



DELTA CITY COUNCIL REGULAR MEETING

Wednesday, August 20, 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

Derek Nielson
Ron Larsen
Sherri Westbrook
Angie Dewsnap
Justin Ashby
Jessica Anderson

CALL TO ORDER

Mayor Niles called the meeting to order at 7:02 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 Carter was absent.

OPENING REMARKS

Council Member Chase offered the opening remarks.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

1. Minutes Approval: RCCM 2025-08-06

The minutes of the Regular City Council Meeting held on 08/06/2025 were presented for approval. Council Member Chase MOVED to approve the Regular City Council Meeting minutes held on 08/06/2025. 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 Chase, 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: 2025-08-20 \$427,160.20

The Council reviewed the accounts payable, payroll, and electronic transactions for the period ending 8/20/2025 for \$427,160.20. Council Member Western MOVED to approve the disbursed payments dated 8/20/2025 for \$427,160.20. 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 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. Council Member Nick Killpack: Ordinance 25-318; Transportation Master Plan

Action: Discussion/Consideration for Approval

Council Member Killpack presented the Transportation Master Plan to the Council. He stated that it is important to have this plan for additional opportunities for more grants to work on roads and organize growth in the city as time comes.

Council Member Bogue presented some concerns that were brought to him about 5-foot sidewalks and the adoption that all new sidewalks required 5 feet. Mayor Niles stated that it was researched and Micklane Farmer, with Jones & DeMille, said that it is more cost effective to do all 5-foot sidewalks instead of the ADA requirements of 4 foot and then bump out sections every 200 ft.

The Council recommended that Planning & Zoning Commission should discuss this requirement further and look at the recent adoption of 5-foot sidewalks in Delta City's Standards Ordinance. Micklane Farmer with Jones & DeMille should also be invited to attend a meeting to discuss costs and best plan for moving forward.

Public citizen Ron Larsen added that producing a Master Plan for storm drains would also be beneficial for CIB (Community Impact Board) involvement with funding.

Council Member Bogue MOVED to approve Ordinance 25-318, Transportation Master Plan. 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.

Kiley Chase	Aye
KC Bogue	Aye
Betty Jo Western	Aye
Nick Killpack	Aye
Kelly Carter	Absent

4. Mayor John Niles: Ordinance 25-319; Amending Section 8-12-050 Weapons Discharge

Action: Discussion/Consideration for Approval

Council Member Chase MOVED to approve Ordinance 25-319, Amending Section 8-12-050 Weapons Discharge. 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.

Nick Killpack	Aye
Betty Jo Western	Aye
KC Bogue	Aye
Kiley Chase	Aye
Kelly Carter	Absent

5. Mayor John Niles: Resolution 25-489; Updating Parental Leave
Action: Discussion/Consideration for Approval

Council Member Western MOVED to approve Resolution 25-489; Updating Parental Leave to 40 hours. 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.

Kiley Chase	Aye
KC Bogue	Aye
Betty Jo Western	Aye
Nick Killpack	Aye
Kelly Carter	Absent

Public Works Director Ashby asked about crediting back 10 hours to Public Works Employee that just used personal time off for the extra Parental Leave time that this now covers. Council approved.

6. Mayor John Niles: Resolution 25-488; Updates to Consolidated Fee Schedule
Action: Discussion/Consideration for Approval

Council Member Western MOVED to approve Resolution 25-488; Updates to Consolidated Fee Schedule, including bulk water rates and Priority Mail costs for delinquent accounts. 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.

Nick Killpack	Aye
Betty Jo Western	Aye
KC Bogue	Aye
Kiley Chase	Aye
Kelly Carter	Absent

7. Mayor John Niles; Follow-up Discussion -Tattoos and Criminal Conviction Disclosure on Job Application
Action: Discussion/Consideration for approval

Attorney Anderson stated that Utah legislation states that public employers cannot ask about criminal convictions on a job application due to it being considered a barrier to getting an interview. What can be asked for is social security number, date of birth, and Driver's License if they consent to it and you can then use that information to run a background check.

Council Member Chase asked if we run a background check prior to hiring all employees; Public Works Director Ashby stated that yes, it is a condition of employment. Mayor Niles confirmed that every employee has a drug test and criminal background check. Council Member Bogue stated that it should be done early; as what often happens is that it is the last thing done prior to hiring and then the best candidates are no longer able to be hired due to the failed background check. Attorney Anderson stated that that is the purpose behind Utah Code and not being able to ask about this on a job application. Mayor Niles explained that because Delta City's job applications ask if a candidate has ever been convicted of a felony, this needs to be removed by state law. He also stated that it can be asked in an interview and a background check completed. This does not change anything in Delta City's current policies; the question just needs to be removed from job applications.

Attorney Anderson stated that Delta City policy states that a candidate must pass a criminal background check; but it does not detail what a “pass” means. Council Member Western read from current policy: “all final candidates are subject to and must pass a background check, which will include, but not be limited to a criminal history and a check of references and/or former employers and any other sources of information, including social media.” Ashby agreed but asked what constitutes a pass or a fail; Council Member Killpack agreed that it should identify what constitutes failure. Council Member Western had done some research on items shared by Attorney Anderson and expressed that she liked what West Valley City has in their policy. Council Member Bogue stated that it still does not explain what a pass or fail would be; he added that, in his opinion, the individual should be able to go in and purchase a firearm. Council Member Chase stated that a BCI background check lists their criminal history, there is not a “pass” or “fail” given; that is up to the discretion of the employer. Attorney Anderson stated that there are things that could be considered by the Council such as drug and alcohol abuse, moral turpitude (such as assault, sexual assault, burglary). Council Member Bogue said that any felony would be that in his mind. Anderson also added that a DUI would not be a felony, but it is up to the discretion of the city whether or not they would want to put that person in a city vehicle. Council Member Western asked about consequences on a CDL if a DUI is committed.

Anderson stated that charges can be reduced or expunged and would not show up on a background clearance. Council Member Chase added that if a person was charged with a felony, but it was reduced to misdemeanor, then on the clearance it would only state the misdemeanor. Anderson added that it would show that that individual was charged with felony that was reduced to a misdemeanor. Council Member Bogue suggested getting a third party involved to help determine; it is cut and dry to him that if the applicant cannot buy a firearm, then no, because Delta City is a public entity dealing with public funds. Mayor Niles added that this may be what the state is saying, that this individual was convicted of a felony, did their time, and deserves a second chance. Council Member Chase agreed, and stated that this may be why it has been left as discretionary to the hiring entity what constitutes a pass/fail.

Council Member Bogue asked how many candidates have applied for the open Public Works Operator position. Public Works Director Ashby stated there are currently 9 candidates and Mayor Niles added that two of them do already have a CDL.

Attorney Anderson will do some research and connect with HR Specialist that the City has worked with in the past. She will collaborate with him and then create a recommendation for next Council meeting.

Current tattoo policy was discussed. Delta City Policy states no face, head, or neck tattoos with the exception of a small 1” tattoo behind the ear. Council Member Bogue stated that he asked some members of the community and none of them agreed to face tattoos. Council Member Chase added that the candidate could be given the opportunity to cover the neck tattoos while at work if offered employment. Derek Nielson, current Public Works Employee, stated that this is also required with the County.

8. Justin Ashby, Public Works Director, Public Works Update
Discussion Only

Public Works Director Ashby presented the Council with an update regarding the Public Works Department. He expressed gratitude for Public Works Director position and stated that he will give the job 100% and do the best job he is capable of. Council Member Bogue stated that it was the hiring committee’s decision and asked if there were going to be a number two person. Mayor Niles stated that there will not be an Assistant Public Works Director, but that there may be a Field Supervisor position available. There are also applications on file for open Public Works Operator position.

Ashby reported there had been a water leak over by the Sports Center area and that Public Works Employees have continued working on sidewalks. Unexpected large storm came through right after a few had cement poured; however, they are still better than they had been previously. Public Works is currently working with four citizens on sidewalk replacement in-kind cost sharing and just pulled one in Pendray Subdivision. Ashby is in contact with Topaz Museum about getting their sidewalk redone, as well. Council Member Bogue asked about contacting UDOT when working on the roadways. Ashby stated that UDOT is notified for anything done on main street.

Phaze is waiting on top hat crew to finalize remaining work on their project over the next couple of weeks. Road by the carwash is also finished and open to vehicles and traffic.

Public Works has been replacing dead head meters and the city's gyro-mower has gone through maintenance.

Ashby also updated the Council on the current airport projects. All runways have had a slurry seal and new paint; second coat will be applied next week. More of an update will come later on the taxiway. Hales was awarded the bid to redo the roadway into the airport, but did not return any outreach; so, Geneva will complete that roadway, but most likely that will be done next spring.

Council Member Western asked about City trucks and equipment being left out and not put in shops or buildings. Ashby stated that they have had some equipment in the shops that has caused parking outside, but that they will get better about that.

ADDITIONAL ITEMS

Mayor Niles reminded Council of Community Family Night Out on Monday, September 8, and that the City Council has been asked to serve again this year.

Mayor Niles presented to council that he would like to raise the Public Works Director's pay and back date it to when he took over in May. The Council asked that this be put on the agenda for next Council Meeting.

Council Member Chase presented information from recent Pickleball Committee meeting. State is excited about Delta City working with the county. State will require matching to the grant if transferred to the county. Seeing that the city has cash that has already been given specifically for a pickleball court the committee would like to spend some of that upfront for some engineering; Sunrise is requiring a soil report by a geo-tech. Chase is not sure if this is a state requirement or not. Council Members Killpack and Bogue questioned whether Sunrise must be the engineering team hired. Council Member Chase stated that the committee had asked Sunrise if they could donate time on this project in-kind and they declined. Ron Larsen with Jones and DeMille offered to look into this and see if they could get more information on requirements, as well.

Council Member Killpack asked for clarification on how much money has been received. Mayor Niles stated that there are two he knows from the top of his head and that is \$25,000 from Questar and \$5,000 from Rocky Mountain Power; there are others, he would just have to look. Council Member Chase stated that the total cost will be close to \$500,000; but the grant is for \$250,000 and that would need to be matched; he confirmed that the city has approximately \$40,000 cash already available. Chase clarified that Delta City's match could be in-kind and include labor, equipment, fuel, man hours, etc. Top layer must be laid by a pickleball professional. Work cannot be started until the state has finalized the grant. Teresa Thompson is currently head of the committee; Council Member Chase will have Thompson contact Ron Larsen with Jones & Demille.

ADJOURNMENT

Council Member Chase MOVED to adjourn meeting at 7:58 p.m. 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 7:57 p.m.



A handwritten signature in blue ink, appearing to read 'John Wesley 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