



DELTA CITY COUNCIL

REGULAR CITY COUNCIL MEETING

Wednesday, August 5, 2020

RJ Law Center

75 West Main

Delta, Utah 84624-9440

PRESENT

John W. Niles, Mayor

Betty Jo Western, Council Member

Brett C. Bunker, Council Member

Kiley J. Chase, Council Member

Nicholas W. Killpack, Council Member

Robert W. Banks, Council Member

ABSENT

OTHERS PRESENT

Sherri Westbrook, City Recorder

Todd F. Anderson, City Attorney

Dent Kirkland, Public Works Director

Mason Richins, City Intern

Matt Ward, Millard County Chronicle

Michelle Lovejoy, Head Librarian

Mayor Niles called the meeting to order at 7:00 p.m. He stated that notice of the time, place and the agenda of the meeting had been posted at the RJ Law Center, on the Delta City website, on the Utah Public Notice website, had been provided to the Millard County Chronicle-Progress, LLC and to each member of the City Council at least 24 hours prior to the meeting. Mayor Niles conducted roll call. Council Members Banks, Bunker, Chase, Western and Killpack were present. Council Members Chase offered the opening remarks and Mayor Niles led those in attendance in the Pledge of Allegiance.

MINUTES

The minutes of the Regular City Council Meeting held 7/15/20 were presented for approval. There was a suggestion made by Council Member Bunker to change the wording on line 70 from arrest to allegation. Council Member Killpack MOVED to approve the minutes of the Regular City Council Meeting held 7/15/20 with the correction mentioned. 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. The motion passed with Council Member Banks, Council Member Bunker, Council Member Western, Council Member Chase, and Council Member Killpack in favor.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, payroll and electronic transactions for the period ending 8/5/20 in the amount of \$488,077.79. Council Member Western MOVED to approve the disbursed payments dated 8/5/20 in the amount of \$488,077.79. The motion was SECONDED by Council Member Chase. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a vote. The motion passed with Council Member Banks, Council Member Bunker, Council Member Western, Council Member Chase, and Council Member Killpack in favor.

PUBLIC COMMENT PERIOD

BUSINESS

Rob Droubay: Approval for Notch Peak Subdivision, Lot 3, Plat D, Lot 26 - Final Plat

Mr. Droubay thanked the City Council for meeting with him during these times. He explained that he pulled his item from the previous meeting because of concerns that were found with the surveying of the subdivision. He stated that he has been very upfront and honest when working on his subdivision. He informed the council that there had been some discrepancies that had been discovered in several of the lots in the subdivision. He stated that the requirements for the zone was 150-foot frontage and that he had discovered earlier in the day that Lots 24, 25 and 26 were less than 150 feet. He apologized to the City Council for the mistake and asked what needed to be done to make things right. City Attorney Anderson said that he appreciated Mr. Droubay for informing them and stated that the City had some responsibility also. After some further discussion between the City Council and Mr. Droubay, it was decided that there was little that could be done to fix the problem, so the difference would be split between the lots to get them as close to 150 feet as possible. Council Member Bunker MOVED to approve Notch Peak Subdivision, Phase 3, Plat D, Lot 26 - Final Plat. 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. The motion passed with Council Member Banks, Council Member Bunker, Council Member Western, Council Member Chase, and Council Member Killpack in favor.

Guy Little: Proposal Re: Delta Plat-A Block 18 South East Corner ¼ Block

Mr. Little thanked the City Council for their time. He stated that he would like to thank Public Works Director Kirkland for helping him with his property. He asked if the council had any questions or comments for him. The City Council stated that they felt that the owner of the dirt pile needed to have it relocated. Mr. Little said that he was also planning on contacting the owner. He also requested that the city repair the alley to keep property values up in the area.

After discussion between Public Works Director Kirkland and the City Council regarding what is done for similar situations, it was decided that that Mr. Little could flatten the alley. Mr. Little asked a question regarding the Subdivision Simple Lot. City Attorney Anderson explained that it would not affect what he was planning on doing. After some further discussion Mr. Little thanked the council again for their time.

Gentry Wankier: Street Lights

Absent

Council Member Chase was informed with what had been previously discussed.

Mayor John Niles: Irrigation water

Mayor Niles asked City Attorney Anderson's thoughts regarding the letter drafted by the City Council. He suggested allowing citizens to drop out quietly to not cause any bad feelings between themselves and their neighbors. Council Member Killpack then read the letter aloud at the request of Mayor Niles. Council Member Killpack then explained how the city would be involved in several different scenarios regarding the water usage. Council Member Banks stated that he would like to go on record and say that he is not in favor of sending the proposed letter. He suggested that Delta City should assist the residents to help better city beautification. Council Member Killpack stated that although his heart went out to those who would be affected by the change, he felt that Delta City could use that money to help beautify areas in Delta City that more residents would be able to appreciate. Council Member Banks asked if it was a possibility for Delta City to cover half of the costs of the water usage to help the citizens whose water tax would be rising significantly. After additional discussion, Council Member Chase MOVED to send the letter adding that a public hearing will be held regarding the contents of the letter at 6:00 pm on September 2nd. 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. The motion passed with Council Member Bunker, Council Member Western, Council Member Chase, and Council Member Killpack in favor. Council Member Banks opposed.

Mayor John Niles: Stone Resources; complaint

Mayor Niles stated that Mr. Wade Weston informed him that he had put in a suppression system to keep the dust down. Mayor Niles told Weston that he had 30 days to speak with his neighbors about it. City Attorney Anderson had sent him a letter, but it was returned unclaimed. Mayor Niles said that he had spoken with two of Mr. Weston's neighbors and they both said that Weston

had not contacted them regarding the dust issue. Council Member Killpack asked what options the council has. City Attorney Anderson stated that Weston's business could be declared a public nuisance, or that a neighbor could file a complaint against him. Council Member Killpack MOVED to resend the letter updated to the current date. 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. The motion passed with Council Member Banks, Council Member Bunker, Council Member Western, Council Member Chase, and Council Member Killpack in favor.

Dent Kirkland, Public Works Director: Public Works Update

Public Works Director Kirkland stated that there was going to be work done on the roads in the White Sage area the next week. He also informed the council that the airport was going through a significant amount of fuel due to the fires in the area, and that the city had made \$1,500 renting out a building to the firefighters. He shared that the new street signs that had been purchased last year would start being put up around Delta City.

Council Member Killpack MOVED to move to a closed session meeting to discuss strategy for a pending or reasonably imminent litigation. 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. The motion passed with Council Member Western, Council Member Chase, Council Member Bunker, Council Member Banks, and Council Member Killpack in favor.

Closed Session

Other Business

Council Member Chase had a question regarding the firework show. He said that he had several citizens approach him with concerns about the firework show in November after the light parade being a waste and that the City should not continue the show in years to come. He said that they had suggested pushing the funds to the 4th of July. Mayor Niles said he would get some details regarding payments and they could continue the discussion later. Council Member Bunker spoke about the canal walkway. City Attorney Anderson explained how the property near the canal is owned, and how the sewage easement works. Council Member Western spoke about the fair and invited all those present to attend.

Council Member Bunker MOVED to adjourn the City Council 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. The motion passed with Council Member Banks, Council Member Bunker, Council Member Chase, and Council Member Killpack in favor.

The meeting was adjourned at 9:07 p.m.



JOHN WESLEY NILES
MAYOR

SHERRI WESTBROOK
CITY RECORDER

MINUTES APPROVED: 09/02/20