

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
SEPTEMBER 4, 2008

PRESENT

Gayle Bunker	Mayor
Kiley Chase	Council Member
Bruce Curtis	Council Member
John Niles	Council Member
Betty Jo Western	Council Member

ABSENT

Robert Banks	Council Member
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ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Justin Ashby	City Employee
Gregory Jay Schafer	City Recorder
James Robson	Curley's Lounge
Dean Draper	Millard County Chronicle/Progress
Bill, Julie & Joshua Keel	City Residents
Tony & Kristine Stanworth	Area Residents
Zane Draper	Area Resident
Shelley Finlinson	Delta, Sutherland, Oasis Cemetery Dist.
Howard Bassett	Delta, Sutherland, Oasis Cemetery Dist.
Bryan May	Boy Scout
Travis Eliason	Boy Scout
Jeremy Eliason	Boy Scout

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 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 August 7, 2008 were presented for consideration and approval. Following review, Council Member Kiley Chase MOVED to approve the minutes of the Regular City Council Meeting held August 7, 2008, as presented. 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.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been provided to them two days prior to the meeting. Following review, Council Member Betty Jo Western MOVED to approve the accounts payable, dated September 4, 2008, in the amount of \$ 432,248.60. 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.

PUBLIC COMMENT PERIOD

There was no public comment.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

JIM ROBSON, CURLEY'S LOUNGE: REQUEST FOR CITY PARTICIPATION IN COST OF STORM DRAIN INSTALLATION

Mayor Bunker requested that Public Works Director Alan Riding address the Council prior to Mr. Robson making his presentation. Public Works Director Riding advised Council Members of current ordinance and policy regarding storm water drainage in Delta City. When discussing Mr. Robson's proposed drive-up window, Public Works Director Riding discussed with Mr. Robson the options available for handling storm run-off in the parking area. These options were either to install a catch basin with a rock retention system on his property or extending the city storm drain from Main Street, along the east side of 300 West, to an inlet box in alignment with his waterway, at his expense.

Assistant Public Works Director Ken Clark later discussed the storm water situation with the contractor who was working on the parking area and was told that the property owner indicated Delta City had approved installation of a gutter to channel the storm water. The contractor was

advised that if the water were channeled to the street, the storm drain would need to be extended and an inlet box would need to be installed. The contractor provided this information to the property owner.

Mr. Robson told Council Members that he did not recall any conversation about the sump system or storm drain extension until his contractor called him and told him the parking lot project had been stopped by Public Works Director Riding because the sump system had not been installed. Mr. Robson stated he then came to talk to Public Works Director Riding who told him that he needed to install the sump system for storm water. Mr. Robson then saw the contractor digging a trench and assumed that Delta City was trading services with the contractor to install additional storm drain to the property. Mr. Robson stated that when he asked what they were doing, he was told that Delta City was too busy to do the storm drain installation. Mr. Robson then received a bill from the contractor for \$8,548.59.

Mayor Bunker advised Mr. Robson that the trade-off between Delta City and the contractor was that Delta City had the pipe and inlet box available and would allow the contractor to use them with the condition that he replace the items. Mayor Bunker also reminded Mr. Robson that Delta City had offered to pay approximately \$1,700 for the pipe and inlet box but Mr. Robson had turned down that offer. Mr. Robson agreed that he had turned down the offer of approximately \$1,700 for the pipe and inlet box.

Council Member Bruce Curtis stated, for the record, that he has conflict of interest in this matter inasmuch as he is the owner of property adjacent to the property owned by Mr. Robson. Council Member Curtis indicated that water from his property also runs into the storm drain being discussed.

Mayor Bunker stated that Mr. Robson has made statements to the Mayor and other individuals that Delta City told him he could put the storm drain in the curb. Mr. Robson denied that he had discussed storm drainage with Public Works Director Riding and stated the water flow in that area has been the same for thirty years. Council Member Betty Jo Western asked Mr. Robson if he had obtained a bid from the contractor for the project he was to complete. Mr. Robson stated that he had received a bid which included the cost of a sump system if Delta City said the sump system was necessary. Council Member Western stated that the contractor apparently had an idea what Delta City would require when including the sump system in the bid and asked Mr. Robson if that information would indicate that he should check with Delta City to make sure the sump system was not required. Mr. Robson stated that he did not check with Delta City about the sump system. Council Member Western asked Mr. Robson when he came to City Council Meeting and obtained approval to purchase the property. Mr. Robson stated that it was in July. Council Member Western asked Mr. Robson if he was discussing or talking to Public Works Director Riding at that time or at a later time. Mr. Robson said that he did not talk to Public Works Director Riding about storm drainage at all. Council Member Western asked Mr. Robson if it was not a concern because it had been that way for thirty years so he thought it would be alright to let the water flow wherever it went. Mr. Robson answered that, yes, he thought it would be alright. Council Member Western advised Mr. Robson that she noticed some concrete between the asphalt areas where water would

run and asked if that concrete was there prior to laying new asphalt. Mr. Robson stated that the concrete was not previously there; the area was all asphalt. Council Member Western asked Mr. Robson if the concrete was put there to catch water and run it to the spot where he was required to install the storm drain inlet box. Mr. Robson answered that it was installed to channel water to the location where the storm drain inlet box was installed.

Council Member Kiley Chase asked when Mr. Robson knew about the requirement for the storm drain. Mr. Robson said he knew nothing about the requirement for storm drainage until the contractor called and told him the project had been shut down by Delta City because they needed to install a storm drain.

Assistant Public Works Director Ken Clark advised Council Members that he was the person who had approached the contractor on this project when they were grading the water way and told them they could not channel the storm drainage into the curb. The contractor told Assistant Public Works Director Clark that the property owner had told him Delta City said it was okay to channel water into the curb. The contractor advised Assistant Public Works Director Clark that he had already purchased materials for the sump system and had it sitting on site to be installed.

Council Member Western asked Mr. Robson if he had accepted the bid provided by the contractor which included the information about the sump system. Mr. Robson said the bid shows that the sump system would be included at a cost of \$2,500 if Delta City would not allow water to be channeled to the curb and allowed to run north. Council Member Western asked Mr. Robson if he was ever made aware that it was possible Delta City would share in the cost if the storm drain became an issue. Mr. Robson answered that when he asked about covering an irrigation ditch a few years back, he was told that if he would purchase the pipe the City would install it for him.

City Attorney Kaela Jackson noted that the bid which Mr. Robson received was dated February 18, 2008. City Attorney Jackson stated that Mr. Robson did not purchase the property, it was given to him by Delta City; she asked whether Mr. Robson had asked anyone from the Public Works Department about whether there would be issues with storm drainage after receiving the bid which noted the cost of a sump system if required by Delta City. Mr. Robson stated that he did not, he just assumed that since the water had run there for thirty years it would be okay for it to continue doing so. City Attorney Jackson reminded Mr. Robson that, when the property was given to him, he agreed to pay for all costs of development of the property. Council Member Western asked Mr. Robson what he was requesting from Delta City at this time. Mr. Robson responded that he would like some assistance from Delta City to pay for the storm drain which was installed in a Delta City street.

Council Member Curtis stated that, when the parking area was initially installed, there was no problem with drainage but, over a period of approximately thirty years, a hole grew in the asphalt which resulted in water gathering there. There are several property owners along the street whose storm water drains into the same storm drain as Mr. Robson's property. Council Member Western asked Mr. Robson if he had approached any adjacent property owners, who have water running into

the storm drain, to ask if they would be willing to assist in paying for the cost of the storm drain. Mr. Robson answered that he has not approached any adjacent property owners.

Mayor Bunker and Council Members agreed that the project is beneficial to the area and to the City but a problem arises when a project is completed and the property owner comes to the City for assistance with the project after the fact rather than negotiating a cooperative agreement prior to beginning the project.

Mayor Bunker recommended that Delta City reimburse Mr. Robson \$3,000 toward the cost of the storm drain project for the following reasons: 1) an agreement for participation was not requested prior to completion of the project, 2) there was adequate warnings for Mr. Robson to discuss the project with Delta City before beginning work, 3) there is an opportunity for Mr. Robson to request assistance from other property owners whose property utilize the new storm drain, and 4) the manner in which the project was handled by Mr. Robson. Mayor Bunker requested that Council Members determine how they wanted to handle Mr. Robson's request. Council Member Chase agreed that the matter was not handled like it should have been and that the project is beneficial to adjacent property owners as well as Delta City, and felt that some payment toward the cost of the project was in line, but not more than \$3,500, and instruct Mr. Robson to contact other property owners for additional funds. Council Member Western was in agreement that the project is beneficial and noted that Delta City is agreeable to participate in the cost of projects when they are discussed and agreed upon prior to beginning the project, and agreed that some compensation is in order but was unsure of what the amount should be.

Following discussion Council Member Betty Jo Western MOVED to table further discussion and decision on this matter until the next City Council meeting in order to obtain additional information and allow Mr. Robson time to approach other property owners for funds toward the project. 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 with Council Members Kiley Chase, John Niles and Betty Jo Western voting in favor and Council Member Curtis abstaining.

JOSHUA KEEL: PROPOSED "SUPPORT OUR TROOPS" COMMUNITY MEMORIAL EAGLE SCOUT PROJECT

Joshua Keel noted that a display, consisting of four U.S. Flags and a sign with the words "We Support Our Troops", has been in the City Park for a couple of years showing the community's support for those military members who are serving in current wars. The display was intended as a temporary display and requires constant vigil to keep the flags honorably displayed and, at times, has fallen short of the care and attention it deserves.

Mr. Keel proposed an Eagle Scout project to improve the display, using more durable materials and proper lighting, but continue using the current design. Mr. Keel provided a drawing of his plan to Council Members. Mr. Keel would move the display to the west of the current location, either under

the street light or near the log cabin. A concrete pad would be poured to aid in maintenance of grass and act as a platform for the sign and flags and install a system to allow flexibility of the display using sleeves that poles and signs slide into and could be removed when no longer needed. The display could also be used for other seasonal celebrations. The cost of the concrete would be about \$340, lighting would be \$250 - \$350, and sleeves and poles would cost about \$100. The current sign will be used in the new display. Total cost would be \$700 to \$800.

Council Members felt the project would be a great improvement over the current display and complimented Mr. Keel for taking on the responsibility of doing the project.

Following discussion Council Member John Niles MOVED to approve the proposed Eagle Scout Project proposed by Joshua Keel. 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.

SHELLEY FINLINSON, DELTA, SUTHERLAND, OASIS CEMETERY DISTRICT: REQUEST FOR LEASE OF ADDITIONAL WATER FOR DELTA CEMETERY

Howard Bassett, on behalf of Delta, Sutherland, Oasis Cemetery District, requested permission to tap into one of Delta City's underground wells which will not be used for drinking water and rent water from Delta City so culinary water would be available at Delta Cemetery. This would provide additional water for the cemetery and improve maintenance by having the ability to utilize a sprinkling system. The cemetery needs to expand and renting water from Delta City would make it unnecessary to set up an additional pumping system from the Melville Irrigation Company canal. Use of Delta City water would solve a number of maintenance problems for the cemetery district.

Mayor Bunker requested that Public Works Director Alan Riding discuss the water needs and availability with Mr. Bassett. Public Works Director Riding noted that the closest well is located along the canal but we do not plan to abandon that well because the water quality is very close to meeting current drinking water standards and the well could be used as a culinary source with very little work. The well is small but is very efficient and is planned for continued use in the future. The well located at the Public Works yard will probably be abandoned and only used if one of the other wells were to be unusable. The cost of operating that well is about \$540 when the well is turned on due to the size of the pump and the electrical demand charge made by the power company. In addition, the cost of installing pipe from the well to the cemetery would probably be prohibitive.

Mr. Bassett asked Council Members to think about what possibilities may exist for utilizing Delta City water in the sprinkling system for cemetery maintenance. Mayor Bunker recognized the problems existing at the cemetery and indicated that, perhaps by spring, we will have some idea of how Delta City water could help with cemetery maintenance.

Following discussion Council Member Betty Jo Western MOVED to table further discussion on this

matter until a later meeting. The motion was SECONDED by Council Member John Niles. 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 Ridge Top Well water tank has been filled with water and the building is almost completed. A few more days of dirt work will complete work on the water storage tank. Public Works Director Riding is pleased with the work that has been done and believes the well itself should be online and in use sometime in October. With the increased storage capacity of the new water tank, it will be possible to choose what time of day to run the well to replenish the tank, which will be very beneficial for the water system.

Public Works Director Riding reported that employees have been working very hard to get all the radio read water meter boosters installed. We are currently reading 786 meters with the radio read system. The final shipment of small meters has been received and approximately 150 larger meters still need to be adapted. Our goal is to be 100% radio read and are getting closer to that goal every day.

Public Works Director Riding reported that Leonard Hardy has submitted his resignation and will be leaving our employ to move to the St. George area and work with Scholzen Products. He has recently stayed in Delta because he enjoyed his job so much but had finally decided to move on to a new phase of his life. He is a very capable person and has been an excellent employee, able to perform almost any task with excellence. We are currently in the process of advertising with Workforce Services and have received 19 applications which are being reviewed. It appears we will have a good number of applicants to choose from. It is hoped interviews will begin during the next week or two.

Public Works Director Riding reported on an explosion which occurred at the sewer lift station located on 200 East just north of Main Street. A propane gas leak ignited and exploded inside the building. There was extensive damage to the roof and the door. Even with the explosion and the water used to put out the fire, all the electronics continued working and the lift station did not shut down. It is estimated repair of the damage will cost between \$1,500 and \$2,000. With the city's insurance deductible being \$1,000, it was determined by Public Works Director Riding, along with Mayor Bunker and City Recorder Gregory Schafer that a claim will not be made on the damage.

Public Works Director Riding noted that negotiations for building inspection services are ongoing and the deadline for contracted services with Millard County was September 1, 2008. We have advised Millard County that we have not completed negotiations for building inspection services and requested that we continue using the Millard County Building Inspector until negotiations are completed but Public Works Director Riding did not feel Millard County is in favor of that arrangement. If Gary Church obtains some continuing education credits, he will be able to renew

his certifications and believes that a part time job with Delta City would work well for him.

Mayor Bunker advised Council Members that there will be further discussion at the next meeting. Mayor Bunker has been discussing building inspection services with Millard County Commissioners about the problems which exist and is hopeful that a decision can be made in the very near future.

OTHER BUSINESS

Council Member Betty Jo Western reported that she had contacted Michelle Burr and Kari Mitchell and it appears that time constraints will prevent having a Fall Celebration this year but suggested that the celebration be held every two to three years rather than every year. Mayor Bunker felt that it was too late to coordinate a fall celebration this year. Council Members agreed with his assessment.

Mayor Bunker asked Council Members for their ideas about a New Years Eve celebration. Council Member Betty Jo Western stated that she had asked Holly Fowles if she would be interested in helping with a New Year Celebration this year and she responded that she would be interested. Council Members were in favor of asking Holly Fowles to spearhead organization of the celebration and form a committee. Council Member Kiley Chase indicated that his wife would be willing to serve as a committee member. Mayor Bunker felt that there would be more participation this year than last year just because many people did not know what to expect but later heard from those who attended that it was a fun event for everyone.

Mayor Bunker advised Council Members that eight proposals had been received for architectural services on the museum / community center facility and the board had decided to invite five of those firms to appear for a personal interview. The interviews will be conducted on September 24th beginning at 9:00 a.m. Two of the architectural firms are from the Salt Lake area, one from the Los Angeles area, one from the San Francisco area and one from Las Vegas.

Mayor Bunker noted that the minutes of the previous meeting indicated that the Justice Court would be open from 3:00 to 4:00 p.m. on Fridays. The time has been changed to 9:00 a.m. to 10:00 a.m. on Fridays in the Sheriff's Office. If Carol Malone is unable to come in on a particular Friday, Rita Byrd will receipt payments. To date, there has been no justice court business during the Friday hours. We are meeting the requirements and documenting the number of people who come in so that, if needed at some point in the future, the information will be available.

Council Member Betty Jo Western asked when Rebecca Peterson would begin cleaning the City Office again. Mayor Bunker said the date had not been discussed but she would continue caring for flowers in the park until after the Car Show scheduled for September 19th through the 21st.

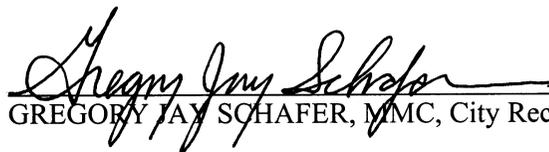
Mayor Bunker reported that all employees seem to be happy with the four day work week.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Kiley Chase MOVED to adjourn the meeting. 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 Bunker declared the meeting adjourned at 8:30 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 10-02-08