assigned as violation of the ordinance. Since

that time, a decibel meter has been acquired and noise levels have been measured with the meter at several locations around town. It was determined that the 65 decibel level contained in this ordinance is probably acceptable in residential areas but further sound level readings will be taken and additional information provided to Council Members at a later meeting.

Mayor Bunker noted that this ordinance is on the agenda for either discussion or approval, depending upon the decision of Council Members. Other cities are currently using the 65 decibel level in their ordinance as being the tolerable level for noise in residential areas.

Following discussion, Council Member Betty Jo Western MOVED to table adoption of the noise control ordinance until the next meeting of the City Council. The motion was SECONDED by Council Member Robert Banks. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: REQUEST FOR APPROVAL TO PURCHASE TWO SAND SPREADERS

Public Works Director Alan Riding requested Council approval to purchase two sand spreaders to be used on trucks when they are plowing snow. A large size sander is being requested to replace a twenty-five year old sander which is rusted to the point of being unable to hold material. A smaller sander is requested for use on the one-ton pickup which is also equipped with a snow plow. It has been determined that snow removal from small, narrow roads in subdivisions is more easily accomplished with the smaller vehicle. Adding a sander on the one-ton pickup will allow plowing and sanding to be done at the same time rather than plowing and waiting for a dump truck to sand the area. Purchase of these sanders were included in the current budget and will be paid from Class "C" road funds. Bids have been received from AG Truck, the state purchasing contractor for this equipment, in the amount of \$18,596.00. The bids exceed the amount in the budget by \$3,000, however, the same company would like to purchase a sweeper head from us at a cost of \$1,000, which would reduce the total to \$17,596.00. Mayor Bunker noted that sanding snow packed roads significantly improves safety for winter driving.

Following discussion, Council Member Robert Banks MOVED to approve the purchase of two sand spreaders from AG Truck at a price of \$17,596, as requested. The motion was SECONDED by Council Member Betty Jo Western. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that the Main Street project is almost complete. The asphalt needs to be replaced around new concrete on several sidewalk corners.

Public Works employees are currently preparing to put up Christmas decorations. The jet fuel tank

project at the airport has been completed and a second load of fuel has been delivered.

The Ridge Top Well has been test pumping since Monday. Pumping is up to about 1,700 gallons per minute now and water is still a little muddy. Two samples have been collected and sent to be tested for arsenic content. It is hoped the results of those tests will be received by the first of next week. The official well samples will be collected next Tuesday and sent for full chemical analysis. The well will continue to be test pumped and pumping will steadily increase up to approximately 2,200 gallons per minute.

City clean up is scheduled for this weekend for areas north of Main Street and areas south of Main Street are scheduled for next weekend. The waterfall is currently turned off until we get falling leaves cleaned out of the stream and off the grass.

OTHER BUSINESS

Council Member Kiley Chase stated that Intermountain Power Service Corp. is very glad that the jet fuel tank at the airport has been completed. It was recently necessary to have a part brought in by private jet which needed fuel when it arrived.

Mayor Bunker reminded Council Members that a public meeting is scheduled for Thursday, November 15th to provide information about the proposed museum / civic center facility and the process of planning, obtaining funds and construction. The meeting will begin at 6:00 p.m. Mayor Bunker distributed copies of proposed Articles of Incorporation for West Millard Museums and Community Center Partnership for review of Council Members. The proposed Articles of Incorporation will be reviewed by all partners at the next meeting of the directors.

Mayor Bunker stated that the Christmas Light Parade will be held on Saturday, November 24th at 6:00 p.m. Mayor Bunker advised Council Members that they will need to assist with attaching lights to the float prior to the parade. Mayor Bunker will let Council Members know when the float is ready for lights to be attached. He also advised Council Members that they are expected to participate in the parade by riding on the Mayor & Council float.

Mayor Bunker reminded Council Members that the Delta City Employee Christmas Party will be held on Friday, December 7th. All members of the Centennial Committee have been invited to attend the Christmas Party, along with the Centennial Royalty.

Council Member Kiley Chase reported on plans for the Centennial New Year's Eve party to be held on Monday, December 31st. There will be a dinner catered by Famous Dave's Barbecue prior to the celebration for those who purchase tickets in advance. This is the only part of the celebration for which there will be a charge. The celebration will include a "Delta's Got Talent" show, two bands (Black Tie Affair will play in the Palladium and a band for high school kids will play in the old gym), lots of games such as "Deal or No Deal," "Bingo" and others for all age groups. There will be prizes for winners of the games. A lot of help will be needed to keep things running smooth in all venues. There will also be kid's games in the old gym before the band starts. There will be various video presentations showing in the auditorium during the evening. Mayor Bunker felt that Council Members should make a commitment to assist with the celebration. A lot of supervision will be needed but people will not be assigned to one place all evening. All of those assisting with the celebration will be rotated from one place to another so that all helpers have the opportunity to enjoy the celebration along with the people attending the event.

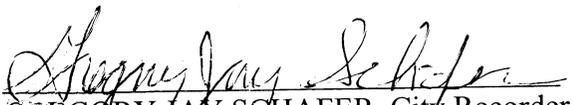
Council Member Betty Jo Western asked whether we would be able to provide some money for high school groups to assist with the Light Parade festivities following the parade. We need people to assist with Santa and some to serve donuts and cider. Mayor Bunker felt that we may be able to use the funds we had planned to use for the poster contest which we will not be using this year. Mayor Bunker requested that Council Member Western provide a proposal for providing funds to those groups assisting with the celebration.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Betty Jo Western MOVED to adjourn the meeting. The motion was SECONDED by Council Member Glen Swalberg. Mayor 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 Bunker declared the meeting adjourned at 7:56 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, City Recorder

MINUTES APPROVED: RCCM 11-15-07