

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
JANUARY 20, 2011

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
Bruce Curtis	Council Member
John Niles	Council Member
Tom Stephenson	Council Member
Betty Jo Western	Council Member

ABSENT

Alan Riding	Public Works Director
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ALSO PRESENT

Kaela Jackson	City Attorney
Ken Clark	Assistant Public Works Director
Gregory Jay Schafer	City Recorder
Rita Byrd	City Employee
Scott Johnson	Sherwood Water Co.
Todd Anderson	Attorney
Robert Worley	Sunrise Engineering
Gregory Greathouse	Attorney

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 on the Utah Public Notice website, mailed to the Millard County Chronicle/Progress, and provided 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 January 6, 2011 were presented for consideration and approval. Following review, Council Member Robert Banks MOVED to approve the minutes of the Regular City Council Meeting held January 6, 2011, as presented. The motion

was SECONDED by Council Member Tom Stephenson. 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, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor.

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 January 20, 2011, in the amount of \$72,798.58. 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, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor.

PUBLIC COMMENT PERIOD

There were no comments from the public.

UNFINISHED BUSINESS

There were no items of unfinished business on the agenda.

NEW BUSINESS

SCOTT JOHNSON, SHERWOOD SHORES WATER: WATER ISSUES AT SHERWOOD SHORES DEVELOPMENT

Robert Worley, of Sunrise Engineering, advised Council Members that Sherwood Water Company is faced with dealing with arsenic in their drinking water. Delta City faced this same problem a few years ago and remedied the situation by drilling a new well. Because Sherwood Water Company is a smaller system, they were not required to take action as quickly as Delta City, but they now need to take action to reduce the level of arsenic in their drinking water. The feasibility study done by Sherwood Water Co. shows one of their options would be purchasing water with a lower arsenic level from Delta City and blend the Delta City water with the water currently used by Sherwood Water, or purchasing water from Delta City to be used as the major source of water for Sherwood Water. Before researching costs for this option, Sherwood Water Co. wanted to discuss the matter with Delta City to determine whether it would be a viable option or if Delta City is opposed to selling water to Sherwood Water. If allowed by Delta City, Sherwood Water would construct a line from the existing Delta City distribution system to Sherwood Water and install a meter to measure the usage to be billed by Delta City to Sherwood Water. Mr. Worley asked whether Council Members would be in support of selling water to Sherwood Water. They need to know if this is a

viable option before determining associated costs.

Mayor Bunker asked Mr. Worley to outline the other options Sherwood Water Co. is considering. Mr. Worley stated that the second option would be point of use devices to reduce arsenic content. This would require installation of a filter under every user's sink to filter out arsenic. The third option is construction of a water treatment plant to remove arsenic from their water. Both of these options are extremely expensive but the option of purchasing water from Delta City is a good option because the water will not require treatment. The capital cost of the pipeline would probably be comparable to the capital cost of installing a treatment plant but the maintenance of a treatment plant would be much greater than maintenance of a pipeline.

Mayor Bunker noted that Sherwood Water Co. has discussed this matter with Public Works Director Alan Riding, as well as with Mayor Bunker and Council Member Bruce Curtis. Sherwood Water was asked to attend City Council meeting to make their proposal to the entire Council for comment and discussion. Mayor Bunker felt that purchase of water from Delta City is a viable option but we currently have an ordinance stating that we will not sell water outside the boundaries of Delta City. The water would be purchased the same as any other corporate water user. Council Member Betty Jo Western asked how much water would be required to meet the needs of Sherwood Water Co. Mr. Worley stated that Sherwood Water usage is currently about 20 acre feet of water. Depending upon the time of year, blending, etc., it may not require the entire 20 acre feet. In addition, this would be a long term purchase and, should Sherwood Shores Subdivision grow, the acre feet may increase. Mr. Johnson added that, during the winter, Sherwood Water uses about 5,000 gallons per day but during the summer, that amount increases.

Sherwood Water would need a long term contract for purchase of the water, due to the costs involved in constructing a pipeline. Their purpose in making this presentation is to determine whether the option to purchase water from Delta City is agreeable with Council Members prior to determining what the associated costs would be.

Council Members had no objections to allowing Sherwood Water Co. to purchase drinking water from Delta City. City Attorney Kaela Jackson expressed concern that, in the event the water ever needed to be recalled for use in Delta City, how feasible it would be to recall the water, with the water works being installed at Sherwood Shores. The water may never be recalled but this could be an issue if we were ever faced with recalling the water. Mayor Bunker noted that Sherwood Water owns water rights that, if necessary, could be leased to Delta City in exchange for Delta City pumping water for Sherwood Water.

Council Members expressed their preliminary approval for sale of water to Sherwood Water Company if all details are worked out with Sherwood Water. Mr. Worley thanked Council Members for their time and advised that he and Mr. Johnson will return at a later date when they have worked out more details.

ASSISTANT PUBLIC WORKS DIRECTOR KEN CLARK: UPDATE ON PUBLIC WORKS PROJECTS

Assistant Public Works Director Ken Clark advised Council Members that we have a system in Delta that we supply water to and the owner has installed individual meters so he can collect from each user in the system. Del Park Mobile Home Park has one master meter that we read and the park has individual meters for users.

Assistant Public Works Director Clark stated that Public Works employees have been trimming trees around the park. It has been a number of years since the trees were trimmed and the project should be completed next week. They have also been doing equipment and building maintenance, repairing picnic tables and next week they will be rebuilding a sewer station that has been having problems. After completion of the sewer station, they plan to rebuild the water fall. There is a leak they have been unable to find so they plan to rebuild the water fall to find and repair the leak.

Council Member Western asked if anything could be done to improve electrical service in the City Park. She noted that when we have numerous vendors in the park on the Fourth of July, we keep losing power. Assistant Public Works Director Clark noted that the power in the park had originally been set up for Christmas lighting but some work needs to be done to improve the electrical wiring to support the use it gets on the Fourth of July. Public Works employees will look at that this summer.

Council Member Western asked whether we had sold the loader. Assistant Public Works Director Clark said they had received a number of calls on it but it has not yet been sold.

MAYOR GAYLE BUNKER: ADJOURN TO EXECUTIVE SESSION TO INTERVIEW APPLICANTS FOR POSITION OF CITY ATTORNEY

Council Member Betty Jo Western MOVED to adjourn to Executive Session for the purpose of interviewing applicants for the position of City Attorney. 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 roll call vote. The vote was as follows:

Robert Banks	Yes
Bruce Curtis	Yes
John Niles	Yes
Tom Stephenson	Yes
Betty Jo Western	Yes

The motion passed. The Council adjourned to Executive Session at 7:32 p.m.

Council Member Robert Banks MOVED to adjourn to Regular City 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 vote. The motion passed with Council Members Robert Banks, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor.

The Council returned to Regular City Council Meeting at 9:00 p.m.

OTHER BUSINESS

Mayor Bunker stated that he had attended a meeting with Utah Department of Transportation regarding inter-city buses, where they stated they are looking for some federal funding to provide buses for people from outlying areas to a hub where they can board a Greyhound bus. There were two proposals presented; one from Blanding through Monticello and Moab to Green River and the second proposal was from Richfield through Manti, Ephraim and Mt. Pleasant to Nephi. There was also a proposal from Delta to Nephi but that proposal was deemed not feasible due to servicing only one community.

Mayor Bunker received a call from Dr. John Anderson, the veterinarian who has a new facility located along Highway 6&50 west of Delta, who asked if he would be able to bid for the animal impound contract. Mayor Bunker advised Dr. Anderson that we had been working with Gunnison Bend Veterinary Clinic because that was the only service available. However, now that we have an additional service available, perhaps we should put the contract out for bid.

Mayor Bunker advised Council Members that Carol Malone plans to retire on April 1st. Judge Robison has told Mayor Bunker that, after Carol retires, we will not be able to have a person working ½ day in the Sheriff's office and ½ day with the Justice Court and Delta City because of a potential conflict of interest. Mayor Bunker asked County Attorney Richard Waddingham and Sheriff Robert Dekker if they were aware of any instruction that this is a conflict of interest. Neither of them were aware of any problem with a person working in both the Sheriff's office and the Justice Court. Mayor Bunker contacted the Administrative Office of the Courts which stated that there is no law or requirement that the employees of the Sheriff's office and the Justice Court be separate. He stated that the Administrative Office of the Courts prefers that the individuals be separate, to remove any suspicion of conflict of interest, but there is nothing that would prevent hiring one person to cover both ½ day in the Sheriff's office and ½ day for Delta City and the Justice Court. Mayor Bunker asked if Council Members had any concern about hiring a full time person to cover this position as outlined. Council Members were in favor of hiring a full time employee to replace Carol Malone in the same manner as she has been employed.

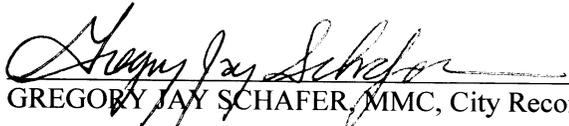
Mayor Bunker asked Council Members if they had noticed the new sign at the service station across Main Street from the City Building. The new sign has a double triangle, which is the same as the double triangle on which Delta City has a registered trademark. Mayor Bunker noted that, if we were a large corporation, we would automatically inform them that they could not use that logo because it belongs exclusively to Delta City. Mayor Bunker asked if Council Members wanted to pursue the matter with the owner of the service station. Council Members felt that we should notify the service station owner that the double triangle is a registered trademark for Delta City and request that he not continue using it in other media. We will not, however, request that he remove or change the sign.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member John Niles MOVED to adjourn the 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 vote. The motion passed with Council Members Robert Banks, Bruce Curtis, John Niles, Tom Stephenson and Betty Jo Western voting in favor.

Mayor Bunker declared the meeting adjourned at 9:13 p.m.



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 02-03-11