

CITY OF DELTA, UTAH  
REGULAR CITY COUNCIL MEETING  
MAY 16, 2013

PRESENT

Gayle Bunker	Mayor
John Niles	Council Member
Steven Pratt	Council Member
Betty Jo Western	Council Member

ABSENT

Robert Banks	Council Member
Tom Stephenson	Council Member
Alan Riding	Public Works Director

ALSO PRESENT

Gregory Jay Schafer	City Recorder
Ken Clark	Assistant Public Works Director
Todd Anderson	City Attorney
Ethan Willoughby	Boy Scout
Joe Miller	Millard County Raceway
Kevin Morris	Millard County Maintenance Supervisor
Jim Mitchell	City Resident
William Anderson	Boy Scout

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, on the Utah Public Notice website, the Delta City website, 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 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 May 2, 2013 were presented for consideration and approval. Following discussion, Council Member Betty Jo Western MOVED to adopt the minutes of the Regular City Council Meeting held May 2, 2013, as presented. The motion was SECONDED by Council Member Steven Pratt. The motion passed with Council Members

John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Members Robert Banks and Tom Stephenson 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 discussion, Council Member John Niles MOVED to approve the accounts payable, dated May 16, 2013, in the amount of \$36,307.50. 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 John Niles, Steven Pratt, and Betty Jo Western voting in favor and Council Members Robert Banks and Tom Stephenson being absent.

#### PUBLIC COMMENT PERIOD

There were no comments from the public.

#### BUSINESS

#### MAYOR GAYLE BUNKER: NOISE ORDINANCE REGULATIONS PERTAINING TO MILLARD COUNTY RACEWAY

Mayor Bunker invited Kevin Morris, Millard County Maintenance Supervisor, to address the Council. Mr. Morris advised Council Members he had done research regarding noise ordinances in other cities and counties and found that nearly all of them allow exceptions to their noise ordinances. The ordinance he liked best was from Taylorsville, which allows a variance request for time and/or noise level for specific events. The ordinance from Summit County specifically refers to racing noise and also allows a variance for those events. Mr. Morris asked what could be done to work with Delta City to extend the time or noise level for weekend racing events. Council Member John Niles, who lives near the raceway, noted that the noise level was reduced at the most recent racing event. Council Member Niles felt the Council should try to work with the raceway so they can hold their events without concern of being in violation of the noise ordinance. Council Member Betty Jo Western said her research showed that several cities adjust their noise ordinance to allow racing events. Council Members felt changing the noise requirement time from 10:00 p.m. to 11:00 p.m. on Saturdays and issuing permits for events that run later than 11:00 p.m. would be best. Council Members discussed terms to be included in an amendment to the noise ordinance.

Following discussion, Council Member John Niles MOVED to instruct City Attorney Todd Anderson to prepare an ordinance, for approval at the next meeting, to amend the existing noise ordinance. 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 John Niles, Steven Pratt and Betty Jo Western

voting in favor and Council Members Robert Banks and Tom Stephenson being absent.

MAYOR GAYLE BUNKER: PROPOSED CHANGE IN COUNCIL MEETING SCHEDULE FROM FIRST AND THIRD THURSDAY TO SECOND AND FOURTH THURSDAYS

Mayor Bunker advised Council Members that he had proposed this meeting schedule change at the last meeting and asked for comments from Council Members. If City Council meeting were changed to the second and fourth Thursdays, Planning & Zoning meetings would be changed to the first or third Thursday of each month. Council Members had no problems adjusting the schedule for City Council meetings.

Following discussion, Council Member Steven Pratt MOVED to change the regular City Council meeting days to the second and fourth Thursday of each month, beginning July, 2013 and specified the change be noted on Delta City utility billing statements. 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 John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Members Robert Banks and Tom Stephenson being absent.

PUBLIC WORKS DIRECTOR ALAN RIDING: REQUEST FOR APPROVAL TO WRITE OFF UTILITY ACCOUNTS DEEMED UNCOLLECTIBLE

In the absence of Public Works Director Alan Riding, Assistant Public Works Director Ken Clark presented a list of utility accounts which have been deemed uncollectible and requested approval to write off these amounts. Assistant Public Works Director Clark indicated that approximately half of the total amount owed on the accounts is late fees that have been assessed since the account was terminated. If write off is approved, the accounts will be forwarded to a collection agency for further collection efforts.

Following discussion, Council Member John Niles MOVED to authorize write off of the twenty-two utility accounts deemed uncollectible in the total amount of \$4,025.35 and that these accounts, with the exception of the one that has filed for bankruptcy, be referred to an agency for further collection efforts. 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 John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Members Robert Banks and Tom Stephenson being absent.

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 on water lines and storm drains at the community center property. The splash pad has been turned on and is being used. The main water

line around the outside of Sherwood Shores has been installed and there are a few connections to be completed. The boring under the reservoir has had some problems; they have gone all the way under the reservoir and they encountered problems when backing out. They plan to bring in another unit to complete the bore. Assistant Public Works Director Clark advised Council Members that, since sending letters to residents of Pendray Estates regarding the problems caused by flushing some items, the sewer pump problems have decreased substantially.

Assistant Public Works Director Clark asked Council Members to consider adjusting the fee schedule pertaining to water rights acquisition fees for travel trailer parks. Antelope Valley RV Park would like to hook on to Delta City water, however, using our current fee schedule, it would cost \$43,000 in water acquisition fees. We currently require 1/4 acre foot per available trailer space. Discussion has been that most spaces are normally occupied for short periods of time rather than having continual use. Assistant Public Works Director Clark suggested that Council Members may want to adjust the requirement for 1/4 acre foot per unit in recreational vehicle parks. Assistant Public Works Director Clark will research to find out what other cities are requiring for recreational vehicle parks.

Assistant Public Works Director Clark reminded Council Members that the Young Eagles event is scheduled at the airport this weekend. Boy Scouts are invited to attend and earn their aviation merit badge. Airplane rides will also be available for those who attend.

Council Members discussed the ongoing problems at the dump. Last weekend a load of materials resulting from remodeling was dumped. These loads are usually dumped over the weekend. Assistant Public Works Director Clark asked Council Members how they want public works employees to deal with the continued dumping of prohibited materials at the site. At present the gate is locked. Anyone who wants to dump something must come to the office to get a key or contact someone to open the gate for them.

#### OTHER BUSINESS

Mayor Bunker advised Council Members that Jim Dix has been moving his animals from his former place of business in Delta but he still has fixtures and some animals on the property.

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Mayor Bunker reported that he believed a decision would be made on the Unmanned Aircraft Systems proposal in the near future. He has learned that a decision on where to locate the systems will not be made until about December. The state will be in contact with us for further information to be submitted at later date.

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Mayor Bunker said we had received word this week that we will not be having a flyover on the Fourth of July. The federal sequestration cuts have made it impossible for units to provide the flyovers. City Office personnel have discussed some other flying event to start off the parade this year.

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Mayor Bunker stated we have been asked to make a commitment as to what type of support we are willing to make in order to prevent the old high school gym from being destroyed. Mayor Bunker said we are not in a position to make any commitment at this time. Mayor Bunker suspects that the gyms will probably be razed rather than being preserved.

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Council Member Western asked about plans for the Fourth of July. Mayor Bunker stated that we will have music from the community choir for the Patriotic Program on the Fourth of July and we can also have a representative from the American Legion Auxiliary speak. We will also have the Miss Liberty royalty provide their speeches for the program. Council Member Western asked if we charge for the booth space on the Fourth of July. She has been told that people who want booths have been instructed to come in and sign a paper to get a booth. Mayor Bunker indicated that no charge is being made for booth space.

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City Attorney Anderson asked if we allow yard sales in the City Park. City Recorder Gregory Schafer answered that only non-profit organizations are allowed to hold yard sales in the City Park. Mayor Bunker noted that he has had to shut down some yard sales in the park. Sometimes people set up yard sales in the park on weekends but they should not be allowed to remain. City Attorney Anderson noted that people are also beginning to set up yard sales along Main Street on the weekend.

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Council Member Western suggested that we need to regulate businesses that set up in small buildings that do not require building permits. Assistant Public Works Director Clark stated that the Planning & Zoning Commission is preparing to discuss regulations for these buildings.

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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 John Niles, Steven Pratt and Betty Jo Western voting in favor and Council Members Robert Banks and Tom Stephenson being absent.

Mayor Bunker declared the meeting adjourned at 8:45 p.m.

  
GAYLE BUNKER, Mayor

  
GREGORY JAY SCHAFFER, MMC, City Recorder

MINUTES APPROVED: RCCM 06-06-13