

CITY OF DELTA, UTAH
REGULAR CITY COUNCIL MEETING
JULY 5, 2012

PRESENT

Gayle Bunker	Mayor
Robert Banks	Council Member
John Niles	Council Member
Steven Pratt	Council Member
Tom Stephenson	Council Member
Betty Jo Western	Council Member

ABSENT

Alan Riding	Public Works Director
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ALSO PRESENT

Gregory Jay Schafer	City Recorder
Todd Anderson	City Attorney
Ken Clark	Assistant Public Works Director
Jody Thomas	City Treasurer
Jarom Tasker	City Resident
James Dix	Reptile Rescue Service

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 posted at the City Building and on the Utah Public Notice website and 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 Steven Pratt provided opening remarks, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of a Regular City Council meeting held June 21, 2012 were presented for consideration and approval. Council Member John Niles noted that the date on the minutes was June 7, 2012, but the minutes were for the June 21st meeting. Following review, Council Member Robert Banks MOVED to adopt the minutes of the Regular City Council meeting held June 21, 2012, as corrected. 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, John Niles, Steven Pratt and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been provided to them at least two days prior to the meeting. Following review, Council Member John Niles MOVED to approve the accounts payable, dated July 5, 2012, in the amount of \$40,266.87. 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, John Niles, Steven Pratt and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

PUBLIC COMMENT PERIOD

There were no comments from the public.

Council Member Robert Banks MOVED to adjourn City Council meeting to convene as the Local Building Authority of Delta City. The motion was SECONDED by Council Member Steven Pratt. 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, John Niles, Steven Pratt and Tom Stephenson voting in favor and Council Member Betty Jo Western being absent.

Council Member Betty Jo Western arrived at the meeting at 7:12 p.m.

The Council reconvened City Council meeting at 7:20 p.m.

OLD BUSINESS

MAYOR GAYLE BUNKER: PROPOSED SHERWOOD SHORES WATER PROJECT

Mayor Bunker noted that the Council had previously discussed adopting an ordinance allowing sale of water outside city boundaries rather than creating a special service district for Sherwood Shores. Mayor Bunker asked for any comments Council Members had regarding this proposal. Council Member Betty Jo Western asked if Delta City would be liable for any problems with the system. Mayor Bunker noted that Delta City would be liable, as we are for our current system. Council Member Western asked what would happen if all ninety water users in Sherwood Shores did not connect to the system; where would the additional funds come from to repay the loan for providing water service. Mayor Bunker stated that all users in Sherwood Shores would be required to pay for their water service. If users were to disconnect from the system, the remaining users would be required to pay increased rates. Delta City residents will not subsidize the cost of providing water service to Sherwood Shores residents. City Attorney Anderson stated that, Sherwood Shores residents will not be able to put in a well so, if they use water, they will have to purchase that water from Delta City. City Attorney Anderson felt that the ordinance should contain language which will

make it difficult or expensive to disconnect from the system in order to off-set the liability, or risk, to Delta City.

Assistant Public Works Director Ken Clark asked if there would be a possibility of creating a special service district at some time in the future. City Attorney Anderson stated that, by the time the law is clarified, the bonding would already be in place and bonds sold so it would be difficult to restructure later. Council Member Western asked if Sherwood Shores residents know that we are not looking to create a special service district. Mayor Bunker did not feel that Sherwood Shores residents were concerned about how the service is provided but were more concerned about what the cost of the service will be. Council Members discussed whether this would open the door for other water systems to expect Delta City to provide water. Mayor Bunker answered that this question has previously come up and the time may come when another water system would want to have water supplied by Delta City. Mayor Bunker stated that Delta City has adequate water to serve Sherwood Shores but if another system, such as Deseret-Oasis, wanted assistance from Delta City, they would be required to transfer their water rights to Delta City and we would pump the water for them.

The ordinance for service to Sherwood Shores residents would need to be tailored specifically for Sherwood Shores and not open the door to any other service. Mayor Bunker reiterated that we have the ability and expertise to provide this service and, if we can help the residents of Sherwood Shores without jeopardizing city residents, he is in favor of doing so.

Following discussion, Council Member Robert Banks MOVED to carve the path to establish an ordinance for sale of water outside Delta City limits and begin the process for Delta City to issue bonds to cover funding for the Sherwood Shores Water Project. The motion was SECONDED by Council Member Tom Stephenson. Mayor Bunker asked if there were any comments or questions regarding the motion. Council Members discussed the process of issuing bonds and creating an ordinance. City Attorney Anderson stated that the next step will be hiring bond counsel and getting the funding in place to purchase assets of Sherwood Water Company. Once the funding has been used to purchase the assets, the next step is installing pipe. Council Member Tom Stephenson asked whether the Council needs to have a motion at this time. City Attorney Anderson advised Council Members that he is asking for either a commitment or a decision that we do not want to go forward with the project. Council Member Steven Pratt asserted that the situation will probably not get more comfortable by putting off a decision and making no decision at this time is just putting off an inevitable decision at a later date. Mayor Bunker stated that this matter has been discussed long enough that we need to make a decision as to whether we will provide water for Sherwood Shores or not and he called for a vote on the motion that had been made. The motion passed with Council Members Robert Banks, John Niles, Steven Pratt and Tom Stephenson voting in favor and Council Member Betty Jo Western voting against.

NEW BUSINESS

MAYOR GAYLE BUNKER: REVIEW OF FOURTH OF JULY CELEBRATION

Mayor Bunker asked for comments from Council Members on the celebration held yesterday. Council Member Tom Stephenson mentioned that he had not attended the celebration because he was working but he had heard comments that people wanted us to get some cleaner inflatable devices. City Recorder Gregory Schafer said he had talked to the owner and was told that the devices would be washed and cleaned. Council Member Stephenson also heard that the obstacle course was too large for the age group of children using it. Small children got caught in a pit inside the obstacle course and had to have a larger person climb inside to get them out. Council Member Stephenson also heard complaints that the fish pond game was priced a little high. Mayor Bunker advised that we have no control over what the vendors charge. Council Member Stephenson also had someone tell him she wished we could get some bleachers around the fish catch so people can watch the children trying to catch a fish. Another person asked if we could do anything to get some of the teenage kids and children to stay around and listen to the program. Council Member Stephenson told the person that we could do nothing to get children and teenagers to sit and listen to a program when there is fun going on. Council Member Stephenson also heard many positive comments regarding the celebration.

Council Member Western said there had been a short-term power outage at the food pavilion but it was fixed very quickly. Assistant Public Works Director Clark stated that they will be doing some work on power in the park. Council Members felt the fireworks display was very nice. City Attorney Anderson heard that some spectators would have preferred some patriotic music mixed in with the other music for the fireworks.

Council Members mentioned children being out in the street during the parade. City Attorney Anderson advised Council Members that, as an attorney that had walked the parade route, he noticed that children were in the street, in front of vehicles. They parted and let the vehicle pass and then went right back into the middle of the street. Mayor Bunker showed Council Members a copy of the flyer that had been given to every person who entered a float or vehicle in the parade. City Attorney Anderson expressed his thoughts that, first, we require walkers and allow only walkers to pass out candy and, second, perhaps collect a nominal fee to enter the parade and use those funds to purchase candy that could be handed out prior to the beginning of the parade so the children can eat their candy while watching the parade. City Attorney Anderson will bring up the matter at a later date for more in depth discussion.

Council Member Western said she had heard a lot of positive comments regarding the patriotic program. Mayor Bunker declared that we need to do a better job of controlling the crowd at the fish catch. Council Member Pratt suggested that we configure the fence around the fish catch so that we can have the next age group of children prepared to go into the pond when their turn comes.

PUBLIC WORKS DIRECTOR ALAN RIDING: UPDATE ON PUBLIC WORKS PROJECTS

In the absence of Public Works Director Alan Riding, Assistant Public Works Director Ken Clark reported that public works employees have been working really hard to get the splash pad ready to

open and it has been getting a lot of use. They still need to put down sod to cover the dirt around the splash pad. They have also been preparing for, and now removing, preparations for the Fourth of July celebration.

Council Member Stephenson expressed appreciation to public works employees on the great job of cleaning up the park following the celebration. Assistant Public Works Director Clark advised Council Members that there is a lady who frequently walks her dog in the park and, while walking, she picks up trash. On the Fourth of July, at 4:00 p.m., she and her dog were walking around the park, with a large garbage bag, picking up trash. She was back again, this morning, picking up trash from the park. She also goes through the skate park to make sure the trash is picked up. When public works employees see her, they always express appreciation, but they would like to see the City do something more for her to show appreciation for her efforts to take care of the park. City Attorney Anderson advised that his parade entry won a small cash award and requested that his award be used to do something for this lady. Assistant Public Works Director Clark will obtain the name of the person and he would also like to have the local paper run an article expressing appreciation for what she does.

Assistant Public Works Director Clark advised that they will be doing chip seal, on all east-west roads south of Main Street, the first week of August. They will be doing asphalt patches, water line repairs, an overlay on the road at 100 East near the school, and begin the new water line, from the south side of the canal at 350 East to the Sugar Factory well, to help stabilize water pressure. In addition, the shale in front of the library needs to be replaced because it is deteriorating. Council Member Western asked if we were going to do any kind of shade for parents who are watching their children at the splash pad. Assistant Public Works Director Clark said that we have umbrellas for the tables and they have talked about how we could provide more shade but nothing is planned at this time.

Council Members expressed appreciation to public works employees for all the work they did to make the Fourth of July celebration a success.

OTHER BUSINESS

James Dix, Reptile Rescue Service, requested the opportunity to address the Council. Mr. Dix said he thought there was a misunderstanding regarding opening his facility to the public. Mr. Dix stated that he had been told he should not be open to the public without a business license. Mr. Dix expressed his desire to be open to the public because he could not afford to just house animals in the building. Mayor Bunker advised Mr. Dix that he must have a business license if he is operating a business and obtaining funds through charging visitors a fee to come into the facility. Mayor Bunker said his understanding was that there would be no fee if individuals wanted to see the animals and that Reptile Rescue Service would not become a business for people to enter and view the animals. Council Member Stephenson agreed that he had the same understanding. Mr. Dix stated that it is not a profit business and Mayor Bunker told him that the fact he is charging fees makes the facility a

business which requires a business license. Mayor Bunker did not believe that the Planning & Zoning Commission had knowledge that Mr. Dix planned to open the facility to the public and charge for entrance. Council Member Stephenson stated that, when Mr. Dix met with the Planning & Zoning Commission, Council Member Stephenson understood that the facility would not be public and would not charge for entrance and that, in the event Mr. Dix decided to make it a public facility, he would return to the Planning & Zoning Commission for amendment of his conditional use permit. City Attorney Anderson advised Mr. Dix that the City Council does not make a determination as to whether or not there is a violation of his conditional use permit. City Attorney Anderson told Mr. Dix that it was the decision of the Mayor that it is okay for Mr. Dix to remain open to the public until he has the opportunity to appear before the Planning & Zoning Commission to obtain their approval regarding whether or not the park can have business hours and be open to the public. City Attorney Anderson explained that Mr. Dix received and signed a copy of the Conditional Use Permit which includes a list of the restrictions on his business. Mayor Bunker reminded Mr. Dix that he has an agreement with Delta City and his agreement has nothing to do with the Utah Department of Transportation.

Mayor Bunker advised Mr. Dix that he must obtain a business license if he wants to charge admission and he must meet with the Planning & Zoning Commission for approval to be open to the public. Mayor Bunker told Mr. Dix that, until he meets with the Planning & Zoning Commission and receives approval from them, he can remain open but he cannot charge admission. He may request donations for care of the animals. In order to obtain a business license, his business will need to be inspected by the Fire Chief and Building Inspector. Mr. Dix will contact the City Office and make arrangements to meet with the Planning & Zoning Commission.

Mayor Bunker reported that Millard School District has requested that the building permit fee for the new high school building, in the amount of \$116,000, be waived. Mayor Bunker is not comfortable asking Sunrise Engineering to do the building inspections for free. Sunrise Engineering has agreed to charge \$45,000 for their portion of the building permit fees, which is \$24,600 less than the normal fee would be. Mayor Bunker felt we could reduce our share of building permit fees to \$5,000, for a total permit fee of \$50,000, rather than the normal fee of \$116,000. Mayor Bunker asked Council Members for their comments regarding this matter. A discounted rate is only allowed for other governmental entities. Council Members were in favor of granting the minimal building permit fee for Millard School District.

Council Member Steven Pratt had a question regarding the budget that was adopted at the previous meeting. Mayor Bunker asked Council Member Pratt to come into the office and talk with Finance Director Gregory Schafer because he did not have a copy of the budget with him.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Robert Banks 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, John Niles, Steven Pratt, Tom Stephenson and Betty Jo Western voting in favor and no one voting against.

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



GAYLE BUNKER, Mayor



GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 08-02-12