



DELTA CITY COUNCIL REGULAR MEETING

Wednesday, October 15, 2025 at 7:00 PM
Delta City Municipal Complex Council Chambers*

MINUTES

PRESENT

Mayor John Niles
Council Member Betty Jo Western
Council Member Nick Killpack
Council Member Kelly Carter
Council Member KC Bogue

ABSENT

Council Member Kiley Chase

ALSO PRESENT

Sherri Westbrook
Angie Dewsnup
Justin Ashby
Jessica Anderson
Devan Fowles
Ron Larsen
Derek Nielson
Darlene Webb
Tom Chandler
Courtney Finlinson
Howard Western
John Higgins

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, and on the Utah Public Notice website and 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 Carter, Killpack, Western, and Bogue were present. Council Member Chase was absent.

OPENING REMARKS

Council Member Nick Killpack offered the opening remarks.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

1. Minutes Approval: CCPH 2025-10-01

The minutes of the City Council Public Hearing held on 10/01/2025 were presented for approval. Council Member Killpack MOVED to approve the City Council Public Hearing minutes held on 10/01/2025. Council Member Western SECONDED the motion. 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 Killpack, Seconded by Council Member Western.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

2. Minutes Approval: RCCM 2025-10-01

The minutes of the Regular City Council Meeting held on 10/01/2025 were presented for approval. Council Member Bogue MOVED to approve the Regular City Council Meeting minutes held on 10/01/2025. Council Member Killpack SECONDED the motion. 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 Bogue, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

3. Accounts Payable, Payroll, and Electronic Disbursements Approval: 2025-10-15 \$162,597.57

The Council reviewed the accounts payable, payroll, and electronic transactions for the period ending 10/15/2025 for \$162,597.57.

Council Member Bogue asked about a disbursement to Tasker Rentals; Recorder Sherri Westbrook stated this was for a bond holding.

Council Member Carter MOVED to approve the disbursed payments dated 10/15/2025 for \$162,597.57. Council Member Killpack SECONDED the motion. 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 Carter, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

PUBLIC COMMENT PERIOD – Ten (10) Minutes Total Limitation

Tom Chandler introduced himself to the Council. He stated he had three issues he would like to address with them. First, about 10 months ago City Council tasked Attorney Todd Anderson to write a water contract between Delta City and Sherwood Shores. Current Delta City Attorney, Jessica Anderson, stated she has met with Council Member Nick Killpack and compared notes from Attorney Todd Anderson on this matter. She stated that this consists of two parts: one is to set new area as part of water district with surveying, and two is to change ordinance and/or Code. Anderson stated that this Code is currently being drafted; she also added that the timeline is December, as was told to Chandler when he asked previously about this. Council Member Carter clarified that this is not a contract or agreement, it is being adopted as an expanded water service area. Council Member Killpack stated that he hopes county has a plat map of Sherwood Shores subdivision so that a full survey does not have to be done. Attorney Anderson added that the committee has been working with Sherwood Shores HOA for input, as well.

Chandler then shared his continued concerns with safety at the Delta Transfer Station. He stated that he does not feel safe when running in the area early in the morning and that he recently ran into a man scavenging who had large dogs with him. Chandler suggested putting fencing and a locked gate from dusk until dawn. Council Member Carter stated that this would be further discussed later in the meeting, as it was an agenda item.

Chandler's last item was a concern with dogs running and walking around cemetery paths. Owners are not cleaning up after their pets and this is a nuisance for people who are using those paths for running, walking, or jogging. He would like to see restrictions of dogs on the cemetery grounds.

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

4. Derek Nielson; Water Connection

Action: Discussion/Consideration for Approval

Derek Nielsen introduced himself to the Council and explained that he wants to purchase property with a private lender and would like to request annexation into the city once his home is built. Nielson requested permission to connect to city water with an agreement that he is in good faith going to annex into Delta City. Council Member Carter stated that Nielson would not be able to petition annexation until property is in his name. Council Member Bogue asked about granting an in good faith contract. Attorney Anderson clarified that there would need to be an agreement with Nielson, Nielson's Lender, and Delta City. Council Member Carter added that Nielson needs to be sure to build his residence to Delta City Code for later annexation. Nielson stated he would follow A-1 (Agriculture-1) Zoning and Code; property frontage is over the 100' requirement and acreage is double the one-acre requirement. Mayor Niles asked Attorney Anderson to write up a contract for all parties.

Council Member Carter MOVED to approve the request by Derek Nielson to connect to City Water with a signed contract between Nielson, Nielson's Lender, and Delta City in good faith that Nielson will petition annexation with Delta City. Council Member Killpack SECONDED the motion. 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 Carter, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

5. Council Member Betty Jo Western; Landlord Agreement

Action: Discussion/Consideration for Approval

Council Member Betty Jo Western presented the Council with an update on a Landlord Agreement policy request. Western stated that concerns have come up with how Delta City currently bills utilities to tenants who are in rental properties. The new policy would put all utility accounts in the property owner's name (landlord), making the property owner responsible for Delta City utilities at their property. Western also stated that this policy would not only save Delta City money, but also help to avoid complications associated with multiple account holders and repeated account turnover.

Council Member Bogue asked about requiring credit card on file for any landlord. Council agreed that city utilities are owned by property-owner and therefore, the property-owner should ultimately be the responsible party. Council agreed that there should be policy in place that Delta City utility bills will be in the landlord's name and will be sent to the landlord. Delta City Recorder's Office will draft an ordinance and submit it to the City Council and City Attorney prior to public hearing and later proposal for adoption.

Council Member Killpack MOVED to approve the creation of an ordinance establishing owner responsibility with Delta City utility accounts. Council Member Bogue SECONDED the motion. 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 Killpack, Seconded by Council Member Bogue.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

7. Council Member KC Bogue; Transfer Station
Action: Discussion/Consideration for Approval

*Council Member Carter requested that this agenda item be moved up prior to Council Member Killpack's Annexation Plan, out of respect of time for visiting Landfill Supervisor from the County.

Council Member KC Bogue presented the Council with an update on the County Transfer Station located in Delta and suggestions for improvements.

John Higgins stated that fencing and closing at night may be beneficial. He is open to any suggestions, ideas, plans on how to make the transfer station work for residents and keep it clean and safe. Drivers have expressed concerns about picking up in the middle of the night if there are scavengers. Higgins stated that fencing and hours of operation could be beneficial; the county would like to work with Delta City on how to make this better. Council members asked about how things work with Fillmore and Higgins stated that Fillmore requires curbside pickup and also has a city landfill, so it is a different situation.

Resident Howard Western introduced himself to the Council and expressed that when he built his home he was aware of the cows that were there and that the dump was there prior to his building. His concerns are with over-regulating. He would like to go over some additional information and research further on these concerns. Mayor Niles mentioned concerns with dumping trash next to a locked gate. Western said he would connect with the County and with Tom Chandler for more information of what they are observing. Council Member Bogue said he has anything Western would like to see; Tom Chandler stated he has 100 pictures that he could share. Bogue stated that he has police reports, as well.

Council Member Bogue stated that safety is his concern and it is Delta City property. Council Member Carter would like to see the Transfer Station moved; his concern is the demographic of individuals visiting the transfer station. Carter does not want the liability for the city. Western stated that this is more of a society issue than it is a dump issue. Council Member Bogue stated that his proposal would be to fence the transfer station and have operational hours. Higgins reiterated that Fillmore is a very different situation due to requiring curbside garbage pick-up.

Council Member Western stated that some things have changed, such as no longer having options of places to donate and so people are putting items that could be used by someone in need just outside of the dumpsters; she also disagreed with Council Member Carter's mentioning demographics being part of it. Concerns with dusk to dawn closure during the winter hours would make this difficult for citizens. Mayor Niles stated that many are already using city dumpsters to empty their garbage.

Council Member Bogue stated that while he agrees that government should not over-regulate, something should be done on this. Tom Chandler asked the Council to make a decision during the meeting and not to move it further down the road again.

Council Member Carter asked John Higgins if the County is willing to provide gate and fencing. Higgins responded that yes, the county wants to work with Delta City to continue making progress.

Bogue would like fencing and locked gate with specific hours of operation. Council Member Killpack stated concern that even though locking is a reasonable idea, concern is locking and unlocking every day and while that doesn't sound like a big deal, it does become an issue. Public Works Director expressed concerns with individuals setting garbage outside the gate. Higgins said this happened for a

short time and people ended up not doing it any longer. Council Member Carter encouraged the Council to try this; Killpack agreed that other things have been tried in the past and this is not a quick decision that has been made.

Council Member Bogue MOVED to work with County in the construction of a fence and gate at the Delta Transfer Station and posting of Hours of Operation from 7:00 am - 9:00 pm. Council Member Carter SECONDED the motion. 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 Bogue, Seconded by Council Member Carter.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

6. Council Member Nick Killpack; Annexation Plan
Action: Discussion Only

*Moved later to follow Council Member Bogue's Transfer Station Agenda item.

Council Member Nick Killpack presented the Council with an opportunity to discuss an updated Annexation Policy to ease the transition property between the county and the city. Killpack has been in discussion with Ron Larsen with Jones & DeMille. Larsen will work as a liaison with city and county to make this work. Killpack explained that there needs to be an area where county agrees that there is an overlay where everything is up to city code (on county property) for ability for annexation later; a map is needed to identify these areas.

Council Member Bogue asked if a building is adjacent to Delta City property, why are they not required to connect to City utilities. Killpack's understanding of state law to tie in with sewer if 600 feet of 300 ft; plan should be that if you connect with sewer you must annex into the city. Larsen stated the county does not want to deal with businesses set up on county property. Millard County is very much in favor of an annexation plan and will then create an ordinance for most stringent requirements in this overlapping zone. Larsen introduced Devin Larsen, a planner with Jones & DeMille Engineering. He stated that Annexation Plan for Delta City would be approximately \$15,000. This would be a full annexation plan for all boundaries of Delta City; this would also require Special Work Sessions with County Commissioner and County Building Inspector Adam Richins. Council agreed that communication needs to be more open between Delta City and the County.

Devin Fowles shared that a city's General Plan is the root of the Annexation Plan and Delta City's General Plan is in need of renewal and updates as this is recommended every 5 years. State law is to have annexation policy in place prior to annexing property; this is currently mentioned in the General Plan, but a full policy would be beneficial as a plan for the direction of the city.

Council Members Carter and Bogue would both like to see an update of the Delta City's General Plan. Fowles shared with the Council that an Annexation Policy plan should be planned for 20-year population growth, as much as possible. Future growth area in Annexation Plan should work together with General Plan. General Plan Work Sessions would be used to bring plan up to current standard of what the community wants to look like now and in the future. These sessions include a kickoff meeting, planners prepare for community gathering (at least twice), surveys go out to citizens, and that data is utilized in a work meeting with a committee (2 Council Members, a P&Z Member, a couple of City Staff members, between 6-10 community members of different age, race, gender, businesses). This Committee meets with planners from Jones & DeMille to discuss direction and put the General Plan together. Final steps would then include public hearings and adoption.

Jones & DeMille Engineering recommended working together to find available grants. Fowles has helped several entities with TPA Grant (Technical Planning Assistance through UDOT); this is usually 90-93% with 7% match.

Council Member Bogue asked about hard numbers in the budget available for these plans; Mayor Niles and Recorder Westbrook stated that Delta City does have the funds available for moving forward with an Annexation Plan with Jones & DeMille.

The Annexation Policy plan will be on next Council Agenda for a vote. Ron Larsen and Jones & DeMille will go over exact numbers and will return with a proposal for that meeting.

8. City Attorney Jessica Anderson; SenaWave Franchise Agreement
Action: Discussion Only/Consideration for Approval

Delta City Attorney, Jessica Anderson, presented the Council with an update on the Franchise Agreement with SenaWave Telecommunications. First wave would be west-side of town as that is most under-utilized. This is not underground; would be utilizing power poles. Council Member Bogue expressed that Public Works would be extremely busy if this does end up going underground; even more so than it will already be. Attorney Anderson stated there would be a contract with requirements for permits, they will send notice of starting, and everything will be put back like it was. Plan would be to start the project in the summer and it would be about 6 months from that point to begin providing service.

Council Member Bogue asked to make sure that franchise tax is where it needs to be; Anderson stated that this number is set by the state, which is currently 3.5%.

Attorney Anderson will put together an ordinance for the franchise agreement. Council Member Western asked about funding for SenaWave. The state had originally given the company a grant for working in underserved populations, but she had heard that funding was being pulled back or had possibly been put on hold. Anderson stated that it would be a 10-year contract with options to renew.

Council Member Bogue MOVED to approve moving forward with the Franchise Agreement with SenaWave Telecommunications and the creation of an ordinance by Attorney Anderson. Council Member Killpack SECONDED the motion. 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 Bogue, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

* At this time in the meeting, Mayor Niles invited Council Member Kelly Carter to share with the Council what the Planning & Zoning Commission has been working on with the current Mobile Home Zone, as an interested party was in attendance. See "Additional Items" for specifics.

9. Council Member Kelly Carter; Detached Accessory Dwelling Units (DADUs)
Action: Discussion/Consideration for Approval

Council Member Kelly Carter (Planning & Zoning Liaison) presented the Council with an update on the progress of the Planning & Zoning Commission's drafting of Delta City's Code in regards to internal, attached, and detached accessory dwelling units. Carter walked the Council through the proposed chapter pertaining specifically to Detached Accessory Dwelling Units (DADUs) that Planning & Zoning would like to recommend to the City Council for adoption. The new code for DADUs will include permits are required, setbacks must be the same as primary residence, DADUs cannot be on a lot of

less than 6,000 square feet, only one DADU per property, either the accessory dwelling unit or primary residence must be owner-occupied, height restrictions for the DADU, two additional off-street parking spaces will be required, DADU must be minimum of 300 sq. feet and maximum of 1000 sq. feet and cannot be larger than 50% of gross liveable footage of primary residence. DADUs will also defer to current City Code pertaining to restrictions on short-term rentals.

Council Member Bogue MOVED to approve the creation of an ordinance to amend the current Delta City Code in regards to Accessory Dwelling Units (ADUs) and to add a new chapter in the Delta City Code for Detached Accessory Dwelling Units (DADUs). Council Member Carter SECONDED the motion. 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 Bogue, Seconded by Council Member Carter.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

10. Council Member Kelly Carter; Light Industrial Zone Code

Action: Discussion/Consideration for Approval

Council Member Kelly Carter (Council Liaison for Planning & Zoning) presented the Council with a positive recommendation from the Planning & Zoning Commission to create a Light Industrial Zone in Delta City's Zoning Code. Attorney Anderson shared proposed ordinance with Council.

Council Member Bogue MOVED to approve the creation of an ordinance to add a Light Industrial Zone in Delta City's Zoning Code. Council Member Killpack SECONDED the motion. 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 Bogue, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

11. Mayor John Niles; Central Utah Food Sharing

Action: Discussion/Consideration for Approval

Mayor John Niles presented the Council with an update on the request for financial support from Delta City for Central Utah Food Sharing. Some of the specifics of what the financial support will help with include purchasing a much-needed new double freezer, supplies, and transportation from Richfield to Delta's local pantry.

Council Member Western had reached out to the local Pantry Host, Gayle Cason and shared with the Council that the residents in the Delta Area who are served by this pantry has gone up from 67 last year to over 100 currently. She also learned that the vehicle that has been purchased is also helping to support the Senior Citizen center with food transportation and needs. Delta's local pantry also provides food sharing for children in the local schools, as well as participating in a large drive by the local schools during the holidays.

Council Member Bogue suggested a recurring donation from Delta City be set up with Central Utah Food Sharing. It was discussed and agreed upon by the Council that Delta City would set up donations quarterly of \$500 for 1st, 2nd, and 3rd quarters and \$1000 for the 4th quarter.

Council Member Western MOVED to approve the request for recurring financial support from Delta City to Central Utah Food Sharing in the amounts of \$500 for each Quarter 1-3, and in the amount of

\$1000 for Quarter 4 for a total of \$2500 per year from Delta City's Discretionary Fund. Council Member Carter SECONDED the motion. 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 Western, Seconded by Council Member Carter.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member Bogue

Absent: Council Member Chase

12. Justin Ashby, Public Works Director, Public Works Update
Action: Discussion Only

Public Works Director Justin Ashby presented the Council with an update regarding the Public Works Department. Public Works employees have been busy with replacing dead meters, working on mowers, fixing lights in the Neighborhood Park, and cleaning up and fixing the park bathrooms that sustained damage due to vandalism. The work at the airport is moving along and the sewer project is nearing completion. There are some additional funds remaining as part of the sewer project grant, so these have been approved to be used towards a SCADA upgrade and obtaining a few extra sewer systems.

Council Member Bogue asked about new employees and how they are doing. Ashby stated that they are doing great and have really brought some good to the department.

ADDITIONAL ITEMS

*Council Member Kelly Carter, Council Liaison for Planning & Zoning, shared with the Council an update from the Planning & Zoning Commission regarding the current Mobile Home Zone. Currently, there are just two lots in the developed neighborhood of the Mobile Home Zone that have not been developed. There are no sidewalks anywhere in the entire neighborhood. Carter had proposed to Planning & Zoning Commission that the requirement for sidewalks in the Mobile Home Zone be removed from current code due to there only being two lots that this would affect at this time. Concerns were expressed by the Commission that if this requirement were removed for Mobile Home Zones (of which this is the only one in Delta City), then the entire north area subdivision that is yet to be developed would not require sidewalks. Council Member Bogue stated to give a variance. Attorney Anderson, Public Works Director Justin Ashby, and Council Member Killpack all clarified that this would not qualify for a variance, as there are five very specific standards that must be met to do so. The City Council is currently the appeal authority for Delta City and, Anderson stated, must follow the same variance requirements on an appeal. Council Members Carter and Bogue both expressed frustration that requiring sidewalks in just these two undeveloped lots just lacks common sense. Discussion was had on options for rezoning the Mobile Home Zone or not requiring sidewalks in the additional 12 acres that are undeveloped. Council Member Carter will take this back to Planning & Zoning. It was also clarified by Ashby and Carter that subdividing triggers improvements to current standards of that zone.

Mayor John Niles addressed the Council stating that County Commissioner Trevor Johnson had reached out with a desire to get names for Millard County Business of the Year; this was awarded to a business on the east-side last year and the Commission would like to award it to a west-side business this year.

ADJOURNMENT

Council Member Killpack MOVED to adjourn meeting at 9:41 pm. Council Member Western SECONDED the motion. 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 Western.

Voting Yea: Council Member Western, Council Member Killpack, Council Member Carter, Council Member

Bogue

Absent: Council Member Chase

The meeting was adjourned at 9:41 p.m.



A handwritten signature in blue ink, appearing to read "John Niles", written over a horizontal line.

John Wesley Niles, Mayor

A handwritten signature in blue ink, appearing to read "Sherri Westbrook", written over a horizontal line.

Sherri Westbrook, Recorder

