

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
APRIL 2, 2009

PRESENT

| | |
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| Gayle Bunker | Mayor |
| Robert Banks | Council Member |
| Bruce Curtis | Council Member |
| Betty Jo Western | Council Member |

ABSENT

| | |
|-------------|----------------|
| Kiley Chase | Council Member |
| John Niles | Council Member |

ALSO PRESENT

| | |
|---------------------|-----------------------|
| Kaela Jackson | City Attorney |
| Alan Riding | Public Works Director |
| Gregory Jay Schafer | City Recorder |
| Howard Western | 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 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 Betty Jo Western 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 March 19, 2009 were presented for consideration and approval. Following review, Council Member Betty Jo Western MOVED to approve the minutes of the Regular City Council Meeting held March 19, 2009, as presented. 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.

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 April 2, 2009, in the amount of \$33,962.39. 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.

PUBLIC COMMENT PERIOD

There were no members of the public in attendance.

UNFINISHED BUSINESS

There were no matters of unfinished business on the agenda.

NEW BUSINESS

MAYOR GAYLE BUNKER: RESOLUTION NO. 09-325 AMENDING RESOLUTION NO. 04-293 ENTITLED "WATER SYSTEM FEES" BY ESTABLISHING NEW WATER AND SEWER INSTALLATION COST SCHEDULES

Resolution No. 09-325 was not available for adoption at this time due to the necessity of doing some research.

Council Member Robert Banks MOVED to table action on Resolution No. 09-324 establishing new water and sewer installation cost schedules until the next Council Meeting . 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 roll call vote. The vote was as follows:

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|------------------|--------|
| Robert Banks | Yes |
| Kiley Chase | Absent |
| Bruce Curtis | Yes |
| John Niles | Absent |
| Betty Jo Western | Yes |

The motion passed unanimously.

MAYOR GAYLE BUNKER: ORDINANCE NO. 09-241 ESTABLISHING A SIX MONTH MORATORIUM ON CONSTRUCTION OF CELLULAR TELEPHONE COMMUNICATION TOWERS

Mayor Bunker asked City Attorney Kaela Jackson to address this matter. City Attorney Jackson stated that Utah State statute allows for a temporary land use regulation ordinance if the City Council or Planning & Zoning Commission is considering a change in any ordinance or if a problem arises with current regulations. This ordinance puts a six month moratorium on any application for a Conditional Use Permit to construct a cellular telephone communication tower in Delta City limits. The statute requires that the Council make findings of a compelling need and public interest to

suspend the enforcement of the zoning ordinance. Under Section "D" in the ordinance, there are two findings listed. One is the minimization of negative impacts such as a reduction of property values associated with the construction of cellular telephone communication towers or other non-essential utilities on property in or near residential zone districts within Delta, and the other is the minimization of negative impacts on the aesthetic beauty of residential zoning districts within Delta City limits. The effect of the ordinance is that any application will be tabled and not reviewed or acted upon by the Planning & Zoning Commission until the end of the six month period has ended. During the six month period we will be studying changing definitions and wording in the ordinance so there is more clarity of what is allowed in residential districts.

ORDINANCE NO. 09-241

AN ORDINANCE ESTABLISHING A SIX MONTH MORATORIUM ON CONSTRUCTION OF CELLULAR TELEPHONE COMMUNICATION TOWERS WITHIN THE CITY LIMITS OF DELTA, UTAH

Following review, Council Member Bruce Curtis MOVED to adopt Ordinance No. 09-241 establishing a six month moratorium on construction of cellular telephone communication towers within the city limits of Delta, Utah. 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 roll call vote. The vote was as follows:

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|------------------|--------|
| Robert Banks | Yes |
| Kiley Chase | Absent |
| Bruce Curtis | Yes |
| John Niles | Absent |
| Betty Jo Western | Yes |

The motion passed unanimously.

MAYOR GAYLE BUNKER: MEMORANDUM OF UNDERSTANDING BETWEEN DELTA CITY AND MILLARD COUNTY FOR REGIONAL SIREN NOTIFICATION PROJECT

Mayor Bunker asked City Attorney Jackson if she had reviewed the proposed Memorandum of Understanding. City Attorney Jackson indicated that the Memorandum of Understanding is acceptable as long as everyone understands that Delta City is responsible for installation and maintenance of the siren. There was discussion regarding whether the siren recently purchased by Delta City would be compatible with the siren being purchased for the regional project and where the siren could be mounted.

Council Member Betty Jo Western MOVED to table further discussion on the Memorandum of Understanding between Delta City and Millard County for regional siren notification project until the next City Council 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 GAYLE BUNKER: SCHOLARSHIP FUNDS FOR UNIVERSITY OF UTAH SCHOOL ON ALCOHOL AND OTHER DRUG DEPENDENCIES

Mayor Bunker reminded Council Members that for a number of years Delta City has provided scholarship funds for local residents to attend the University of Utah School on Alcohol and Other Drug Dependencies. It is time to commit to providing scholarship funds for this year. The request is for \$550 in scholarship funds, which will be paid from the liquor funds received from the State of Utah.

Following discussion, Council Member Bruce Curtis MOVED to approve expenditure of \$550 in scholarship funds to support local residents in attending the University of Utah School on Alcohol and Other Drug Dependencies. 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: UTAH LEAGUE OF CITIES AND TOWNS MID-YEAR CONFERENCE

Mayor Bunker advised Council Members that he plans to attend the Utah League of Cities and Towns Mid-Year Conference in St. George because U.S. Senator Robert Bennett is going to be in attendance and Mayor Bunker wants to discuss our request for museum / community center project funding. Delta City will pay registration fees and mileage and Mayor Bunker will pay the balance of costs to attend the conference.

Mayor Bunker told Council Members that if any of them would like to attend the conference they need to let Greg know by Thursday, April 9th so reservations can be made. Due to the conference being held April 15th through the 17th, there will probably not be a Council meeting on April 16th. There will be a public hearing for the museum / community center project on Thursday, April 23rd.

MAYOR GAYLE BUNKER: THEME FOR 2009 FOURTH OF JULY CELEBRATION

Mayor Bunker and Council Members discussed possible themes which could be used for our Fourth of July celebration. It has been suggested that the theme be centered around Abraham Lincoln in recognition of the two hundredth anniversary of his birth.

Council Member Betty Jo Western MOVED to accept the theme "United in the Spirit of Lincoln" for our 2009 Fourth of July Celebration. 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.

MAYOR GAYLE BUNKER: SPRING CLEAN UP DATES

Mayor Bunker suggested holding spring clean up on April 25th and May 2nd this year. The Council decided to hold spring clean up on April 25th for the area north of Main Street and May 2nd for the area south of Main Street.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that public works employees have been working to clean up weeds and upgrade a transfer structure at the sewer lagoons in order to have better control of the pond depth.

The fleet safety inspections are being completed in preparation for license renewals. Four dead trees have been removed from the City Park and sixteen new trees have been planted.

The floor coating and partitions for the park restrooms have been received and work will continue on the restrooms on Monday, April 6th. The restroom renovations should be completed by Easter weekend.

OTHER BUSINESS

Mayor Bunker noted he had met with all City employees to discuss cutting back on janitorial services by having employees assist with some of the cleaning. All employees were willing to do their share and no one was opposed to doing whatever needs to be done.

Mayor Bunker reported he had received some complaints about speeding vehicles on city streets. He requested that a reminder be placed on the utility bills this month reminding people that the speed limit on city streets is 25 miles per hour. He has also discussed the problem with Sgt. Morris Burton and Sheriff Dekker and all agree we need to work together in an effort to educate people about the speed limits and remind them to pay attention to their speed.

Mayor Bunker stated he has been in discussions to complete the property acquisition for the airport so that fencing can be installed around the airport. He will continue working to complete the project.

Mayor Bunker attended a meeting at the Six County Association of Governments yesterday. The agenda was centered on working with state and federal legislators and learned some very important information about communicating with legislators. He has discussed our museum / community

center project with several legislators and individuals who are on the Permanent Community Impact Fund Board. It is important to make contact with these individuals so they have knowledge of our project before they receive a request for funding. The Museum Board will be meeting with State Senator Dennis Stowell next Wednesday.

Mayor Bunker reported that the company drilling salt caverns north of Delta are in need of water for their operation. They are looking for 4,000 to 8,000 feet of water per year. Delta City has approximately 1,500 to 2,000 feet which could be leased to the company, which would provide revenue for the City. The water would probably be needed for a minimum of ten years but an agreement would be made that if the water was needed for use within Delta City, it would be available to Delta City. Mayor Bunker feels we would have adequate water available to lease. At the present time, the company is requesting a dollar figure to be used for an earnest money type of agreement so they will know how much water they have available for the project. The company will be asked to make a presentation at the next City Council meeting.

Mayor Bunker asked if there were any comments, questions, or other business to discuss. There being none, Council Member Robert Banks MOVED to adjourn the meeting. The motion was SECONDED by Council Member Betty Jo Western.

Mayor Bunker declared the meeting adjourned at 8:08 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 05-07-09