



DELTA CITY COUNCIL REGULAR MEETING

Wednesday, August 02, 2023 at 7:00 PM

Delta City Municipal Complex Council Chambers*

MINUTES

PRESENT

Mayor John Niles
Council Member Brett Bunker
Council Member Betty Jo Western
Council Member Kiley Chase
Council Member Nick Killpack
Council Member Robert Banks

ALSO PRESENT

Matt Ward
Sherri Westbrook
Michelle Lovejoy
Dent Kirkland
Michael Zurn
Pat Burns
Todd Anderson
Travis Stanworth

CALL TO ORDER

Mayor Niles 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 Delta City Complex, on the Delta City website, on the Utah Public Notice website, had been provided to the Millard County Chronicle-Progress, LLC and each member of the City Council at least 24 hours before the meeting. Mayor Niles conducted a roll call. Council Members Killpack, Chase, Banks, Western, and Bunker were present.

OPENING REMARKS

Council Member Banks offered the opening remarks.

PLEDGE OF ALLEGIANCE

Mayor Niles led those in attendance in the Pledge of Allegiance.

CONSENT AGENDA

1. Minutes Approval: RCCM 2023-06-21

The minutes of the Regular City Council Meeting held on 6/21/23 were presented for approval. Council Member Bunker MOVED to approve the minutes of the Regular City Council Meeting held on 6/21/23. The motion was SECONDED by Council Member Banks. Mayor Niles asked if there were any other questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Bunker, Seconded by Council Member Banks.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

2. Minutes Approval: RCCM 2023-07-19

The minutes of the Regular City Council Meeting held on 7/19/23 were presented for approval. Council Member Banks MOVED to approve the minutes of the Regular City Council Meeting held on 7/19/23. The motion was SECONDED by Council Member Bunker. Mayor Niles asked if there were any other questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Banks, Seconded by Council Member Bunker.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

3. Accounts Payable, Payroll, and Electronic Disbursements Approval: 2023-08-02 \$93,423.59

The Council reviewed the accounts payable, payroll, and electronic transactions for the period ending 8/2/23 of \$93,423.59. Council Member Chase MOVED to approve the disbursed payments dated 8/2/23 of \$93,423.59. The motion was SECONDED by Council Member Killpack. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Chase, Seconded by Council Member Killpack.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

PUBLIC COMMENT PERIOD— *Ten (10) Minutes Total Limitation*

BUSINESS— Any such business as may come before the Council.

4. Delta Fire Department- Solar Project

Action: Discussion/Consideration for approval

Assistant Fire Chief Travis Stanworth appeared before the Council representing the Fire Department and Millard County Fire District. Assistant Fire Chief Stanworth informed the Council they would be one vote in the Fire District, and he needed to bring their vote to the meeting. Millard County School District are prepared to give the solar project a 50 percent tax break, which could go into a general fund. Millard County made the decision not to financially support the project.

Mayor Niles asked how much of a percentage the Fire District would like. Council Member Killpack remarked that the Economic Development Board wanted to see all the numbers, which they declined. The company claims they need the tax breaks because they need competitive contracts. Council Member Bunker doesn't see a benefit in offering them a tax break. Council Members Killpack and Bunker recommended an offer of less than 5 percent.

Council Member Killpack MOVED to approve Assistant Fire Chief Travis Stanworth to discuss and vote on the fire district board for less than 5 percent to the solar project for a tax break. The motion was SECONDED by Council Member Banks. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Killpack, Seconded by Council Member Banks.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

5. Michael Zurn; Delta Crossing, Preliminary Plat approval

Action: Discussion/Consideration for approval

Michael Zurn and Patrick Burns appeared before the Council seeking preliminary plat approval for Delta Crossing. They have been working with Andy Nickle with the Water District to realign the ditch. The Planning and Zoning Commission approved the project conditioned upon the canal company signing off on the plan. Public Works Director Kirkland added that there needs to be engineering for water and sewer lines, fire hydrants, street lights, and street signs, which are all required for subdivisions. Delta City owns a part of the property so an arrangement of transfer of that property will need to be made. The Planning and Zoning Commission also wanted landscaping plans around the retention ponds, but they could present that plan later.

Council Member Bunker MOVED to approve the Delta Crossing preliminary plat conditioned upon the city code town home language, the arrangement of the transfer of the city-owned property within the development from Delta City, express approval from the canal company with regards to canal placement and bridge approval over the canal, approval of engineering for infrastructure: such as, but not limited to storm drainage, fire hydrants, street lighting, street signs, and water and sewer, and contingent upon further approval in the future of a landscape plan for the open space retention area. The motion was SECONDED by Council Member Killpack. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Bunker, Seconded by Council Member Killpack.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

6. Dent R. Kirkland, Public Works Director, Public Works Update
Discussion Only

Public Works Director Kirkland provided a public works update to the Council. The Public Works Department has been working on asphalt. Sunrise Engineering's project with the School District's curb and gutter are not lining up with the road due to lack of engineering. A couple of feet of asphalt will need to be installed. They installed a door at the airport.

There were no flooding with the recent storm, but would like to address some storm drain issues in the future. The drainage ditches will need to be cleaned out. Attorney Anderson will find out what the drainage company's budget is and then they can contact someone with a big hoe and the manpower.

The pickleball courts are waiting on MJ Electric on electrical.

Public Works Director Kirkland has received citizen complaints about neighboring houses having a lot of people living in them. Attorney Anderson said the only option would be to start prosecuting. Council Member Chase recommending sending letters out.

7. Closed Meeting: Discuss the character, professional competence, or physical or mental health of an individual.

Council Member Killpack MOVED to move into closed session to discuss the character, professional competence, or physical or mental health of an individual at 8:07 pm. The motion was SECONDED by Council Member Bunker. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Killpack, Seconded by Council Member Bunker.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Killpack, Council Member Banks, Council Member Chase

-----Closed Session-----

Council Member Killpack MOVED to move into City Council Regular Meeting at 10:40 pm. The motion was SECONDED by Council Member Banks. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Killpack, Seconded by Council Member Banks.

Voting Yea: Council Member Bunker, Council Member Western, Council Member Killpack, Council Member Banks, Council Member Chase

ADJOURNMENT

Council Member Bunker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Killpack. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote.

Motion made by Council Member Bunker, Seconded by Council Member Killpack

Voting Yea: Council Member Bunker, Council Member Western, Council Member Chase, Council Member Killpack, Council Member Banks

The meeting was adjourned at 10:41 p.m.



John Wesley Niles, Mayor

Sherri Westbrook, Recorder

CITY OF DELTA, UTAH
EXECUTIVE SESSION (CLOSED MEETING) SWORN STATEMENT

(As Permitted under Title 52, Chapter 4, Parts 204-205, Utah Code Annotated (1953 Ed), as amended)

I, John Wesley Niles, Mayor, swear, as the person presiding at this executive session, that the sole purpose for closing the session was to discuss the following:

- ☒ ___ §52-4-205(1)(a) Discussion of the character, professional competence, or physical or mental health of an individual; or
- ☐ ___ §52-4-205(1)(b) Strategy sessions to discuss collective bargaining; or
- ☐ ___ §52-4-205(1)(c) Strategy sessions to discuss pending or reasonably imminent litigation; or
- ☐ ___ §52-4-205(1)(d) Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms; or
- ☐ ___ §52-4-205(1)(e) Strategy sessions to discuss the sale of real property when:
- public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - the public body had previously given public notice that the property would be offered for sale, and;
 - the terms of the sale are publicly disclosed before the public body approves the sale; or
- ☐ ___ §52-4-205(1)(f) Discussion regarding deployment of security personnel, devices, or systems, and
- ☐ ___ §52-4-205(1)(g) Investigative proceedings regarding allegations of criminal misconduct.

Sworn to and executed this date, August 2, 2023.

CITY OF DELTA, UTAH by



JOHN WESLEY NILES
Mayor

STATE OF UTAH)
)
CITY OF DELTA) ss.

Subscribed and Sworn to this date, August 2, 2023, by Mayor John Wesley Niles.



SHERRI WESTBROOK
NOTARY PUBLIC

My Commission Expires 05-15-2027

Residing at 330 Nottingham, Delta, UT 84624

