

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
NOVEMBER 5, 2009

PRESENT

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

ABSENT

Gregory Jay Schafer	City Recorder
Robert Banks	Council Member

ALSO PRESENT

Alan Riding	Public Works Director
Kaela Jackson	City Attorney
Karen Johnson	Assistant City Recorder
Howard Western	City Resident

Mayor Bunker called the meeting to order at 7:13 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building, on the Utah Public Notice web site 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.

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 Public Hearing held October 15, 2009 were provided for consideration and approval. Following review, Council Member Kiley Chase MOVED to approve the minutes of the Public Hearing held October 15, 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. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Board of Adjustment Meeting held October 15, 2009 were provided for consideration and approval. Following review, Council Member John Niles MOVED to approve the minutes of the Board of Adjustment Meeting held October 15, 2009, 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.

The proposed minutes of a Regular City Council Meeting held October 15, 2009 were provided for consideration and approval. Following review, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Council Meeting held October 15, 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.

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 Betty Jo Western MOVED to approve the accounts payable, dated November 5, 2009, in the amount of \$155,938.11. 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 comments from the public.

UNFINISHED BUSINESS

MAYOR GAYLE BUNKER: PROPOSED AMENDMENT OR REVISION TO RESOLUTION NO. 03-283 ESTABLISHING LATE CHARGES ON DELINQUENT AND/OR DISCONNECTED WATER SERVICE

Mayor Bunker noted that his matter had been discussed at a meeting held last month and reiterated that we are currently charging a \$4.00 late fee for utility payments not received by the last day of the month. At that meeting discussion was held regarding changing the late fee from \$4.00 to as much as \$10.00. Mayor Bunker asked Council Members for their thoughts about the late fee.

Assistant Public Works Director Ken Clark advised Council Members that the total cost of sending out disconnect notices is about \$8.00 per account and approximately 100 of these are sent out every month. A disconnect notice does not go out until after the 15th of the second month; i.e., bills are due upon receipt and become delinquent the last day of the month. If payment is not made by the last day of the month, the new bill shows the past due amount and a notice that the past due amount is due upon receipt. If the past due is not received by the 15th of the month, a disconnect notice is sent out indicating that the past due amount must be paid within five days to avoid disconnection of water service. At this point, the past due amount is usually approximately \$50-\$60 and the total bill is about double that amount.

Council Member Kiley Chase asked if it would be possible to require all utility customers to pay their bill by automatic bill pay from a checking account. Assistant Public Works Director Clark suggested leaving the standard late fee at \$4.00 and adding a \$10.00 late fee to those who require

disconnect notices. Council Member Chase stated that he agrees with that suggestion and had asked Public Works Director Alan Riding if we could do it. Public Works Director Riding told Council Member Chase that he did not think our software would provide that option. Mayor Bunker did not think we could require automatic bill pay because many people do not have checking accounts and some people do not have a computer to set up automatic bill paying. Assistant Public Works Director Clark noted that many of the people we deal with on utility bills are operating on such a tight budget that they probably could not do automatic bill pay due to not having adequate funds to cover the bill at a particular time of the month. Council Member John Niles asked if we have many people who pay their utility bills in cash due to not having checking accounts. He was advised that we have a number of residents who pay in cash on a regular basis.

Council Member Betty Jo Western noted that she had checked with Hinckley Town and found they charge a \$10.00 late fee after being late one month and twenty days. If they are disconnected, they charge a \$50.00 reconnect fee. Council Member Western also talked with some other municipalities about their charges and found that Fillmore and Richfield charge a 5% late fee and Sandy City charges a \$12.00 late fee and annual interest of 18%. Council Member Western also discussed the late fee with several residents who questioned who was being penalized with the late fee and why a late fee is charged. Is it because we are not covering the cost of additional notices or is it charged just to get additional funds.

Council Member Chase stated that we, as residents, have incurred a debt to the city for the services we have used and it is our responsibility to pay that debt. It is the responsibility of the city to collect that debt in any way they can. Council Member Western noted that, as an employee of the school district, she does not get paid until the first of the month and questioned whether the payment date should be changed to the fifth to allow those who are paid once each month to get their payment in before the due date. Council Member Chase responded that utility bills are sent out and are received the first week of each month. The average person is going to have at least twenty-five days to pay the bill and the average person will get a paycheck at sometime during that twenty-five day period so they can pay the utility bill. It is the responsibility of those who have incurred the debt for services to use that paycheck to pay the utility bill. Council Member Chase did not feel that changing the due date of the bill would satisfy the problem of late utility bill payments.

There was lengthy discussion as to how much late fee should be charged and when it should be initiated. We do work with those who come in to make payment arrangements but cannot pay the bill in full. Council Members agreed that those who are receiving disconnect notices should be paying a larger late fee than those who simply forget to mail or bring in their payment by the end of the month. Council Member Chase felt that we should leave the standard late fee at \$4.00, with an increased fee of \$10.00 for those who receive disconnect notices if our software can be programmed to assess the fee when the notices are printed.

Following discussion, Council Member Kiley Chase MOVED to table further discussion regarding the proposed amendment or revision to Resolution No.03-283 establishing late charges on delinquent and/or disconnected water service until a later date. 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.

NEW BUSINESS

MAYOR GAYLE BUNKER: SET DATE FOR SPECIAL CITY COUNCIL MEETING FOR CANVASS OF 2009 MUNICIPAL GENERAL ELECTION RESULTS

Mayor Bunker advised Council Members that we need to schedule a special meeting to canvass the results of the recent election. The canvass must be done between seven and fourteen days following the election and our next regular meeting is not scheduled until sixteen days following the election. Mayor Bunker suggested scheduling a special meeting for the canvass on Thursday, November 12, 2009 at 6:30 p.m. Council Members agreed to meet for a special meeting on Thursday, November 12th at 6:30 p.m.

MAYOR GAYLE BUNKER: REPORT ON COUNTY COMMISSIONERS / MAYORS MEETING

Mayor Bunker advised Council Members that he had attended a meeting with Millard County Commissioners and other area Mayors at which a number of subjects were discussed. One of the main complaints was the requirement for early voting in small cities and towns. The state has mandated that early voting be made available in all cities and towns, which required having staff available if anyone wanted to vote early but there were very few, if any, early voters. Delta City had to have a staff member open the office on two Fridays from 1:00 p.m. to 5:00 p.m. for early voting but no early voters came on those days. Delta City had a total of four early voters and they came during regular office hours. All of the Mayors were upset about being required to supply staff for early voting. The Mayors were also opposed to state regulations requiring small municipalities to abolish polling places and voting strictly by mail.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

Mayor Bunker reported that Public Works Director Alan Riding had been appointed to the Rural Water Association of Utah Board to replace Neil Forster who has resigned. Public Works Director Riding is attending an orientation session at this time in preparation for his first meeting scheduled for tomorrow.

In the absence of Public Works Director Riding, Assistant Public Works Director Ken Clark reported that public works employees have been busy preparing Christmas decorations to be placed in the park. The power sources have been prepared and decorations will start moving into the park on Monday. There are some new items which have been refurbished from items used in past years.

Public Works employees completed city wide clean up on October 30th and 31st and it worked very well doing clean up on two consecutive days. During the two days nearly 100 loads of trash and debris was hauled out using five trucks and three pieces of loading equipment for eight hours each day. Assistant Public Works Director Clark felt that the program is a great public relations tool and employees do not mind doing the work. Mayor Bunker and Council Members reported that a number

of people had expressed appreciation for the work done and the trash and debris removed from the city. Most people do not have access to the equipment necessary to haul off loads of trash which they accumulate so it is a very positive service that the city provides for the residents.

Assistant Public Works Director Clark reported that employees had repaired a water leak today and had used the sewer camera to locate the sewer service for a resident who had backed up sewer lines. Since the city no longer maintains sewer laterals, the sewer camera has been made available to residents and contractors to locate sewer problems which helps the homeowner and the contractor make the repairs.

OTHER BUSINESS

Mayor Bunker reported that the suggestions received from Zane Crafts during the Council Work Session held at the airport on October 29th had been done. Additional signs have been posted and Mayor Bunker suggested that the signs posted in the lounge, regarding phone numbers and fuel pump information, also be posted near the fuel pumps. Mayor Bunker reported that 50# bags of asphalt are being placed at the airport for quick repairs on the runways.

Council Members discussed the amount of fuel costs and sales at the airport. It was noted that fuel sales were greater in fiscal year 2008 than during fiscal year 2009. This drop in sales could possibly be related to the lack of fires in the area during the past year and could also reflect the state of the economy.

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 8:00 p.m.



GAYLE BUNKER, Mayor



GREGORY J. SCHAFER, MMC, City Recorder

MINUTES APPROVED: RCCM 11-19-09