

CITY OF DELTA, UTAH  
REGULAR CITY COUNCIL MEETING  
MARCH 20, 2008

Present

Gayle Bunker  
Robert Banks  
Kiley Chase  
Bruce Curtis  
Rodger Scoville  
Betty Jo Western

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

Absent

None

Also Present

Kaela Jackson  
Alan Riding  
Ken Clark  
Gregory Schafer  
Tom Stephenson  
James Robson  
Josie Greathouse  
Roger Young

City Attorney  
Public Works Director  
Assistant Public Works Director  
City Recorder  
City Resident  
City Resident  
Millard County Sheriff Office  
Millard County Sheriff Office

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place and agenda of the meeting 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 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 February 7, 2008 were presented for consideration and approval. Council Member Rodger Scoville noted a correction on page 6, line 4 where the letter "d" needs to be removed from the word "and." Following discussion, Council Member Kiley Chase MOVED to approve the minutes of the Regular City Council Meeting held February 7, 2008, as corrected. 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.

The proposed minutes of a Regular City Council Meeting held February 21, 2008 were presented for consideration and approval. Following discussion, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Council Meeting held February 21, 2008, as presented. 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.

#### 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 Robert Banks MOVED to approve the accounts payable dated March 20, 2008, in the amount of \$172,612.93. The motion was SECONDED by Council Member Rodger Scoville. 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 COMMENT PERIOD

Mayor Bunker invited those in attendance to make comments on any matter which is not scheduled for discussion on the meeting agenda.

Tom Callister complimented the City for taking care of city streets by regular seal coating but noted problems with some intersections where the pavement is so high above the concrete street drainage system that it is impossible to drive through the intersection without scraping the bottom of vehicles. He requested that Council Members look for ways to eliminate this problem. Mayor Bunker suggested that part of the problems is vehicles being constructed with increasingly lower clearance.

#### UNFINISHED BUSINESS

##### MAYOR GAYLE BUNKER: PROPOSED PROPERTY SALE TO JAMES D. ROBSON.

Mayor Bunker noted that a public hearing had been held prior to this meeting with no public comment received. Mayor Bunker asked Mr. Robson about his negotiations for purchase of the property currently owned by Millard County. Mr. Robson advised Council Members that the property needs new asphalt, which will cost about \$10,000, so Millard County is discussing transferring ownership of the property to Mr. Robson and let him pay for the resurfacing. Mr. Robson requested that Council Members allow him to take ownership of the property without cost because he will be improving the property and will be paying taxes on the property in the future.

Mayor Bunker advised Mr. Robson that the matter was on the agenda for discussion only at this meeting so a decision will be made at the next Council meeting.

NEW BUSINESS

MAYOR GAYLE BUNKER: FORUM DISCUSSION ON GRAFFITI WITH AFFECTED INDIVIDUALS, ENTITIES, DELTA CITY AND THE MILLARD COUNTY SHERIFF OFFICE

Mayor Bunker indicated that those who have graffiti on their buildings and property were specifically invited to attend the meeting and participate in this discussion but none were in attendance. Public Works Director Alan Riding provided photos of graffiti in various areas around town. Lt. Roger Young, Millard County Sheriff Office, introduced Deputy Josie Greathouse, the Gang Relations Specialist for Millard County Sheriff Office, to discuss the graffiti problems. Deputy Greathouse has been monitoring the graffiti incidents and has identified some individuals involved as being from out of our area. There is an issue starting to develop and evidence of a turf battle beginning. This started last week with three gang fights since last Wednesday.

Deputy Greathouse advised Council Members that she is close to making an arrest in the graffiti incidents showing the letters "SEJ." The individual involved is from outside Millard County and is the same person who crossed out the letters and did additional writing underneath the original graffiti. Deputy Greathouse has been checking with various cities to get updated information on their graffiti removal processes and found ordinances requiring that businesses selling spray paint store them in a specific area and require those purchasing it to be 18 years of age or older. The number one rule for keeping graffiti out of a city is to report incidents and remove or cover the graffiti as soon as possible. Deputy Greathouse mentioned there is an apartment in Delta which has had graffiti on it since last summer. St. George City has a 24-hour time period for graffiti to be removed or painted over. If the property owner is unable to take care of graffiti removal, there is a group of volunteers in St. George who will remove it within the 24-hour time period. Property owners who do not have the graffiti promptly removed or painted over can be given a citation. Deputy Greathouse noted that she had not received any calls regarding the graffiti incidents involving the letters "SEJ." In order to get restitution for graffiti removal, it is important that all graffiti incidents be reported.

Mayor Bunker reported that a recent newspaper article states that Provo City is taking responsibility for removing graffiti in their city. Mayor Bunker also mentioned that the Council had previously considered adoption of a graffiti ordinance which would make property owners responsible for removing graffiti. There were some individuals upset about the possibility of being victims of graffiti and being victimized again by being made responsible for the cost of removal. Mayor Bunker agreed that graffiti must be removed immediately in order to discourage additional incidents.

Lt. Young noted that these graffiti areas become bulletin boards for these people in that they continue to use any space where graffiti is not immediately removed. When these insignias are painted on a surface around town, they act as a challenge for someone else to cross out the original graffiti and add their own insignia to the same surface, which creates an additional challenge. These challenges lead to person-to-person challenges on the street. There were five people arrested last

weekend for person-to-person challenges. All of the incidents will eventually lead to gang problems in our area if allowed to escalate. Deputy Greathouse stated that they have had good success at finding and charging graffiti artists but if the graffiti is not removed immediately, it will follow the path previously explained by Lt. Young.

Mayor Bunker suggested the possibility of assigning a city employee to watch for and report graffiti incidents. Perhaps this person could also be assigned the responsibility of removing the graffiti and, when restitution is paid, it could be paid to Delta City. Mayor Bunker mentioned that waivers would need to be obtained from property owners prior to graffiti removal so that the city would not be held liable for any damage to property resulting from the graffiti removal.

Lt. Young noted that there have been twenty cases of criminal mischief and vandalism in Delta City within the last six months. These cases are all graffiti incidents and approximately twelve of those are incidents under the same case number, which makes a total of thirty to thirty-five total incidents of graffiti in Delta City within the last six months.

Council Member Chase suggested that Delta City supply the paint if property owners will promptly cover the graffiti and talking with business owners about installing security cameras. Mayor Bunker felt that security cameras are a good idea but most of the graffiti happens in the dark and in areas that are not easily seen. Council Member Western suggested a public meeting advising residents of the problems and the importance of reporting graffiti. Council Member Western also suggested creating a volunteer committee to remove graffiti with Delta City providing the materials. Public Works Director Alan Riding noted that Delta City properties have been marked with graffiti several times in the past and the public works employees have removed the graffiti and have found various materials and methods to accomplish the removal. Public Works Director Riding noted that waivers would need to be signed by property owners before public works employees could go on private property and remove the graffiti. Perhaps part of the waiver could be a statement for property owners agreeing to make themselves more aware of and report these activities in an effort to eliminate the problem from our area. Council Member Banks suggested a cooperative effort including property owners, volunteer committee members and city employees in removing and/or repainting the affected areas. Mayor Bunker requested that City Attorney Kaela Jackson draft a waiver to be used for graffiti removal. Mayor Bunker suggested we get media cooperation to let people know the graffiti is not idle fun for teens but is a gang related activity.

MAYOR GAYLE BUNKER: PROPOSED LEASE OF PROPERTY FOR WIND-GENERATED ELECTRICAL POWER LINES

Mayor Bunker noted that Delta City owns a forty acre parcel of property near Black Rock. The company constructing the wind-generated electrical power system is offering \$3,273 for purchase of a 245 foot wide easement along one side of the property. This would give the company sole use of the easement. The company has also offered \$328 (10% of the proposed purchase price) to allow two years to determine whether the company will use the easement. If the company were to decide to use the easement, the \$328 payment would be applied to the purchase price of \$3,273. An

additional offer has been made to purchase a 175 foot wide easement along another side of the property at a price of \$2,400. This would involve a payment of \$240 (10% of the proposed purchase price) to allow two years to determine whether to use the easement. The company will make a decision as to which side of the property to use but will not use both sides.

Following discussion, Council Member Robert Banks MOVED to sign two option to purchase utility easements, in the amount of \$328 and \$240 for a period of two years, on a forty acre parcel of property, located in the Black Rock area, to Power Engineers for purposes of constructing wind-generated electrical power lines. 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: IRRIGATION SYSTEM USER FEES FOR 2008 IRRIGATION SEASON

Mayor Bunker advised Council Members that the irrigation system user fees for the 2008 irrigation system need to be adopted. The fees last year were \$70 for user fee and \$35 per acre foot for water rental. Public Works Director Riding indicated the fees turned out to be fairly low last year. He suggested the water rental price be set at a minimum of \$40 per acre foot. Mayor Bunker felt that \$45 per acre foot would not be out of line and would still be a bargain for those who irrigate their yards.

Following discussion, Council Member Betty Jo Western MOVED to instruct City Attorney Jackson to prepare a resolution setting the irrigation water rental fee at \$45 per acre foot and user fee at \$70 for the 2008 irrigation season. The motion was SECONDED by Council Member Rodger Scoville. 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: SPRING CLEAN UP DAYS

Public Works Director Alan Riding suggested that the Spring Clean Up Days be scheduled for Saturday, May 3<sup>rd</sup> and Saturday, May 17<sup>th</sup>. Council Members approved the dates suggested by Public Works Director Riding.

PUBLIC WORKS DIRECTOR ALAN RIDING: PROPOSED PURCHASE OF FLEET VEHICLE

Public Works Director Riding reviewed the bids received for purchase of a fleet vehicle. Bid opening was held today, March 20<sup>th</sup>. The apparent low bid was from Sahara Motors in the amount of \$20,273, compared to the bid received from Droubay Chevrolet in the amount of \$21,560.74. During review of the bids, it was noted that the bid from Sahara Motors did not include a split bench seat. Cost of the split bench seat would add \$400 to the bid for a total of \$20,673, which is approximately \$887 less than the bid from Droubay Chevrolet. Purchase of this vehicle was included in the budget for this fiscal year and is being paid from Class "C" Road funds. Public Works

Director Riding proposed that the low bid of Sahara Motors be accepted in the amount of \$20,673.

Following discussion, Council Member Robert Banks MOVED to accept the low bid from Sahara Motors, in the amount of \$20,673, for purchase of a 2008 Ford F-Series Pickup. 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.

#### MAYOR GAYLE BUNKER: 2008 FOURTH OF JULY CELEBRATION PLANS

Mayor Bunker advised Council Members that information has been received about constructing a pond from hay bales and plastic to provide a fish catching pond for children on the Fourth of July. The company is proposing that we construct the pond and fill it with water and they will provide 13 to 16 inch fish. It is suggested that children be grouped by ages so everyone has the opportunity to catch a fish with their hands. Cost of the fish would be approximately \$2,500. Mayor Bunker learned that Oak City has this event at their annual celebration. In order to recoup some of the cost of the fish, Oak City charges a fee for each child who wants to participate. Mayor Bunker reported that he has tentatively scheduled the event with the understanding that the Council would discuss the proposal at this meeting and either finalize or cancel the event. Mayor Bunker reported that the company is scheduled to provide fish for another event on the Fourth of July so we would need to decide whether to schedule for the morning or afternoon. Council Members thought the best time would be approximately 11:00 a.m. and requested that Mayor Bunker check to see if that would fit in the schedule for the company who provides the fish.

#### MAYOR GAYLE BUNKER: PROPOSED PROPERTY PURCHASE FOR UTILITY EASEMENT

Mayor Bunker requested that the Council adjourn to Executive Session for the purpose of discussing the purchase of a utility easement.

Council Member Rodger Scoville MOVED to adjourn to Executive Session for the purpose of discussing the proposed purchase of a utility easement. 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. The Council adjourned to Executive Session at 8:25 p.m.

Council Member Robert Banks MOVED to adjourn to Regular City Council Meeting at 8:48 p.m. 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. The Council adjourned to Regular City Council Meeting at 8:48 pm.

Council Member Bruce Curtis MOVED to approve Mayor Bunker entering into an agreement with Michael Van de Vanter for acquisition of a water line easement for Ten Dollars and other good and valuable consideration. 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 with Council Members Robert Banks, Kiley Chase, Bruce Curtis and Rodger Scoville voting in favor and Council Member Betty Jo Western voting in opposition.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Riding reported that Leonard Hardy and Dent Kirkland are state inspectors and are currently involved in doing state safety inspections on fleet vehicles. The siding and roof are being completed on the fuel storage shelter at the airport. Spring work has begun on the parks. Flower beds are being cleaned and prepared for planting. Next week some sod will be cut out of the park and a swing set will be installed near the existing playground equipment.

The radio-read water meters will begin arriving in mid-April and installation will begin as soon as they are received. The water line from the Ridgetop Well is currently being installed and is moving well. It is anticipated that installation will continue at approximately 1,000 feet per day.

A pre-construction meeting was held with Build, Inc., contractor for the water storage tank at the Ridgetop Well. The Notice to Proceed is being mailed and construction on the water tank should begin the first part of April. It appears there will be funding available to add to the water pipeline so efforts are on-going to obtain easements necessary to extend the water line to provide an additional connection from the Ridgetop Well to the existing water system. This additional connection will benefit the entire system by providing increased flow.

OTHER BUSINESS

Mayor Bunker reported he has received a request from Kelly Peterson of Utah Housing Corporation to make a presentation to Council Members regarding a low income housing project. He asked Council Members if they were interested in seeing the presentation. Council Members were interested; Mayor Bunker will schedule the presentation.

-----

Mayor Bunker advised Council Members that, for several years, he has noticed ads for an Easter Egg hunt in Delta but had no idea who was providing the hunt. He recently found out how it was being accomplished because the two families who were doing it are no longer able to do the work involved. We have been approached for assistance in making certain an annual Easter Egg Hunt is provided in Delta. A supply of plastic eggs have been purchased and City employees have filled them with candy. The Easter Egg Hunt will take place on Saturday, March 22<sup>nd</sup> with the assistance of the Brown family. Mayor Bunker invited Council Members to assist on Saturday.

-----

Council Member Kiley Chase noted that he had been asked if we were going to provide a water feature in the park this year. Mayor Bunker advised Council Members that we hope to do some research and have the feature completed and ready for use in the summer of 2009.

-----

Mayor Bunker requested approval to enter into a six month janitorial contract with Donald and Gayl Petersen for cleaning the City Building beginning April 1, 2008. Council Member Robert Banks MOVED to enter into a six-month janitorial contract with Donald and Gayl Petersen for cleaning the City Building beginning April 1, 2008. 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 with Council Members Robert Banks, Kiley Chase, Bruce Curtis and Rodger Scoville voting in favor and Council Member Betty Jo Western voting in opposition.

-----

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 Rodger Scoville. 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 8:58 p.m.

  
\_\_\_\_\_  
GAYLE BUNKER, Mayor

  
\_\_\_\_\_  
GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 05-01-08