

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
NOVEMBER 15, 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
Ken Clark	Asst. Public Works Director
Gregory Jay Schafer	City Recorder
Rodger Scoville	Council Member Elect
Stanton Lovell	City Resident
Wes Duncan	City Resident
Tracey Huntington	City Resident
Dan Bringard	City Resident
Kyla Overson	City Resident
Ralph Newberry	City Resident
Steve & DeNean Wilstead	City Residents
Steve Pratt	City Resident

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 Bruce Curtis provided 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 November 1, 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 November 1, 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 Bruce Curtis MOVED to approve the accounts payable dated November 15, 2007, in the amount of \$67,658.12. The motion was SECONDED by Council Member Kiley Chase. 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 AMENDING THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, PERTAINING TO NUISANCES ON PROPERTY BY ADOPTING A NEW SECTION 10-337 RELATED TO GRAFFITI

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 07-

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 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.

Mayor Bunker noted that this ordinance had been discussed at the previous meeting. At that time, changes to the proposed ordinance were requested and those changes have been made. City Attorney Kaela Jackson outlined the changes which had been made. The ordinance prohibits graffiti, defines graffiti and establishes penalties for violation of the ordinance. The ordinance also requires property owners to remove graffiti within a specific period of time and, in the event it is not removed, allows the City to remove the graffiti and charge the owner the cost of removal. The

ordinance also provides that property owners can appeal the requirement to remove graffiti for reasons such as the cost of repeated removal.

Dan Bringard stated that if the graffiti ordinance is adopted, he will be the first person cited for violation because he does not agree with forcing the victim of graffiti to pay for removal. Mr. Bringard suggested that those who paint the graffiti be forced to remove it. He objected to victims being penalized for becoming victims of graffiti. Mayor Bunker advised Mr. Bringard that every effort will be made to locate those responsible for painting graffiti and they will be required to reimburse property owners for the cost of removal. Mayor Bunker also advised those present that leaving graffiti in place invites additional graffiti. Council Member Kiley Chase asked what would Mr. Bringard suggest as an alternative for getting graffiti promptly removed so as to eliminate the invitation for additional graffiti. Mr. Bringard had left the meeting prior to this question being asked. Council Members agreed that it is difficult to require graffiti victims to pay for removal but if graffiti remains in place, it will encourage more graffiti.

Following lengthy discussion, Council Member Bruce Curtis MOVED to table for further review of the proposed ordinance regarding graffiti removal by property owners. 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.

Council Member Western suggested that a committee be assigned to review the ordinance and make suggestions for amendments. Mayor Bunker thanked those in attendance for their comments and stated that the intent of the Council is to do what is good for the community but it takes input from citizens to make certain that ordinances are adopted which are beneficial to the city and its residents.

MAYOR GAYLE BUNKER: ORDINANCE NO. 07-237 AMENDING SECTION 13-331 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, PERTAINING TO NOISE CONTROL

Mayor Bunker introduced the following ordinance for adoption:

ORDINANCE NO. 07-237

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 has been discussed in the past with numerous changes made to the proposed ordinance. City Attorney Jackson reviewed the content of the proposed ordinance. The language of the proposed ordinance provides a noise limit of 65 Db in residential areas and outlines hours of noise restriction. Mayor Bunker stated that the City has purchased a decibel meter which will be provided to the Sheriff's Department to be used to measure noise levels when a complaint is received.

Wes Duncan thanked Council Members for taking action to adopt this ordinance limiting noise levels in residential areas. DeNean Wilstead asked for an explanation of what the 65 Db noise limit sounds like. The meter was demonstrated to the audience as to how different noises related to the 65 Db limit.

Following discussion, Council Member Robert Banks MOVED to adopt Ordinance No. 07-237 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. 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.

NEW BUSINESS

MAYOR GAYLE BUNKER: ORDINANCE NO. 07-238 AMENDING TITLE 9-000 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, "LICENSING, CONTROL AND REGULATION OF BUSINESSES" PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES THROUGH A DRIVE-UP WINDOW

Mayor Bunker introduced the following ordinance:

ORDINANCE NO. 07-238

AN ORDINANCE AMENDING TITLE 9-000 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION) AS AMENDED, ("DELTA CITY ORDINANCES"), "LICENSING, CONTROL AND REGULATION OF BUSINESSES" BY RENUMBERING SECTION 9-432

(T) REGARDING RESTRICTIONS PLACED ON INDIVIDUALS LICENSED TO SELL BEER AND OTHER ALCOHOL BEVERAGES, AS SECTION 9-432 (U) AND BY ADOPTING A NEW SECTION 9-432 (T), PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES THROUGH A DRIVE-UP WINDOW

Council Members felt that this ordinance is necessary to prevent alcohol sales to minors or intoxicated persons, both of which are not easily identified inside a vehicle and in the dark.

Council Member Betty Jo Western MOVED to adopt Ordinance No. 07-238 regarding "Licensing, control and regulation of businesses" by renumbering Section 9-432 (T) regarding restrictions placed on individuals licensed to sell beer and other alcohol beverages, as Section 9-432 (U) and by adopting a new Section 9-432 (T), prohibiting the sale of alcoholic beverages through a drive-up window. The motion was SECONDED by Council Member Kiley Chase. 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.

MAYOR GAYLE BUNKER: PROPOSED ZONE CHANGE FROM MOBILE HOME (M-H) TO RESIDENTIAL 4 (R-4) ON PROPERTY LOCATED AT APPROXIMATELY 425 NORTH 600 EAST

Mayor Bunker noted that a public hearing regarding this proposed zone change had been held earlier this evening with numerous comments being received regarding limited street access to the property proposed for development. Council Members felt that additional information is needed from the developer prior to consideration of the requested zone change.

Council Member Kiley Chase MOVED to table further discussion of this proposed zone change pending additional information being provided by the developer. 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.

CITY RECORDER GREGORY SCHAFFER: CANVASS OF 2007 MUNICIPAL GENERAL

ELECTION

City Recorder Gregory Schafer reported the following results of the 2007 Municipal General Election:

Precinct 17: 381 of 846 (45%) registered voters cast 1,054 votes
Precinct 18: 331 of 1,048 (32.1%) registered voters cast 916 votes

<u>Candidate</u>	<u>Total Votes</u>
Bruce H. Curtis	497
Rodger L. Scoville	490
Robert W. Banks	457
Glen Swalberg	377
Curt Crosby	144

The following write-in votes were cast:

Ron Davis	1
Robyn Howell	1
Otto Riding	1
Stephen Riding	1
Rett Rowley	1

Following review, Council Member Glen Swalberg MOVED to accept the canvass of the 2007 Municipal General Election as reported by City Recorder Gregory Schafer. 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.

KYLA OVERSON: GREAT BASIN NATIONAL HERITAGE ROUTE

Kyla Overson, representing the Great Basin National Heritage Route, advised Council Members that the Great Basin National Heritage Route (State Highway 50) is currently listed as a "scenic byway" at the state level and attempts are being made to have the "scenic byway" designation listed at the national level. Once this is accomplished, funding can be obtained for up to eighty percent of the cost of any projects which may be proposed along the route. It is necessary for each city and town along the route to approve the request for listing and Ms. Overson requested Council support of the application for listing on the national register of scenic byways. Council Members agreed to support the application. Official action in support of the request will take place at a later date.

MAYOR GAYLE BUNKER: DISCUSSION OF HOLIDAY STAFFING AND OFFICE HOURS

Mayor Bunker requested approval of Council Members to close the city office at 2:00 p.m. on Wednesday, the day prior to Thanksgiving Day. He also suggested that the office be closed on Monday, December 24th at noon. On December 31st, New Year's Eve, he suggested the office be closed and that all City staff be scheduled to come to the Palladium at noon on December 31st to help set up for the Centennial New Year's Eve celebration.

Following review, Council Member Glen Swalberg MOVED to approve closing the Delta City office at 2:00 p.m. on Wednesday, November 21st, at noon on Monday, December 24th and all day on Monday, December 31st, with city employees being assigned to report to the Palladium at noon on December 31st to assist with preparing the building for the Centennial New Year's Eve celebration. The motion was SECONDED by Council Member Bruce Curtis. 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 GAYLE BUNKER: CENTENNIAL YEAR-END CELEBRATION

Mayor Bunker invited Council Member Kiley Chase to discuss preparations for the Centennial New Year's Eve celebration. Council Member Chase reported that people in the community are being contacted to assist with different portions of the celebration. There will be a dinner of Famous Dave's BBQ for those who purchase tickets in advance. The food will be delivered to Delta and a group has volunteered to serve and clean up after the meal. Most segments of the celebration are ready to go. Judges for the talent show are needed and there will be a lot of work involved in preparing venues for the various activities. There will also be a lot of work required to clean the buildings following the celebration. Mayor Bunker asked Council Members to assist with the set up, beginning at noon on December 31st, and the clean up following the celebration. The clean up will take place on Wednesday, January 2nd rather than immediately following the celebration.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that public works employees are very busy putting up Christmas decorations. Council Members complimented public works employees for how good the decorations look.

Public Works employees hauled approximately forty loads of trash on each of the two days scheduled for city clean up. Residents were very pleased with the service provided by Public Works employees. Public Works Director Riding felt that providing this service for residents is a very positive public relations tool.

Public Works Director Riding reported that preliminary water test results for arsenic at the Ridge

Top Well are well below approved arsenic levels for drinking water.

OTHER BUSINESS

Council Member Chase reported that he had heard from an individual who lives outside the Delta City limits who was able to vote for Delta City Council Members in the recent election. City Recorder Schafer commented that elections where state-wide issues are being voted on, as well as municipal elections, presents opportunities for error if a voter is not provided the properly coded machine card based on the voter's place of residence. A discussion on the subject was held with County Clerk Norma Brunson by City Recorder Gregory Schafer.

Mayor Bunker advised Council Members that he had met with County Commissioners earlier this week to discuss the law enforcement contract. County Commissioners stated that Delta City and Fillmore City are not paying their fare share of the cost of law enforcement. When Mayor Christensen asked for the "bottom line" for Fillmore City's cost for law enforcement, Commission Members did not have an answer. Mayor Bunker offered a three percent increase but Commission Members felt that would not be adequate, however, they were not prepared to state how much money would be required. One Commissioner stated that the cost increase should be closer to fifteen percent, but perhaps they would agree to a ten percent increase. Mayor Bunker stated that a three percent increase for Delta City would amount to approximately \$5,700 per year. Mayor Bunker noted that it will be necessary to meet with County Commissioners again regarding the law enforcement contract.

Mayor Bunker noted that he and Council Member Bruce Curtis traveled to Cedar City to look at an industrial park being developed west of Cedar City. It was a very large and impressive industrial park which included nice landscaping. Mayor Bunker and Council Member Curtis invited the developer of that industrial park to visit Delta and look over the area which is proposed for an industrial park to see if they could assist in promoting and/or developing the park.

Council Member Glen Swalberg expressed appreciation for the opportunity of working with the Mayor and other Council Members during his twelve years as a Council Member. Council Member Bruce Curtis expressed appreciation for the opportunity of working with and learning from Council Member Swalberg during his tenure and thanked Council Member Swalberg for his dedication to

the Delta area. Mayor Bunker and Council Members concurred with Council Member Curtis' comments and added their own comments on knowing and working with Council Member Swalberg and thanked him for his service to the Delta area.

Mayor Bunker reminded Council Members of the Light Parade to be held on Saturday, November 24th at 6:00 p.m. and requested that Council Members ride the Council float.

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 8:39 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, City Recorder

MINUTES APPROVED: RCCM 12-06-07