



DELTA CITY COUNCIL REGULAR MEETING

Wednesday, November 05, 2025 at 7:00 PM

Delta City Municipal Complex Council Chambers*

MINUTES

PRESENT

Mayor John Niles
Council Member Betty Jo Western
Council Member Kiley Chase
Council Member Nick Killpack
Council Member KC Bogue

ABSENT

Council Member Kelly Carter

ALSO PRESENT

Sherri Westbrook	Darrell Moss
Angie Dewsnap	Matt Ward
Justin Ashby	William Souvall – Via Teams Meeting
Jessica Anderson	Tom Souvall – Via Teams Meeting
Sara Laub	Alex Souvall – Via Teams Meeting
Kevin Laub	Benjamin Becker – Via Teams Meeting
KayDee Laub	Patrick Julian – Via Teams Meeting
Michael Zurn	Ron Larsen
Devan Fowles	

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 Western, Chase, Killpack, and Bogue were present. Council Member Kelly Carter was absent.

OPENING REMARKS

Mayor John Niles offered the opening remarks.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

1. Minutes Approval: RCCM 2025-10-15

The minutes of the Regular City Council Meeting held on 10/15/2025 were presented for approval. Council Member Western MOVED to approve the Regular City Council Meeting minutes held on 10/15/2025. 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 Western, Seconded by Council Member Bogue.
Voting Yea: Council Member Western, Council Member Chase, Council Member Killpack, Council Member Bogue
Council Member Carter was absent.

2. Accounts Payable, Payroll, and Electronic Disbursements Approval: 2025-11-05 \$667,822.63

The Council reviewed the accounts payable, payroll, and electronic transactions for the period ending 11/05/2025 for \$667,822.63. Council Member Chase MOVED to approve the disbursed payments dated 11/05/2025 for \$667,822.63. 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 Chase, Seconded by Council Member Western.
Voting Yea: Council Member Western, Council Member Chase, Council Member Killpack, Council Member Bogue
Council Member Carter was absent.

PUBLIC COMMENT PERIOD – Ten (10) Minutes Total Limitation

No public comment.

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

3. Mayor John Niles; Ordinance 25-322 (Detached Accessory Dwelling Units)

Action: Discussion/Consideration for Approval

Council Member Bogue MOVED to approve Ordinance 25-322, an Ordinance amending Title 18 of the Delta City Code pertaining to accessory dwelling units (ADUs), particularly Detached ADUs. 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 roll call vote.

Council Member KC Bogue	Yea
Council Member Kelly Carter	Absent
Council Member Kiley Chase	Yea
Council Member Nick Killpack	Yea
Council Member Betty Jo Western	Yea

4. Mayor John Niles; Ordinance 25-323 (Creation of Industrial Light Zone)

Action: Discussion/Consideration for Approval

Council Member Western MOVED to approve Ordinance 25-323, an Ordinance amending Title 18 of the Delta City Code to include adoption of an Industrial Light Zone. 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 roll call vote.

Council Member KC Bogue	Yea
Council Member Kelly Carter	Absent
Council Member Kiley Chase	Yea
Council Member Nick Killpack	Yea
Council Member Betty Jo Western	Yea

5. Mayor John Niles; Ordinance 25-324 (Franchise Agreement with SenaWave Fiber)

Action: Discussion/Consideration for Approval

Council Member Bogue MOVED to approve Ordinance 25-324, Franchise Agreement with SenaWave Fiber. Council Member Chase SECONDED the motion. Mayor Niles asked if there were any questions or comments regarding the motion. There being none, he called for a roll call vote.

Council Member KC Bogue	Yea
Council Member Kelly Carter	Absent
Council Member Kiley Chase	Yea
Council Member Nick Killpack	Yea
Council Member Betty Jo Western	Yea

6. Mayor John Niles; Resolution 25-490 (Utility Ownership & Responsibility/Landlord Agreement)
Action: Discussion/Consideration for Approval

Council Member Bogue MOVED to approve Resolution 25-490; Establishing Owner Responsibility with Residential Utility Accounts. 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 Bogue, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Chase, Council Member Killpack, Council Member Bogue
Council Member Carter was absent.

7. Michael Zurn, Souvall Investments; Public Infrastructure District, 125 acre feet of water, City-owned parcel within development
Action: Discussion Only

*Public Infrastructure District (PID): Michael Zurn introduced himself to the Mayor and City Council. He asked Benj Becker with Piper Sandler to present to the Mayor and Council information about a Public Infrastructure District (PID) and how it would work with the city.

Benj Becker, via Teams Meeting, explained that PIDs are a financing tool specifically used to help finance public infrastructure for developments all across the state. It allows for creating a district to issue bonds to finance public infrastructure; bonds are paid by revenues and fees that are generated within the PID boundaries. While PIDs are approved by a city, they have no bearing on city credit nor is it the city's responsibility to pay the bonds. Becker briefly explained bond basics in finding what revenues are available to pay the bonds; tax rate, property tax increment, sales tax, impact fees, hotel taxes, anytime there is a revenue or a fee associated with a property, those can be used for public infrastructure. Becker went on to explain there must be an issuer that can issue tax exempt bonds, such as a school district, the State of Utah, a county, a city, a town; however, the State of Utah legislature has now also allowed Public Infrastructure Districts (PIDs) to be tax exempt bond issuers as long as those bonds are being used for public infrastructure such as streets, sewers, waste-water, parks, etc. Large mutual fund institutions are typically who purchase these bonds; most bonds issued for public infrastructure in Utah is currently between 5.5 to 7 percent. A PID requires 100% property owner approval for district creation; this would not be put on any existing resident. Becker explained that these are typically done on vacant land that the owner decides to add a tax to the property and the revenue from that tax will go to pay the bond. That tax is used to pay the bonds and once paid, typically 30 years, that tax goes away. Zurn explained that the development that he would like to create a PID is 48 acres of multi-family residences.

Attorney Anderson asked about the development being directed towards affordable housing and how an extra tax would affect affordability. Becker stated that one area the Utah Legislature is providing assistance in the cost of construction is in the financing of the materials; supporting affordable housing by creating cheaper cost of construction not cheaper quality, but cheaper cost by the financing costs

being lower. Developer can put in infrastructure quicker and not having to wait on 2nd and 3rd phases of construction; which can lead to more competitive home pricing.

Council Member Killpack inquired what increase the average home-owner would see in tax burden as a result from changing from traditional financing methods for a developer to that of a PID. Delta City is currently around .007 or .008 of assessed value being taxed. The state statute allows PID to add 1.5%. Killpack expressed concern about 30 years of a possible double tax amount in that district; Becker agreed and explained that is why the developer would want to make sure that what is being offered in that PID is of higher benefit to the buyer. Killpack asked if a new home buyer purchasing in that district is made aware of the difference of tax rate than surrounding properties. Becker stated that yes, it is state statute.

Attorney Anderson asked about early repayment of bonds; Becker stated that once bond is paid, tax ends regardless of amount of time. District dissolves once bond is repaid.

Council Member Bogue asked about how often PIDs have been utilized. Becker stated that PIDs were approved about 5 years ago and about 200 have been created throughout the state of Utah; though not all have yet had bonds created. Bogue asked about projected costs for utilities for proposed PID. Zurn stated that Phase 1 is currently just over \$3,000,000; will get projections for future phases.

***125 Acre-Feet of Water:** Michael Zurn presented email and documentation that he had previously sent to City Attorney, Jessica Anderson. Attorney Anderson stated that when Rancho Mobile Home Park wanted to annex into Delta City, an Ordinance was created in 1981 or 1982 that stated 174 acre-feet of water was required to annex. The annexation took place and in 1984 the owners of the property transferred 125.4 acre-feet of water to the city. In the application, the purpose stated it was for the development of Rancho Mobile Home Park. Zurn stated that he is looking for confirmation that Delta City acknowledges that 125 acres was transferred to the city that is attached to the parcel of land that his company purchased about 5 years ago. Council Member Killpack stated that the question is whether the water is tied to the property or to the development; in the paperwork it is on the condition of developing Rancho Mobile Home Park. Council Member Bogue stated that he reads it as being transferred for that specific area. Council Member Western questioned about a time-frame of usage and if the water hasn't been used in a certain amount of time, that it reverts back and whether with a municipality this same rule applies. Council Member Chase stated that he believes a water attorney should be consulted. Attorney Anderson stated that she believes this is a policy issue and Council should be the decision maker; property was abandoned and meter removed. Council Members Killpack and Western understand the water to be tied to development; while Souvall believes that it is tied to the property. Bill Souvall with Souvall Investments also advised that the City consult a water attorney and that they, too, would do the same. Attorney Anderson stated that she would make some recommendations to the Council of attorneys with expertise in water.

***City-owned parcel within development:** Michael Zurn shared with the Mayor and Council that there is a small parcel within the property that he has purchased that he would like to come to an agreement with the city. He proposed several ideas including getting an appraisal on the parcel and they would pay the appraised price, Delta City putting the parcel up for auction and they would bid on it, swapping out some of the cost of a box culvert that will connect to the High School. He would like to work out something so that there is not a disruption of flow with the overall development. Bill Souvall added that the box culvert is not on the purchased property, but because it would benefit both the city and the development, they are willing to work on an agreement together. The Council came to a consensus that the parcel should be put up for surplus and be auctioned. Zurn requested that he be notified when this is noticed so that a bid could be made by him.

8. Council Member Nick Killpack; Annexation Policy Plan Proposal

Action: Discussion/Consideration for Approval

Council Member Bogue MOVED to approve moving forward with an Annexation Policy Plan Proposal for Delta City. 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 Bogue, Seconded by Council Member Western.

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

Council Member Carter was absent.

9. Public Works Director Justin Ashby; Public Works Update

Action: Discussion Only

Public Works Director Justin Ashby presented the Council with an update regarding the Public Works Department. Ashby has sent out for bids on SCADA System updates; Council Member Bogue requested that there also be an investment in iPad tablets to support Public Works in the usage of these systems. Ashby inquired of the Council about a possible phone allowance for Public Works Employees and the Council agreed that either a work phone needs to be provided or an allowance each pay period. This will be further discussed by the Council.

Director Ashby stated that there was a tank leak behind Delta Auto; this tank is tied to Delta's system, but was not previously turned on and working. Public Works got this going this week. Public Works Employees are also busy getting parks ready for the winter season; have started setting up Christmas lights for the holidays.

City Clean-Up for green waste will be weekend of November 7th and 8th. Council Member Killpack asked whether the County charges Delta City at the Landfill for this. Consensus was that because it is green waste, it is not charged. Ashby stated he would look further into this.

Ashby updated the Council on the Sewer Project remaining funds. Ashby shared that he had reached out to Sunrise and they will be upgrading 100 West from Main Street to 200 North with 8" pipes; this will expend the balance of the funds. Ashby stated that he will contact the School District Bus Garage to let school bus drivers know this road will be under construction.

Airport project is complete. In Spring 2026 the Access Road will be redone and goal is new fuel pumps by 2028. Ashby also reminded Council that Jones & DeMille Engineering Open House for Delta Office is Thursday, November 6th from 4:00 - 7:00 p.m.

ADDITIONAL ITEMS

Council Member Nick Killpack shared with the Council that R6 (previously Six County) had emailed about economic development support. It could be a good time for Delta to redo some economic development plans. There are some grants that are matching 50/50 up to \$75,000. Killpack said he would reach out for some proposals and request attendance at a Council or Planning & Zoning Meeting.

Delta City Recorder, Sherri Westbrook, reminded Council of the Post-Election Audit being held at the County Clerk's Office in Fillmore on Monday, November 10 at 3:00 p.m. She also reminded the Council that the Election Canvass will take place in the Delta City Council Chambers on Wednesday, November 12 at 6:00 p.m.

ADJOURNMENT

Council Member Chase MOVED to adjourn meeting at 8:50 pm. 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 Chase, Seconded by Council Member Killpack.

Voting Yea: Council Member Western, Council Member Chase, Council Member Killpack, Council Member Bogue
Council Member Carter was absent.

The meeting was adjourned at 8:50 p.m.


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

John Wesley Niles, Mayor


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

Sherri Westbrook, Recorder