

Date: January 22, 2015  
Time: 6:30 p.m.  
Place: Willard City Hall, 80 W 50 S, Willard, UT 84340  
Attendance: Mayor Pro-tem Mike Crossley, Council members Robert Beebe, Michelle Mund, and Josh Braegger, Recorder Teri Fellenz, City Planner Bryce Wheelwright

Excused: Mayor Kenneth Braegger, Council member Del Fredde

Others: (see attached for others)

**1. Call to Order**

- a. Invocation
- b. Pledge of Allegiance

**2. Open Comment Period** (Individuals have three minutes for open comments. If required, items may be referred to department heads for resolution. Items requiring action by the City Council will be placed on the agenda for a future meeting.) No public comment was received.

**3. Business**

a. Scott Lyons – Box Elder County - Letter of intent for South Willard Water – Request for approval. (This item is a continuation of the letter requested by Former Commissioner Ryan Tingey requiring all residents in South Willard to connect to the Willard City water system if an annexation is approved.) Ryan Tingey stated Scott Lyons had a Planning Commission meeting and called Ryan to see if he could do this. He stated he spoke with the Council earlier to ask about a letter the County is looking for from the Council. He stated he sent Bryce Wheelwright a copy but it was late. He stated the Council members can review it and word it however they would like. He stated it is a letter of notice to the residents of South Willard, Unincorporated Box Elder County. He read the following:

*“This letter is to notify all residents of South Willard that in the event that Willard City Corp. accepts the petition for annexation from Box Elder County/South Willard, that all residents of South Willard will be required to connect to the Willard/South Willard water system, except those who are currently using well water or who are currently connected to the Box Elder-Bear River Water Conservancy District. This will also include all new construction in the South Willard Area. Thank you, Willard City Corp.”*

Ryan Tingey stated we have a few developers that are concerned that, they don't want to connect to the Conservancy District because one of the main developers owns his own secondary water company and if they connect with the Conservancy District, they are required to go with Pineview for their secondary water. He stated “this just reassures them, which is all conditional upon whether or not you (the Council) accept their petition, but they (the Council) wouldn't want it any other way any way.” He said they would want to own the water every resident was connected to. Council member Beebe explained they would require the water system if they filed the petition. Ryan explained that is a whole different letter. He stated his request is in the event all their ducks line up and they get the petition submitted, that they would be required to hook to Willard City owned culinary water. He stated if more water is needed for that area the City can negotiate with the Conservancy District to buy water from them. He stated the City would be the sole source of their culinary water in that area. He stated that is all they are asking for.

Council member Mund asked about the line they are connecting and if it would provide them with culinary water. Ryan stated they have their own system down there. Council member Braegger explained the connection would provide water to either system in case

of an emergency. Ryan again stated they have their own system and all the letter is stating is if the petition is accepted, that they would be on City owned water, not Conservancy District water. Ryan stated all they are looking for. Ryan stated all he is looking for is a motion that you would provide the County with that type of a letter stating that in the event, conditional on your (the Council's) acceptance, that the petition was accepted, they would have to be connected to Willard City Culinary water. He added "that includes all new construction, everything."

Resident Jean Loveland stated she felt the Council could not put conditions on other individuals if they are annexed that are more restrictive than those on current residents in the existing ordinances. She explained she believes the ordinance does not require residents to hook into City water. Council member Mund asked if that is if they have a well. A discussion was held on the ordinance and if someone builds a house when water must be available to the home. City Planner Bryce Wheelwright stated it is before they occupy the house.

Ryan Tingey stated there are a few that have well water down there (South Willard). He stated obviously if the water system can't reach them; he would be very interested to know who in Willard City limits they can't provide water to, but a very select few. He stated the idea is you (The Council) is going to want it that way to enforce sewer fees, for new construction especially. Mayor Pro-tem Crossley stated they would need to be able to enforce them. Ryan then stated "you would obviously own the water company down there. That would be a condition"

Council member Beebe asked if they take over the water system if there is the adequate storage and asked if the tank belongs to the Bear River Water Conservancy District. Ryan said the storage facilities that are down there belongs to the Willard Water Company. He also said new construction is going to drive up the cost of storage facilities, but new construction pays for it. He added that new storage facility, you (the Council) would require to be turned over to the City anyway. He stated he really didn't think they are hanging themselves out there anywhere by issuing that type of letter. Council member Mund stated she may be wrong but feels that way they could not put any demands on us. Council member Beebe stated that according to the Ombudsman, if the petition comes across then it is what they (the Council) decides. Council member Mund stated at least they (the Council) would have some control. Council member Beebe stated they can say what they would like to say, but once it gets to a point it is the Council's decision. Council member Beebe suggested having the engineer look at it. A discussion was held on how many connections are currently in South Willard and then Council member Beebe asked how many are in the proposed development. Ryan stated there are 1,400 proposed. Council member Beebe stated they would need to look at it. Ryan said they (the Council) wouldn't want the developer to go in and develop his own well and start up his own water company to provide them with water. Ryan added they are in the Special Improvement district so they have to connect to sewer. He stated they are going to want to control that water.

Council member Braegger stated he did not see a problem with the letter of intent. Council member Mund stated nothing would happen unless they want to be annexed in. Ryan added if they (the Council) accept the annexation. Council member Mund stated at least we (the Council) are in control.

Ryan stated at some time they may need to buy additional water from the Conservancy District, but that would go into the City's storage facilities, they are not competing with them for water and clarified providing water. Ryan stated they are going to have to control the water to enforce the sewer. Ryan then said "basically the letter is for Randy Marriott".

***Council member Mund made a motion that the Council write the letter that states to***

***require all residents of South Willard to connect to the Willard City water system if an annexation is approved.***

Council member Beebe stated he would like to look at the letter before they make a motion. Ryan asked that they take it under advisement, look at the letter and if they want to tweek it and make it specific that those already on a well or on the Conservancy District remain how they are. But, any of the new construction in the area down there, that developer just wants some assurance that he is not going to be forced to go with the Conservancy District rather than the City. Council member Braegger stated he did not see a problem with it. Council member Mund stated they didn't need to do anything at this time. Ryan said probably just a motion to take it under advisement and they can look at it farther and make it the letter they want. He stated that is what the large developers are looking for, they don't want to go with the Conservancy District, they want to be guaranteed that if they do, if the petition is accepted, that they will be part of the Willard City water system.

***The motion died for a lack of a second.***

***Council member Mund made a motion for the Council to look at the letter, have the attorney review it contingent on if South Willard becomes an annexed part of Willard City and then consider it at the next meeting.***

A South Willard resident asked if this would affect their Secondary Water. Ryan Tingey stated it would not. Council member Braegger stated he guessed the secondary water issue would come to pass before any of the other. Ryan said this just gives the developer an option if they want to go with Weber Basin or whether they want to have their own secondary water company. He said they (the developers) just want to have that assurance they have that ability to do so.

***The motion was seconded by Council member Beebe. The motion carried.***

***Council member Beebe – yes    Council member Braegger – yes  
Council member Mund - yes***

Ryan said the sooner they can look at it and draft it the better, they're chomping at the bit to get something to the City, the petition. He stated we've had Rocky Mountain Power signed off on it, the Forest Service is neutral, and a lot of the residents have signed it, but we need one more large developer to sign the petition before we submit it and he just needs that guarantee. Mayor Pro-tem Crossley stated if they could look at the letter he felt they could make a decision during the meeting on the February 12<sup>th</sup>. Ryan stated he is already on the agenda for the 12<sup>th</sup>.

**b.** Review and discussion of bids received for the 100 N Waterline Project and discussion of loan from Capital Projects Fund to the Water Fund for completing project.

The attached bids were reviewed. Council member Mund asked Council member Beebe if he saw anywhere where they could cut the cost out of the bid. Council member Beebe stated the costs they figured on material and rentals was \$42,000. He stated he did not feel the bid was out of line. He stated the asphalt at \$2.30 per square foot is a good price. Council member Mund stated it was about \$20,000 more than she would like to spend. Council member Beebe stated it he thought it is a good bid and it is just one project that needs to be done due to the water being lost because of the leaks in the pipe. Council member Beebe explained there is no way to tell how much because the meters from the

spring are not accurate. Mayor Pro-tem Crossley asked if the bid included hooking into the reservoir. Council member Beebe explained it does, but it does not include engineer inspection fees. He stated the bid is good for 30 days and felt they should table the decision until they go over budget and see how to loan from the Capital Projects fund and discuss with the engineer how much they are going to charge. Council member Mund asked what the financial situation of the water system is and if they are able to do that. City Recorder Teri Fellenz stated the money is in the Capital Projects fund and can be loaned to the Water Fund. She stated she did not know the process. She stated there would need to be a public hearing and documents written up for the loan. Council member Mund asked how long will it take to get it paid back. Teri stated it would depend on the term and what the Council chooses to do with the water rates. Council member Beebe stated again they will be saving water because of what is being lost due to the leaks and there will also be savings because the pumps won't need to be run as much.

A discussion was held on the pumps and maintenance. Council member Mund asked if they were purchased from Delco. Matt from Delco was present and gave some information on the type of pump for a well. He also gave information about measuring the flow from the spring. He stated he estimates the size meter required is approximately \$2586 and 4 would be required. A discussion was also held on the pump for the well that irrigates the East Park and an alternative that would help with the sudden pressure through the lines. Council member Beebe also brought up the man hours spent fixing leaks in the sprinkling system.

***Council member Braegger made a motion to table the item, seconded by Council member Beebe. The motion carried.***

***Council member Beebe – yes    Council member Braegger – yes  
Council member Mund - yes***

**c. Planning Commission**

1) Project Reports – City Planner Bryce Wheelwright reported on the Planning Commission Open House. He stated they will be tabulating the information.

He then presented the attached timeline on the dike project with completion in 2017. He explained the design has not been decided yet and the drawings from the Utah State University students are only concepts, some of which will not work with the terrain. He stated the actual design may include elements from some of the designs.

Bryce then reported the proposed General Plan amendment is about completed as well as the revision to the Nuisance Ordinance. He also reported the Development Agreement with Granite Ridge is almost complete.

**d. Financial -** The vouchers and warrants were presented to the Council for approval. The reports were individually reviewed.

- 1) Warrants
- 2) Vouchers
- 3) Reports

**e. Approval of minutes:** The minutes of the January 8, 2015, meeting were individually

reviewed.

***Council member Braegger made a motion to approve the minutes with a correction on the date of January 8, 2014 to January 8, 2015, seconded by Council member Mund. The motion carried.***

***Council member Beebe – yes    Council member Braegger – yes  
Council member Mund - yes***

#### **4. Department Reports**

a. Maintenance Department –Council member Beebe reported they have a new snow plow. There were 3 minor problems that have been corrected.

b. Police Department

1) Request for approval of \$500 for purchase of microphone for in car video. Chief Loveland explained they have an in car video in one of the vehicles that does not have a microphone. The bid to replace the microphone is \$420.

***Council member Mund made a motion to approve \$420 for the microphone. The motion was seconded by Council member Braegger. The motion carried***

***Council member Beebe – yes    Council member Braegger – yes  
Council member Mund - yes***

c. Fire Department – Chief Mund reported things have been slow as far as calls go. He reported the ladder truck is up and running and they are working on the lettering. He stated they are also ready to order the boxes to hold the medications. Chief Mund then stated he failed to get an item on the agenda for their annual Fire Department dinner at Maddox. He stated it will be about \$1,500 from restricted funds. They were thinking about holding it on February 10. A brief discussion was held and after the work session at the shop on the special meeting on January 29, they will post it on the agenda for approval.

#### **5. Council members**

- a. Robert Beebe
- b. Mike Crossley
- c. Del Fredde-
- d. Josh Braegger
- e. Michelle Mund

#### **6. Mayor's General Correspondence and Information**

***7. Adjourn- A motion was made by Council member Mund to adjourn, seconded by Council member Beebe, motion carried. The meeting adjourned at 7:10 p.m.***

Minutes were read individually and approved on \_\_\_\_\_ January 29, 2015 \_\_\_\_\_.