

CITY OF DELTA, UTAH  
SPECIAL CITY COUNCIL MEETING  
**MARCH 31, 2005**

PRESENT

Gayle Bunker	Mayor
Wesley Bloomfield	Council Member
Bruce Curtis	Council Member
Margaret Dutsen	Council Member
Glen Swalberg	Council Member

ABSENT

Robert Banks	Council Member
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ALSO PRESENT

Richard Waddingham	City Attorney
Alan Riding	Public Works Director
Ken Clark	Asst. Public Works Director
Gregory Jay Schafer	City Recorder
Tom & Anita Rucker	City Residents
Robert Droubay	Millard County Economic Development
Gary Church	Millard County Economic Development
Bill Nelson	City Resident
Georgia & Ron Hare	Central Utah Counseling Ctr./Univ. of Utah
David & Karrol Corey	City Residents
Joyce Moody	City Resident
Glena Moody	City Resident
Joyce Knight	City Resident
Sandra Lister	City Resident

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 provided to the Millard County Chronicle/Progress and to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Schafer acted as secretary.

Council Member Wesley Bloomfield offered 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 March 17, 2005 were presented for

consideration and approval. Following review, Council Member Wesley Bloomfield MOVED to approve the minutes of the Regular City Council Meeting held March 17, 2005, as presented. The motion was SECONDED by Council Member Glen Swalberg. 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 Wesley Bloomfield MOVED to approve the accounts payable dated March 31, 2005, in the amount of \$104,800.04. The motion was SECONDED by Council Member Glen Swalberg. 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.

#### UNFINISHED BUSINESS

#### MAYOR GAYLE BUNKER: PROPOSED ZONE CHANGES FOR DEVELOPMENT DISTRICTS

Mayor Bunker noted that a public hearing had been held regarding this matter and it had been further discussed at the last meeting of the City Council. There was no decision made at that meeting in order to allow additional time for Council Members to review the proposed changes. Mayor Bunker stated that he had spent some time thinking about what the proper zone should be for the properties owned by Mr. and Mrs. Rucker and Bill Nelson, which is currently zoned Rural Residential. He took into consideration what the zone should be if the property were raw ground because the parcels are too small to allow for keeping of animals in a Rural Residential zone. After much thought and consideration, he determined that, whether the parcel is zoned Rural Residential or Highway Commercial, the existing non-conforming use, allowing keeping of animals on the property, remains with the property. In the event the animals are removed from the property for a period of six consecutive months, or a total of eighteen months over a three year period, the existing non-conforming use is rescinded, regardless of the zone designation. Mr. & Mrs. Rucker and Mr. Nelson agreed with the change from Rural Residential zone to Highway Commercial zone. Mayor Bunker recommended that the zone changes be adopted as outlined by the Planning & Zoning Commission.

City Attorney Richard Waddingham presented the following ordinance for adoption:

#### ORDINANCE NO. 05-221

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY FROM RESIDENTIAL DEVELOPMENT (R-D) TO RESIDENTIAL 4 (R-4); FROM RESIDENTIAL DEVELOPMENT (R-D) TO RESIDENTIAL 2 (R-2); FROM RESIDENTIAL DEVELOPMENT (R-D) TO RESIDENTIAL 1B (R-1-B); FROM RESIDENTIAL DEVELOPMENT (R-D) TO RESIDENTIAL

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1A (R-1-A); FROM COMMERCIAL DEVELOPMENT (C-D) TO CENTRAL BUSINESS (C-B); FROM COMMERCIAL DEVELOPMENT (C-D) TO HIGHWAY COMMERCIAL (H-C); FROM RURAL RESIDENTIAL (R-R) TO HIGHWAY COMMERCIAL (H-C); FROM RESIDENTIAL 1B (R-1-B) TO PUBLIC/QUASI-PUBLIC (P/Q-P); FROM MOBILE HOME (M-H) TO PUBLIC/QUASI-PUBLIC (P/Q-P); FROM RESIDENTIAL DEVELOPMENT (R-D) TO PUBLIC/QUASI-PUBLIC (P/QP).

Following review, Council Member Wesley Bloomfield MOVED to adopt Ordinance No. 05-221 and the zone changes outlined therein, as recommended by the Planning & Zoning Commission. The motion was SECONDED by Council Member Glen Swalberg. 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	Absent
Wesley Bloomfield	Yes
Bruce Curtis	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

#### MAYOR GAYLE BUNKER: BUSINESS LICENSE ENFORCEMENT

Mayor Bunker noted that this item was discussed at the last City Council meeting, as well as at several previous meetings. Mayor Bunker advised Council Members that they had each received a copy of the Business License Ordinance in their Council packet. Mayor Bunker read the definition of "business" as contained in the Business License Ordinance. Council Member Glen Swalberg felt that there were some businesses for which the license fee should be decreased. There was discussion as to how the license ordinance can be enforced for home based businesses. Mayor Bunker stated that home based businesses are requested to license when knowledge of them becomes available. Council Member Bloomfield felt that it is inappropriate to select certain types of businesses to be exempted from obtaining a business license. Mayor Bunker advised Council Members that approximately thirty cities throughout the state have been contacted regarding whether they require licensing for piano teachers. The result is that all but two or three of those cities do require licensing of piano teachers, but they have difficulty enforcing licensing due to manpower limitations. However, all of those cities reported that, if they know about individuals teaching children in their home, they are required to obtain a business license. Mayor Bunker stressed that the ordinance must be enforced uniformly for all individuals and entities.

The piano teachers in attendance at the meeting expressed their feelings that they are providing an educational service and contribution to the arts in the community and should not be required to have a business license. Mayor Bunker reiterated the definition of a business as "all activities engaged in within the City of Delta carried on for the purpose of gain or economic profit. ..." Mayor Bunker

noted that anyone who charges a fee for a service would be included in this definition. Mayor Bunker informed those in attendance that it is the responsibility of the Delta City Council to determine the policy for the licensing of businesses in Delta. These decisions will be based on what is determined to be in the best interest of the citizens of Delta City and the decisions must be fair to everyone. There have been numerous comments made to Council Members by business owners asking why they should be required to be licensed if someone else is excluded from the licensing requirement.

After lengthy discussion, Mayor Bunker stated that there are other matters on the agenda to be discussed and requested that the discussion on business license enforcement be brought to an end. Council Member Bloomfield reiterated that it is the responsibility of the City Council to enforce our ordinances and to act in a fair and equitable manner.

Council Member Margaret Dutson MOVED to study and discuss revision of the Business License Ordinance. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. Council Member Glen Swalberg requested input from piano teachers in the audience to provide any suggestions they might have on revising the business license ordinance. City Attorney Richard Waddingham requested that the motion be amended to be more specific as to changes to be made in the business license ordinance. Council Member Margaret Dutson AMENDED THE MOTION to consider amending the definition of "business" in the business license ordinance, as well as license fees and exceptions to licensing. The amended motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any addition comments or questions. There being none, he called for a vote. The motion passed with Council Members Curtis, Dutson and Swalberg voting in favor and Council Member Bloomfield voting against.

#### NEW BUSINESS

#### ROBERT DROUBAY, MILLARD COUNTY ECONOMIC DEVELOPMENT: PROPOSED INDUSTRIAL PARK

Robert Droubay, representing Millard County Economic Development Association, advised the Council of a presentation given by Jay Burton, manager of State Trust Lands, setting forth a number of ways in which a community can use state trust lands for community purposes such as developing an industrial park to draw industry into the area, thus expanding the economic base.

Mr. Droubay offered the support and cooperation of Millard County Economic Development Association in developing a more industry friendly area. Mayor Bunker advised Mr. Droubay that John Riding owns a large parcel of land along Highway 6 on the north edge of Delta. Mr. Riding has discussed the possibility of creating an industrial park on his property but has been waiting for Delta City to adopt their Annexation Policy Plan so that he can annex the property into Delta City prior to pursuing development.

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GEORGIA HARE, CENTRAL UTAH COUNSELING CENTER: REQUEST FOR SCHOLARSHIP FUNDS FOR INDIVIDUALS TO ATTEND UNIVERSITY OF UTAH SCHOOL ON ALCOHOL AND CHEMICAL DEPENDENCIES

Georgia Hare, representing University of Utah, requested funding for two individuals to attend University of Utah School on Alcohol and Chemical Dependence. If Delta City will provide funding for one individual, in the amount of \$508, University of Utah will match that funding, thus allowing two individuals to attend the training. Council Member Bloomfield requested that those individuals who attend the training make arrangements to attend Council Meeting and report their experience to Council Members.

Council Member Wesley Bloomfield MOVED to authorize expenditure of \$508 to sponsor two scholarships for University of Utah School on Alcohol and Chemical Dependence, as has been done in previous years. The motion was SECONDED by Council Member Glen Swalberg. 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: SET DATES FOR SPRING CLEAN UP

Mayor Bunker asked Public Works Director Alan Riding if he had any suggestions for Spring Clean up dates. Public Works Director Riding suggested that May 14<sup>th</sup> and 21<sup>st</sup> be considered.

Following discussion, Council Member Wesley Bloomfield MOVED to set Spring Clean up Days as May 14<sup>th</sup> and May 21<sup>st</sup>. 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.

COUNCIL MEMBER GLEN SWALBERG: VAN'S HALL PROJECT FUNDING

Council Member Swalberg requested that Delta City provide some funding for the Van's Hall restoration project. Council Member Swalberg reported that the restoration is almost complete and several individuals have spent many hours working on the project. The State of Utah provides a small grant every other year for the project. Council Member Swalberg feels that completion of the project would provide a benefit for tourism in the area. Council Member Dutson asked who owns Van's Hall. Council Member Swalberg advised that the property is owned by a member of the Van family. The family is not interested in selling the property but is unable to fund restoration of the building. Council Member Swalberg stated that there is a contract stating that the property cannot be sold without first offering it to Great Basin Museum and that, in the event the property is sold, the purchaser must keep the property open as a tourist attraction for twenty years. Council Member Swalberg requested approximately \$1,500 to assist in completion of renovation so that the building can be kept open for tourism this summer.

Mayor Bunker asked City Attorney Waddingham if it would be legal for Delta City to provide

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funding for the Van's Hall restoration project. City Attorney Waddingham responded that it is not legal for Delta City to provide funding unless it receives "fair market value, dollar for dollar, immediately in return."

Mayor Bunker asked Council Members to think about the Van's Hall funding and determine what can be done to assist in the project.

COUNCIL MEMBER MARGARET DUTSON: SELECTION OF THEME FOR FOURTH OF JULY CELEBRATION

Council Member Margaret Dutson suggested the following themes:

Peace Unto Our Nation  
Proud to be an American  
Let Freedom Reign  
One Nation  
Land of Liberty  
Freedom - Sea to Shining Sea

Council Member Dutson favored Proud to be an American or One Nation. Mayor Bunker suggested Freedom Isn't Free or Those Who Wait Also Serve. There was discussion of other possible themes.

Following discussion, Council Member Glen Swalberg MOVED to approve the theme of "Families Called to Serve" as the theme for the 2005 Fourth of July Celebration. The motion was SECONDED by Council Member Wesley Bloomfield. 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 HOIST

Public Works Director Alan Riding reported that both Leonard Hardy and Dent Kirkland have been certified to do state safety inspections for Delta City vehicles. Purchase of a heavy duty truck hoist will make it safer and easier to complete the inspections. When the truck shop was built, it was constructed so as to support the addition of a truck hoist. Funds for purchase of the hoist will come from Class "C" road funds.

Following review, Council Member Wesley Bloomfield MOVED to approve purchase of a truck hoist from Eagle Equipment in the amount of \$5,999. The motion was SECONDED by Council Member Glen Swalberg. 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.

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PUBLIC WORKS DIRECTOR ALAN RIDING: REQUEST FOR DECLARATION OF SURPLUS EQUIPMENT AND METHOD OF DISPOSAL

Public Works Director Alan Riding reviewed the list of equipment which has previously been declared surplus but has not been disposed of and the list of additional equipment which he would like to have declared surplus. Public Works Director Riding requested advise from the Council as to what method should be used to dispose of the surplus equipment. Previously declared surplus items included a single axle transport, Boseman gang mower, Gallion motorgrader, International 354 tractor, asphalt pug mill, 30' sprayer boom, 6' Gyro mower, bucket-type man lift, and Ford F600 with utility bed. The items requested to be declared surplus at this time included a 1979 F150 4x4 vehicle, 1985 Chevrolet ½ ton two-wheel drive vehicle, 1984 Elgin street sweeper, 1981 Aquatech sewer jet and 1981 Dodge D50 vehicle.

Public Works Director Riding noted that some of the items would be best disposed of through scaled bid, some through public auction, or possibly salvage the items for scrap steel.

Following review, Council Member Wesley Bloomfield MOVED to declare the 1979 Ford F150 4x4 vehicle, 1985 Chevrolet ½ ton two-wheel drive vehicle, 1984 Elgin street sweeper, 1981 Aquatech sewer jet and 1981 Dodge D50 vehicle as surplus equipment and to dispose of the items in the best manner possible. The motion was SECONDED by Council Member Glen Swalberg. 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 repairs on the 1.2 well have been completed, including tank inspection, and is ready for use during the summer watering season. In the process of re-filling the tank last evening, one of the valves was opened a little too quickly, causing a surge which stirred up some cloudiness in the water system. There were numerous telephone calls about dirty water but there was no problem with the water and most callers were satisfied with the response to their questions. Public Works Director Riding suggested sending a mailer with the next water billing statement advising people that the water is safe to drink but when it becomes cloudy, it is fine sediments and mineral deposits which settle out in the system and are forced into the system when there is a surge in water pressure. There will be more flushing of the system, causing more discolored water, in the next few weeks. Council Member Bloomfield suggested that an answering machine be set up on the public works telephone where citizens can call and get updated information when there is a problem with the water.

Sunrise Engineering has completed the staking so that a storm drain catch basin can be installed by the Public Works crew at 450 North and also staked some curb and gutter. Millard School District will install curb and gutter on the north side of the street this year and the south side will be installed next year.

There is a water line which will be relocated as a result of construction of Topaz Condominiums Phase 4. While locating a sewer line, the water line was uncovered and will be relocated so as to run around the property rather than across the center of the property. The project will be funded by the property owner purchasing the materials and Delta City providing labor for installation of the relocated water line. Delta City was not aware that the water line transversed the property at that location but believed that it had been installed around the edge of the property, where the new line will be installed.

Public Works Director Riding reported that he had attended a pre-bid meeting at the airport regarding the next grant money contract. The next grant will cover safety grading along the taxiways and runway. All of the local contractors were in attendance at the meeting and it is anticipated that several local contractors will be bidding on the project, resulting in a good possibility of a local contractor being selected to complete the work. Bid opening for the project will be held on April 12, 2005.

#### OTHER BUSINESS

Council Member Bloomfield reported that he had attended a West Millard Water Agency meeting last week. It was determined at the meeting that the three entities involved, Delta City, Hinckley Town and Deseret-Oasis Special Service District will not pursue development of a water system to serve all entities but that each will develop their own water sources to comply with upcoming arsenic standards in drinking water. The West Millard Water Agency will ultimately disband but will stay intact until grant issues are resolved.

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City Attorney Richard Waddingham expressed his concerns regarding the business license ordinance amendments which had been discussed earlier in the meeting. He stated that business licensing is regulatory and there is no way to exempt anyone who charges a fee from the requirement to be licensed. Entities which are non-profit, charitable or religious organizations can be exempted from licensing but, exempting a particular group of people from licensing is wrong and could not be defended. The Council has the authority to amend the definition of a business license, for instance, setting threshold as to the amount of money to be earned before a license is required, but City Attorney Waddingham suggested that Council Members refrain from exempting any class or group of persons or businesses. City Attorney Waddingham also suggested that it is wise to know who is doing business in our community. Licensing is a regulatory tool and the city has a right to know who is doing business.

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Mayor Bunker reported that the Parks Dept. employees will return to work next week to begin working on parks. In addition, he reported that he had been invited to observe some work being done with the new sewer camera last week. There was a sewer problem which the Public Works employees were attempting to locate using the sewer camera. It was very interesting and Mayor

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Bunker was impressed with how easy it is to determine what the problem is and where it is located. Use of the camera eliminates guess work in eradicating problems in the sewer system.

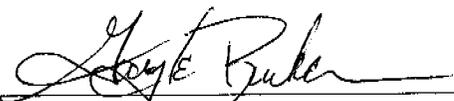
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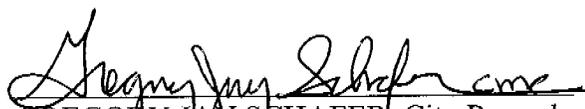
Mayor Bunker advised Council Members that, due to the Red Rock CERT mock disaster exercise being held in Moab on April 8<sup>th</sup> and 9<sup>th</sup>, the next regularly scheduled city council meeting will be April 21, 2005.

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Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Wesley Bloomfield 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 9:04 p.m.

  
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GAYLE BUNKER, Mayor

  
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GREGORY JAY SCHAFFER, City Recorder

MINUTES APPROVED: RCCM 04-21-05

