



# DELTA CITY COUNCIL REGULAR MEETING

Wednesday, May 21, 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 Kelly Carter  
Council Member KC Bogue

### ALSO PRESENT

Sherri Westbrook  
Angie Dewsnup  
Justin Ashby  
Freddy Marquez  
Jessica Anderson  
Jason May

Russell Styler  
Tom Chandler  
Carly Nielson  
Ron Larsen  
Stetson Henrie

### 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, Carter, and Bogue were present. None absent.

### OPENING REMARKS

Council Member 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 2025-05-07

The City Council Public Hearing minutes held on 5/7/2025 were presented for approval. Council Member Western MOVED to approve the City Council Public Hearing Meeting minutes held on 5/7/25. 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 Carter, Council Member Bogue

2. Minutes Approval: RCCM 2025-05-07

The Regular City Council Meeting minutes held on 5/7/2025 were presented for approval. Council Member Chase MOVED to approve the Regular City Council Meeting minutes held on 5/7/25. 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 Chase, Seconded by Council Member Western.

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

3. Accounts Payable, Payroll, and Electronic Disbursements Approval: 2025-05-21 \$146,635.16

The Council reviewed the accounts payable, payroll, and electronic transactions for the period ending 5/21/25 for \$146,635.16. Council Member Chase MOVED to approve the disbursed payments dated 5/21/25 for \$146,635.16. 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 Carter, Council Member Bogue

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

Carly Nielson addressed the Council with an update on her request for a Farmer's Market in addition to the Food Truck Round-Up each Monday. Attorney Jessica Anderson had sent an email to the Council that she worked through insurance and event must be sponsored by the city in order to fall under insurance umbrella. Council Member Carter stated that he had not had a chance to go over it in detail yet. Council Member Bogue asked if private insurance had been considered. Nielson said that it would be \$135 per week for insurance and that she would like it to be sponsored by Delta City under the city's insurance. She stated that this would not require additional funds, but would need City employees to do administration, marketing, and sales tax. Nielson said that Rachel West from County Tourism had talked with her about doing this with the County, this would require that the event be held in both Delta and Fillmore. The Council wanted more info on Sales Tax; Nielson said that forms are given out by the event organizer and each vendor submits this paperwork to the state themselves. Angie Dewsnap stated that changes were made to the Special Event Tax process as of February 2025 and again April 2025; the new rules are that Event Promoter collects all information from vendors, including required tax information, puts that information in a specific template from the Utah State Tax Commission and then sends it to the state prior to the event. After receiving this information, the State Tax Commission will then send all tax information directly to the vendor. Nielson would like a committee and stated that if a city employee is on the committee, she assumes that it would be covered. Attorney Jessica Anderson added that Nielson would be the promoter and as the organizer, Nielson would need to be covered under the Delta City umbrella. If no fees are assessed, no accounting would need to be done by any City employee.

Tom Chandler thanked Public Works Department for promptly completing work on a manhole cover the very next morning after he expressed concerns during last meeting.

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

4. Council Member Betty Jo Western: Interviews for Delta City Attorney  
Action: Discussion/Consideration for approval

Council Member Western explained process of opening 2 Request for Proposals (RFPs) that were submitted for open Delta City Attorney position. Attorney Jessica Anderson with J Anderson Law PC and Attorney Jason May with Darkstone PLLC are the two that submitted RFPs. Deputy Recorder Angie Dewsnap had selected a number between 1-100. Anderson will select number 1st. Anderson selected 50 and May selected 51. The number was 59. Attorney May chose to go second and was escorted to the library while Attorney Anderson was interviewed.

Attorney Anderson and Attorney May were both interviewed by the Council. The same set of questions was asked of each candidate individually and scores were given by each Council Member. Interview questions including information about educational background, formal training and certifications, involvement in drafting or updating local ordinances or policies, approaching conflicts between local ordinances and state or federal regulations, process for staying up-to-date with new laws and legal developments affecting municipalities, any annual cost adjustments in proposed fee schedule, managing and minimizing unexpected legal expenses, prioritizing responsiveness and availability for municipality, and providing reports or summaries of ongoing legal matters and billable time. After both attorneys were interviewed, they were thanked by the council and told that they would be notified the following day of the final decision.

5. Freddy Marquez: Minor Subdivision Amended questions  
Discussion Only

Freddy Marquez addressed the Council and thanked them for allowing him time during the meeting. Marquez would like to switch his construction from Duplex to Townhouse code. His plan is to rent or sell one unit and live in one. Marquez stated that he understands he needs separate utilities but would like to go over options of how to connect sewer so that he doesn't have to take it across storm drains, water lines, etc. Council Member Killpack stated that he has already spoken to Marquez to explain why this would need to go north; otherwise, it goes through private property. Council Member Bogue asked about north-facing construction and possibly rotating the building to the east.

Assistant Public Works Director Justin Ashby spoke of needing a manhole in 300 feet or any change of direction. Council Member Carter said it would need a couple of manholes but could prevent going through the street. Marquez asked why his Option #1 and Option #2 were not viable. Council Member Carter explained that it cannot cross another person's property. Marquez asked about building closer and Council Member Carter explained that it is due to fire code and water. Assistant Public Works Director Ashby stated that he agrees with prior Public Works Director, Dent Kirkland's decision on this issue.

Marquez asked about power meter connection and the Council advised him to contact current building inspector, Nate Nickle. Marquez had concerns over prior approvals that others were given previously. Council Member Killpack stated that new development must be done to code; Marquez needs to have inspections as townhouse instead of duplex, otherwise errors occur. Building Inspector Nickle needs to know this is a townhouse code; code is different than for a duplex.

Council Member Killpack stated that Ashby is land use expert. Council Member Carter and Ashby will connect on code and if there is a code issue it will be taken to Planning and Zoning Commission.

Marquez asked about an application for re-zoning. Council Member Carter explained that Planning and Zoning Commission already heard this request and denied it. Council Member Killpack stated that Marquez's issues need to go through Planning and Zoning; the City Council is not able to help with his concerns.

Council Member Carter told Marquez that he and Assistant Public Works Director Ashby will connect and will get back to Marquez on his carport concerns and interpretation of gas and power meters.

6. Mayor Niles: Ordinance 25-315; Recreational Vehicle Park Rental Agreements  
Action: Discussion/Consideration for approval

Council Member Killpack stated that state law has been changed to make it more clear that you can have someone stay on the same lot and can continue to collect TRT (transient room tax) in an RV Park and not make them move. The concerns that have been previously brought up prior to these changes have now been eradicated. This can now be passed with updated state law that has come about since

last brought up a couple of years ago. RV parks can now charge transient room tax every 29 days without having to move from the lot.

Council Member Western MOVED to approve Ordinance 25-315; Recreational Vehicle Park Rental Agreements. 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 Western, Seconded by Council Member Killpack.

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

7. Mayor Niles: Resolution 25-484; Benefited Part Time Employees

Action: Discussion/Consideration for approval

Library Director Michelle Lovejoy has two part-time librarians that qualify for benefits: Chelsea Hathaway, Mackenzie Houston. Mayor Niles also added Katie Grimshaw as a third employee qualifying for part time benefits.

Library Director Lovejoy stated that the chart in the resolution starts annual leave at year one; however, she understood that this was done to reward long-term employees, and part-time employees should have been employed 36 months before benefits.

Council Member Carter stated that he was in agreement and part-time employees are not to be benefitted until 36 months of employment. Discussion on changing the table in the resolution and then bringing it back to the council for approval. The decision was made to motion for approval with the stated changes.

Council Member Killpack MOVED to approve Resolution 25-484; Benefited Part Time Employees with the following changes to the proposed resolution: that the table, titled "Annual Leave", have first two rows removed for part-time employees; accrual PTO begins at 36 months after hire date. 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 vote.

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

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

Council Member Western will connect with Recorder Westbrook and will send Resolution to Interim Attorney Anderson to make corrections.

8. Mayor Niles: Preliminary Budget for FY 2025-2026

Action: Discussion/Consideration for approval

City Recorder Sherri Westbrook stated that updates were made to the preliminary budget based on Monday's Budget Meeting. The final budget will be brought to the Council for approval in June during City Council Meeting. Westbrook added that wages items still need to be updated and that this will be done prior to presenting the final budget. Council Member Western asked for confirmation that the library changes had been made; Westbrook confirmed.

Motion to approve preliminary budget as written.

Council Member Killpack MOVED to approve Preliminary Budget for FY 2025-2026 as proposed. Council Member Bogue 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 Bogue.

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

9. Justin Ashby, Assistant Public Works Director, Public Works Update  
Discussion Only

Assistant Public Works Director Justin Ashby addressed the Council. The Department is currently working on the splash pad & water park. A couple of Public Works employees have been out sick. Ashby mentioned there had been a few sewer problems that have been resolved. Public Works employees have helped with contractors and Blue Stakes. Another project that has been worked on is some painting in the library. Ashby mentioned that the Sewer Project meeting was held on Tuesday and everything is ahead of contract. He added that all state street is patched up and done.

A broken water meter was worked on and fixed today. The Homeowner had tried to connect new water lines to the water meter and did not know what he was doing; resulting in a broken meter head and antenna. Mayor Niles stated that homeowners should know that meters are owned by Delta City and that it needs to be put in monthly newsletter that if there are concerns contact Delta City; do not attempt to fix problems on their own. Council Member Killpack suggested having homeowner pay for meter head and Delta City will cover labor and other parts. Council agreed to this.

Ashby shared with Council that Michael Zurn has contacted Delta City and will be returning with expired paperwork.

Phaze is going to go through and make a bid for chipping. Phaze contractors have expressed that they really enjoy working with Delta City. Council Member Carter stated that the Council will look at any bid that comes in locally, as well.

10. Closed Session to discuss the character, professional competence, or physical or mental health of an individual.

Council Member Western MOVED to move meeting to a closed session at 9:03 p.m. to discuss the character, professional competence, or physical or mental health of an individual. Council Member Bogue 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 Western, Seconded by Council Member Bogue.

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

**\*CLOSED SESSION\***

Council Member Killpack MOVED to return to open meeting at 9:23 p.m. 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 Chase, Council Member Killpack, Council Member Carter, Council Member Bogue

Opened public meeting again at 9:23 p.m.

**ADDITIONAL ITEMS**

Ron Larsen, Engineer with Jones & Demille, introduced himself to the council.

**ADJOURNMENT**

Council Member Killpack MOVED to adjourn meeting at 9:32 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 Chase, Council Member Killpack, Council Member Carter, Council Member Bogue

The meeting was adjourned at 9:32 p.m.



John Wesley Niles, Mayor

Sherri Westbrook, Recorder