

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
OCTOBER 1, 2009

PRESENT

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

ABSENT

Gregory Jay Schafer	City Recorder
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ALSO PRESENT

Kaela Jackson	City Attorney
Alan Riding	Public Works Director
Ken Clark	Assistant Public Works Director
Chad Warnick	Delta High School FFA Advisor
Katharine Nye	DHS FFA President
Alyssa Chambliss	DHS FFA Vice President
Jacque McPherson	DHS FFA Parliamentarian
Katelyn Schmid	DHS FFA
Sami LeFevre	DHS FFA Secretary
Russ Finlinson	Boy Scouts Troop 140
Chance Tolman	Boy Scouts Troop 140
Jordan _____	Boy Scouts Troop 140

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, published on the Utah Public Notice website, provided to the Millard County Chronicle/Progress, and provided to each member of the City Council at least two days prior to the meeting.

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 September 3, 2009 were provided for consideration and approval. Following review, Council Member John Niles MOVED to ratify

approval of the minutes of the Regular City Council Meeting held September 3, 2009, as presented. 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.

The proposed minutes of a Regular City Council Meeting held September 17, 2009 were provided for consideration and approval. Following review, Council Member Kiley Chase MOVED to approve the minutes of the Regular City Council Meeting held September 17, 2009, as presented. The motion was SECONDED by Council Member John Niles. Mayor Bunker asked if there were any comments or questions regarding the motion. Council Member Betty Jo Western questioned whether the statement on Page 6 Line 39 regarding construction of the L.D.S. Church needed to be amended to include language that, in the Residential 1-B (R-1-B) zone, the pavilion would require a conditional use permit. It was determined that the language in the minutes should not be changed. Mayor Bunker asked if there were any other 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 John Niles voting in favor and Council Member Betty Jo Western voting against.

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 Kiley Chase MOVED to approve the accounts payable dated September 17, 2009, in the amount of \$220,913.93. 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 reviewed the accounts payable, a copy of which had been provided to them two days prior to the meeting. Following review, Council Member Bruce Curtis MOVED to approve the accounts payable dated October 1, 2009, in the amount of \$21,745.93. 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 COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

MAYOR GAYLE BUNKER: RATIFICATION OF DECISION TO HOLD 2009 NEW YEARS EVE CELEBRATION

Mayor Bunker advised Council Members that we need to ratify the decisions made at the previous meeting which did not get noticed on the Utah Public Notice website.

Council Member Kiley Chase MOVED to ratify the decision made at the Regular City Council Meeting held September 17, 2009 to hold the 2009 New Years Eve celebration. 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: RATIFICATION OF DECISION TO APPOINT LINDA SORENSEN TO PLANNING & ZONING COMMISSION

Council Member Robert Banks MOVED to ratify the decision made at the Regular City Council Meeting held September 17, 2009 to appoint Linda Sorensen to the Planning & Zoning Commission to fulfil the unexpired term of Liz Webb through February 2012. 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.

COUNCIL MEMBER KILEY CHASE: RATIFICATION OF DECISION TO APPOINT TAMMY BEAN AND JOHN DEGNEY AS MEMBERS OF THE LIBRARY BOARD

Council Member Kiley Chase MOVED to ratify the decision made at the Regular City Council Meeting held September 17, 2009 to appoint Tammy Bean and John DeGrey as members of the Library Board. 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: RATIFICATION OF DECISION TO APPROVE PROPOSED SUBDIVISION REVISION ON PROPERTY LOCATED AT APPROXIMATELY 176 SOUTH LOCUST AVENUE AND DESIGNATED AS SILVER SAGE SUBDIVISION LOT 6

Council Member Robert Banks MOVED to ratify the decision made at the Regular City Council Meeting held September 17, 2009 to approve the requested subdivision revision by vacating the five foot utility easement along the west boundary of property located at approximately 176 South Locust Avenue, known as Lot 6, Silver Sage Subdivision. 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: RATIFICATION OF DECISION TO SET PUBLIC HEARING ON PROPOSED ZONE CHANGE FROM RESIDENTIAL 1-B (R-1-B) TO PUBLIC / QUASI-PUBLIC (P/QP) ON PROPERTY LOCATED AT APPROXIMATELY 176 SOUTH LOCUST AVENUE, INCLUDING ADJOINING PROPERTY

Council Member Robert Banks MOVED to ratify the decision made at the Regular City Council Meeting held September 17, 2009 to set a public hearing on Thursday, October 15, 2009 at 6:30 p.m. for the purpose of receiving public comment regarding a proposed zone change from Residential 1-B (R-1-B) to Public / Quasi-Public (P/QP) on property located at approximately 176 South Locust Avenue, including adjoining property. 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 with Council Members Robert Banks, Kiley Chase, Bruce Curtis and John Niles voting in favor and Council Member Betty Jo Western voting against.

NEW BUSINESS

CHAD WARNICK, FFA ADVISOR, DELTA HIGH SCHOOL: PROPOSED FFA SERVICE PROJECT TO PROVIDE COMMUNITY BEAUTIFICATION FOR LOW INCOME AND ELDERLY RESIDENTS

Sami LeFevre, Delta High School FFA Secretary, introduced the other officers of the local FFA Chapter. The officers advised Council Members that they are applying for a "Living to Serve" grant in the amount of approximately \$8,000 to be used for a service learning project. The service learning philosophy is for students to provide service related to classroom instruction activities. Delta FFA Chapter requested Council Member support for their service ideas and asked for additional service project ideas. The first project they are considering is a Delta community extreme make-over. This would entail selecting elderly and low income or special needs homes and yards to do improvement projects. Citizens could be nominated by anyone and be selected by a group of education, civic and church leaders. The homes and yards will be surveyed to determine material needs and those materials would be purchased locally in partnership with local businesses to donate money, labor and in-kind donations. As many school organizations as possible will be included in the service project. Improvement projects will either be done on a one-day "blitz" or over a two or three week period as labor and materials are available.

Delta High School FFA requested support from Delta City in providing labor and equipment to remove debris, assist in making suggestions for potential candidates, assist in developing sustainable methods to continue the project in the future, provide additional materials and supplies for projects, and making recommendations and suggest ideas on this project or other potential service projects.

Mr. Warnick advised Council Members the Delta FFA Chapter has some funding coming and they would like to partner with Delta City in order to spend the funds in improving the city. It is hoped that homes can be identified where the owners are unable to provide a sustainable yard and the service project will provide that for the homeowner. The project could involve painting, planting sustainable shrubs, xeriscaping, etc. They would also like to have some assistance in removing debris from yards and homes where they are working.

Council Member Kiley Chase felt that this is a great project because there are many yards around town which need help and any time anyone is willing to provide that assistance, we need to support their efforts. Council Member Robert Banks concurred with Council Member Chase's comments. Council Member Betty Jo Western felt it was important to support the project.

Following discussion, Council Member Betty Jo Western MOVED to approve the proposed FFA Project, "Living to Serve", and support from Delta City. 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: PROPOSED PURCHASE OF 2007 CATERPILLER SKID STEER LOADER

Public Works Director Alan Riding reported that three years ago we entered into a three year lease for a skid steer loader to be used in the Main Street water project, sidewalk repair, curb and gutter replacement and other uses. It is currently being used extensively on the airport fence project. The skid steer loader has a post hole digger and quick-change bucket which makes it very versatile, especially in tight places and corners. The lease period has expired and we now have the option of purchasing the equipment with the lease fees being applied to the purchase price. We have paid a total of \$13,500 which will be applied to the purchase price, leaving a balance of \$22,239.00. The skid steer loader has less than 200 hours service and should last for many years. If we do not make the purchase, we will still be in need of a piece of comparable equipment to complete the airport fencing project. We would need to enter into another three year lease, costing an additional \$13,500 over the three year period. Funds are available in the airport fencing project for lease and rental of equipment and other expenditures. It is proposed that Class C road funds be used for the purchase and any remaining funds from the airport fence project will be applied back to the Class C road funds as equipment rental fees. The skid steer loader qualifies for purchase from Class C road funds and it is used for road repairs, as well as curb gutter and sidewalk repair, so it meets the qualifications for use of Class C funds.

Following discussion, Council Member Kiley Chase MOVED to approve expenditure of \$22,239.00 for purchase of a 2007 Caterpillar Skid Steer Loader. 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 WORKS DIRECTOR ALAN RIDING: AMENDMENT OR REVISION TO RESOLUTION NO. 03-283 ESTABLISHING LATE CHARGES ON DELINQUENT AND/OR DISCONNECTED WATER SERVICE

Public Works Director Alan Riding advised Council Members that over the past two years the cost of priority mail, which is the method used to mail out disconnect notices on delinquent water and sewer accounts, has been steadily raising. Three to four years ago we regularly mailed out fifty to

seventy disconnect notices each month but that number has slowly been increasing. The most recent mailing of disconnect notices was one hundred twenty priority mail letters. In addition, the number of accounts which are actually turned off in order to collect payment is also increasing. For many years there were between three and five accounts requiring shut off. During the past six months that number has been increasing and this past month we had seventeen accounts requiring services to be disconnected in order to collect payment. A discussion of how to make payment of these accounts more important to the customer was held and the discussion included the possibility of increasing the four dollar late fee to as much as \$10.00. This is a rather harsh increase but it would only apply to those accounts who are late. Water bills are mailed out the first two or three days of the month and customers have until the last day of the month to pay before a late fee is assessed. When water bills are mailed out, they have a statement that the previous balance is due by the 15th of the month, with the current amount being due by the last day of the month. Within two or three days after the 15th, service termination notices are sent, by priority mail, to all those who have not paid the previous balance. It is then near the end of the next month before services are actually terminated. It is hoped that a larger delinquent penalty will result in encouraging customers to get the water bills paid in a timely manner rather than putting them aside until a later time. When water service is terminated, customers find the money to pay the amount due, including reconnect fees, but some do not give the water billing priority until services are terminated. Public Works Director Riding invited suggestions from Council Members as to how to increase the priority of water service billing for those who regularly wait until services are terminated.

Mayor Bunker advised Council Members that this matter has been discussed among office staff for some time and asked for their input. Mayor Bunker noted that the priority mail notices cost \$5.00 each so the cost of sending the termination notices is approximately \$600 per month. There is a \$40 disconnect fee assessed when service is terminated but that will not be increased.

Council Member Betty Jo Western was opposed to raising the late fee to \$10.00 because she felt that, if someone does not have money to pay the bill, it makes no difference what the penalty is. She was not in favor of raising the late fee to \$10.00. Council Member Bruce Curtis asked what it costs to terminate water service, including the cost of priority mail and personnel cost to physically turn off the service and return to turn the service back on. Public Works Director Riding responded that the reconnect fee covers the cost of physically turning the water service off and back on. If payment is not received within a day or two, a public works employee will go back to check the meter because some people turn the service back on themselves. The reconnect fee is designed to cover turning the water off and back on. The Mayor has the discretion to waive the reconnect fee for one time only. Public Works Director Riding stated that we attempt to work with anyone who is having difficulty paying the bill and accept any reasonable arrangements they make for payment. However, if we are not collecting our accounts and letting customers string them out until they owe hundreds of dollars, we are not doing our job. We have many who forget and come in to pay as soon as they receive the termination letter but there is a group of sixty to seventy people who receive the termination notice every month of every year. Council Member Kiley Chase felt that water and sewer are essential services and all residents should put priority on paying for the service. He agreed

that we do serve some low income people but every resident should be one of the first bills paid because they are paying for essential services. Council Member Chase felt that it is not the responsibility of Delta City to call and remind people to pay their water/sewer bill; it is the responsibility of residents to give priority to paying for the services. If an increase in late penalty fees will encourage people to give priority to paying the water / sewer bill, then that is what we need to do. If the increase in the late penalty fee reduces the number of late payments by even one-quarter, it will be saving money for the city.

Mayor Bunker noted that this situation has been discussed for months without coming to a solution and that is why the situation is being brought to the Council for suggestions. Council Member Bruce Curtis also noted that all of those residents who are not paying in a timely manner are using our funds for those two or three months during which they are not paying, therefore, a fee for using those funds should also be calculated into the fee.

Council Member Betty Jo Western stated that she understands the fee but felt that it is penalizing the people who simply forget to pay their bill until the next one comes and they notice the past due amount. Public Works Director Riding said that his sister-in-law received a delinquent notice and she was embarrassed. She apologized for the error and has not been late even once since that time. Council Member Western stated that she could see how the fee could help reduce late payments but was unsure about it. Public Works Director Riding reminded Council Members that we had set up the Xpress Bill Pay service so that residents can pay their account on-line. Council Member Chase suggested that perhaps we could forego charging a late fee until perhaps five days after the due date for those who simply make an error and forget to pay the bill versus those who habitually pay late. Public Works Director Riding responded that billing systems have certain parameters which must be set and those parameters apply to all customers rather than changing the parameters for individual customers. Council Member Western asked if the feeling was that raising the late penalty fee by \$6.00 will be enough to get people to pay the billing in a timely manner. Public Works Director Riding stated that he hoped the increased fee would help but he is certain there are still residents who will not pay on time and we will still need to send termination notices and will still need to disconnect some water service but it is hoped that an increase in late penalty fees will drop the number of residents we are currently dealing with each month. Council Member Curtis asked if we had the ability to increase the late fee such as charging \$5.00 for the first month the payment is late and increase to \$10 for each additional time the payment is late. Public Works Director Riding did not know whether the billing program had that ability. Mayor Bunker advised Council Members that increasing the fee to \$10.00 is not the only amount that would be considered; it could be \$7.00 or \$8.00, or whatever the Council agrees it should be.

Mayor Bunker requested that the discussion be terminated and the Council decide by what amount, if any, they wanted to increase the late penalty fee on water / sewer billing.

Council Member Betty Jo Western MOVED to table further discussion on this matter until November 5, 2009. 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: UPDATE ON PUBLIC WORKS PROJECTS

Public Works Director Alan Riding reported that the sidewalk is almost completed on Center Street but one resident has offered to replace their driveway so we are waiting to complete the project until the driveway has been replaced. Most of the asphalt patches have been completed. The open house at the Ridge Top well was held last evening and was quite successful. Today was spent repairing a broken fire hydrant and a leaking water service.

Public Works Director Riding noted that clean up dates were previously set for October 31st and November 7th. Discussing the matter with public works employees indicated they would rather complete the clean up on a Friday and Saturday rather than spreading it out on two Saturdays. Public Works employees would like to set a clean up weekend on October 30th and 31st for the entire city. Council Members agreed to authorize clean up weekend to be held on October 30th and 31st.

Public Works Director Riding requested that Council Members consider closing the park restrooms during the winter. The restrooms were closed last winter and we need to make a decision as to whether or not to close them this winter. If we choose to close them, it will be done about the first or middle of November.

Council Member Chase indicated that residents have expressed their gratitude for filling the pot holes in the Pendray Subdivision.

Council Member Western reported that the sign on the mobile home park on 500 West is still covered with graffiti and asked if the owner should either clean or remove the sign. Council Member Western expressed appreciation for the graffiti that has been cleaned by Public Works employees.

Mayor Bunker and Council Members expressed appreciation to all those who have helped maintain the park and the flower pots on Main Street this summer. The park and the flower pots have been beautiful all season.

OTHER BUSINESS

Mayor Bunker advised Council Members that the City Christmas Party has been scheduled on Friday, December 4th at the Bird Senior Center. We will invite the Planning & Zoning Commission members to the party.

Mayor Bunker provided Council Members with information regarding our decreasing sales tax revenue and noted that our largest source of revenue is sales tax and we will be monitoring these figures closely this year. Mayor Bunker also provided a copy of our current budget for celebrations to be held during this Christmas year. Mayor Bunker felt that in discussing the New Years Eve celebration, we need to be conservative with expenditures. Council Member Betty Jo Western questioned whether we wanted a live band. Council Members felt that we needed to have a live band and discussed what type of music should be provided. There will probably not be a dinner but we will have some children's games, the large inflatable play structures and will get some local talent to perform. The amount of snacks will also be reduced.

Council Member Betty Jo Western advised Council Members that she had attended the local car show and heard some feedback from those attending regarding how beautiful the park was and how nice the restrooms were this year.

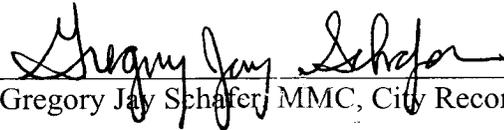
Council Member Kiley Chase noted that he had attended the Library Board meeting last evening with the new board members. A new presidency was installed consisting of Sandra Topham as president and Monica Schafer as secretary. The Library Board was advised that the State of Utah is revamping the library bar code system to fourteen digits. Our current bar system has twelve digits so all bar codes will need to be replaced. The Library Board voted to close the library during the month of December to allow library employees to change the bar code system. There is a possibility that the state will delay the change but it is felt that our library will go ahead with the change rather than wait. In addition, the Library Board would like to repaint the children's side while it is closed in December. In conjunction with the Utah Humanities Book Tour, Librarian Deb Greathouse requested that Council Member Chase advise Council Members that on October 28th we will have a guest author here to speak about her most recent book discussing the humorous side to life with her mentally challenged daughter. On November 4th, author Obert Skye, who writes the book series Leven Thumps, will be here to speak. His book series is very popular with children.

Mayor Bunker asked if there were any other comments, questions or items to be discussed. There being none, Council Member Betty Jo Western MOVED to adjourn the meeting. 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.

Mayor Bunker declared the meeting adjourned at 8:40 p.m.



GAYLE BUNKER, Mayor



Gregory Jay Schafer, MMC, City Recorder

MINUTES APPROVED: RCCM 10-15-09