

# Willard City Corporation

80 West 50 South  
Box 593



Willard, Utah 84340  
(435)734-9881

The Willard City Council of Willard City Corporation will hold a **City Council** meeting on **Thursday, May 23, 2024**. The meeting will be held at the Willard City Offices 80 W 50 S. The meeting will begin promptly at **6:30 p.m.** The agenda will be as follows:

**6:30 p.m.**

**1. Call to Order**

1. Invocation
2. Pledge of Allegiance
3. Conflict of interest declaration

**6:30 p.m.**

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.)
3. **Public Hearing**  
**Public Hearing to received public comment regarding Resolution 2024-06 Adopting Willard City Final Budget for Fiscal Year 2024-2025.**
4. **Planning Commission Report**
5. **Presentations and New Business**
  - a. Discussion/Adoption of Resolution 2024-06 Adopting Willard City Final Budget for Fiscal Year 2024-2025.
  - b. Discussion with Mark Murphy of the Trail Head Improvements Grant.
  - c. Discussion/Action regarding Attorney Colt Mund's Contract.
  - d. Follow-up on dumping of material in retention basin in Granite Ridge Subdivision.
  - e. Discussion/Approval of Resolution 2024-07 Authorizing the Mayor to sign the pickup of Tier 2 Public Safety Employee Retirement Contributions.

**6. Minutes**

- a. Approval of the April 11, 2024, City Council Minutes.
- b. Approval of the May 9, 2024, City Council Minutes.

**6. Financial**

- a. Warrants, Vouchers, Reports

**7. Department Reports**

- a. Public Works
- b. Police Department
- c. Fire Department

**8. Council Member Reports**

- a. Jacob Bodily
- b. Rod Mund
- c. Mike Braegger
- d. Rex Christensen
- e. Jordan Hulsey

**9. Next agenda items June 13, 2024**

**10. Mayor's General Correspondence and Information**

**11. City Manager's Report**

**12. City Planners Report**

**13. Consideration of Motion to Enter a Closed Session (if necessary)** pursuant to UCA §52-4-205 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.

**14. Adjourn**

/s/ Susan O Bray  
City Recorder, Willard City  
Posted May 20, 2024

## Public Hearing Notice

Notice is hereby given that Willard City will hold a public hearing to receive public comment regarding Resolution 2024-06 Adopting a City Provisional or Final Budget for Fiscal Year 2024-2025; The public hearings starting at approximately 6:35 p.m. will be held in conjunction with Willard City Council Meeting, which starts at 6:30 p.m. on Thursday, May 23, 2024. After the public hearing, the proposed Resolutions may be adopted, with or without changes, in the same public meeting. All interested people shall be given the opportunity to be heard. Written concerns are welcome and shall be given the opportunity to be heard. Copies of the proposed Budgets are available for public review at the office of the City Recorder located at 80 West 50 South, Willard, Utah.

Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-734-9881).

Please publish it in the May 22<sup>nd</sup> Box Elder News Journal.

**RESOLUTION 2024-6**

**A RESOLUTION OF THE WILLARD CITY COUNCIL ADOPTING THE WILLARD CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2025, (FY 2024-2025), AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS** Willard City is required to adopt an operating and capital budget for each fiscal year; and

**WHEREAS** the tentative budget has been voted on by the Willard City Council on May 9, 2024, and

**WHEREAS** The City Council is committed to offer the residents of Willard suitable levels of services; and

**WHEREAS** a public hearing to consider the final budget has been noticed and held on May 23, 2024, and all interested persons were heard, for or against the budget; and

**WHEREAS** the City Council hereby finds the adoption of the Willard City Budget for the Fiscal Year ending June 30, 2025, in the best interest of the public's health, safety and general welfare.

**NOW THEREFORE, be it resolved by the City Council of Willard City, State of Utah,** by the Mayor and the Willard City Council as follows:

**Section 1.** That the details of this budget are more specially outlined in the document entitled "Willard City Adopted Annual Budget FY 24-25," and is hereby adopted, available in the City Recorder's Office and is incorporated herein and established as the approved Fiscal Year 2024-2025 budget.

**Section 2.** Effective Date. This resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF WILLARD CITY, STATE OF UTAH** this 23<sup>rd</sup> day of May 2024.

\_\_\_\_\_  
Travis Mote, Mayor  
Willard City

ATTEST:

\_\_\_\_\_  
Susan K O Bray  
City Recorder

<b>ROLL CALL</b>	<b>AYE</b>	<b>NAY</b>
Council Member Bodily	_____	_____
Council Member Mund	_____	_____
Council Member Braegger	_____	_____
Council Member Christensen	_____	_____
Council Member Hulsey	_____	_____

**WILLARD CITY CORPORATION  
RESOLUTION NO. 2024-07**

**A RESOLUTION OF THE WILLARD CITY COUNCIL AUTHORIZING CITY PICK UP OF  
PUBLIC SAFETY EMPLOYEE RETIREMENT CONTRIBUTIONS**

**WHEREAS**, Willard City employ employees who are eligible for and participate as members in the New Public Safety and Firefighter Tier II Contributory Retirement System administered by the Utah Retirement Systems; and

**WHEREAS**, in accordance with federal and state law, including Section 414 and IRS Revenue Ruling 2006-43 of the Internal Revenue Code, employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions; and

**WHEREAS**, the City desires to formally pick up a portion of the employee contributions required to be paid under Subsection 49-23-301(2)(c), as enacted in S.B. 56, Public Safety and Firefighter Tier II Retirement Enhancements (2020 General Session), for all city employees participating in the New Public Safety and Firefighting Tier II Contributory Retirement System; and

**WHEREAS**, the Mayor and Willard City Council are duly authorized to take formal action on behalf of the City of Willard as a participating employer with the Utah Retirement Systems.

**NOW, THEREFORE, BE IT RESOLVED** that the Willard City Council, the Mayor concurring therein, declares that beginning July 1, 2024, the city, on behalf of its employees, shall prospectively pick up and pay required employee contributions for all employees who are members of the new Public Safety and Firefighter Tier II Contributory Retirement System, subject to a maximum of 4.73% of compensation for each employee.

**BE IT FURTHER RESOLVED** that the pick-up contributions paid by the employer even though designated as employee contributions for state law purposes, are being paid by the City of Willard on behalf of its employees, in lieu of the required employee contributions.

**BE IT FURTHER RESOLVED** that the pick-up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal of state income tax withholding taxes, until distributed from the Utah Retirement Systems, so that the contributions are treated as employer contributions pursuant to Revenue Code Section 414 and the IRS Revenue Ruling 2006-43.

**BE IT FURTHER RESOLVED** that the pick-up contributions are a supplement and not a salary reduction to city employees who are eligible for and participating in the New Public Safety and Firefighter Tier II Contributory Retirement System.

**BE IT FURTHER RESOLVED** that from and after the date of this pick up, a city employee may not have a cash or deferred election right with respect to the designated employee contributions, including that the employees may not be permitted to opt out of the pick-up and may not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the city on behalf of its employees to the Utah Retirement System.

The Resolution will take affect on July 1, 2024.

PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF MAY, 2024 BY A VOTE OF \_\_\_\_\_ FOR AND \_\_\_\_\_ AGAINST.

\_\_\_\_\_  
Travis Mote, Mayor  
Willard City

Attest:

\_\_\_\_\_  
Susan K Obray, City Recorder



Utah Retirement Systems  
 PO Box 1590  
 Salt Lake City, UT 84110-1590  
 801-366-7318 | 800-753-7318  
 www.urs.org

# Employer Election To Pick-Up Member Contributions

## Tier 2 Public Safety and Firefighter Contributory System

**Instructions:**

1. This form is designed to notify URS of an Employer's formal election to pick-up Member retirement contributions for Tier 2 Public Safety and Firefighter Employees.
2. This form and accompanying documentation must be returned to URS for processing.
3. A pick-up election is subject to federal law, resulting in tax and legal consequences, including limitations about the ability to modify or revoke the election. For information regarding employer pick-up contributions, please refer to federal law and guidance, including Internal Revenue Code Section 414 and IRS Revenue Ruling 2006-43. If you would like to update the *Employer Election to Pick-Up Member Contributions* form on file for your Tier 2 Public Safety and Firefighter employees, please input the total amount you are electing to pick-up. By submitting this information, it will amend your previous election, and it cannot be less than the previous pick-up amount.
4. An Employer should consult its legal, financial, and tax advisors if it has any questions concerning the consequences of Member contribution pick-ups and submitting this form.

**SECTION A » EMPLOYER INFORMATION**

Employer Name <i>Willard City Corporation</i>	Employer Number <i>ES11Will</i>	Date <i>5-13-24</i>
Desired Effective Date: <i>July 1, 2024</i> (The effective date must be after the date that the pick-up election was formally adopted as provided in the attached documentation.)		

**SECTION B » PICK-UP AMOUNT(S)**

The above-named Employer certifies that it has taken formal action to provide that the contributions on behalf of its covered employees in the following URS System, although designated as employee contributions, will be paid by the employer in lieu of employee contributions. (Check the box and fill in the portion of employee contributions picked-up for each class of employees below.)

Please also attach written documentation to this form that provides evidence that the Employer formally elected to prospectively pick-up specified employee contributions. (For example, ordinance, resolution, governing body meeting minutes, etc.)

Note: If you are picking-up contributions for public safety, and firefighter employees, check all the boxes

- Tier 2 Public Safety and Firefighter Contributory Retirement System, with the following pick-up election that will be paid by the Employer in lieu of employee contributions for members serving as a **Public Safety Officer**:
  - o *4.73* % of salary. (\*e.g., 4.73% of salary)
- Tier 2 Public Safety and Firefighter Contributory Retirement System, with the following pick-up election that will be paid by the Employer in lieu of employee contributions for members serving as a **Firefighter**:
  - o \_\_\_\_\_ % of salary. (\*e.g., 4.73% of salary)

\*These amounts are the required Member Contribution Rates effective July 1, 2024. Employers are not required to pay the full Member Contribution rate and may pick up a percentage of salary. The percentages included by the Employer may not exceed the required Member Contribution rate and cannot be less than the amount previously picked-up by the Employer.

**SECTION C » CERTIFICATION AND SIGNATURE**

I acknowledge, certify and understand the following:

- » I represent and have the authority to sign and submit this form on behalf of the Employer;
- » The Employer has taken all appropriate and necessary actions to make a formal Employer pick-up regarding employee contributions on behalf of its employees;
- » The election to pay for the Employee contributions shall constitute an Employer pick-up of designated contributions pursuant to Internal Revenue Code Section 414(h);
- » From and after the date of the pick-up election, an Employee may not: 1) have a cash or deferred election right with respect to designated Employee contributions; 2) be permitted to opt out of the pick-up; or 3) have the option of choosing to receive or receiving the contributed amounts directly instead of having them paid by the Employer to the specified system/plan;
- » In order for contributions to be considered paid by the employer, and therefore not subject to Social Security and Medicare tax (FICA), the Employer contributions: 1) Must be mandatory for all Employees covered by the retirement system; and 2) Must be a salary supplement and not a salary reduction—in other words, the Employer must not reduce employee salary to offset the amount designated as employee contributions;
- » Future modifications to this Employer election may be disallowed or limited;
- » The election authorized to be taken by the foregoing is not contrary to any governing provisions of the Employer;
- » I understand that URS is not providing the Employer legal, financial, or tax advice relating to making a "pick-up" election or submitting this form;
- » The information provided on this form and attached documentation is correct and can be relied upon by URS; and
- » I agree that the Employer will indemnify URS from and against any claims or other liability including attorney fees based upon the Employer's failure to comply with pick-up election requirements.

Printed Name of Employer Representative (Binding Official) <i>Travis Mate</i>	Signature of Binding Official 	Title <i>Mayor</i>
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**WILLARD CITY COUNCIL MEETING**  
**APRIL 11, 2024**

**1. CALL TO ORDER.** The meeting was called to order by Mayor Mote. The innovation was given by Council Member Rex Christensen and the pledge was led by Council Member Jordan Hulsey.

**2.** There were no **OPEN COMMENTS.**

**ATTENDEES:** Diana Baker, Doug & Mary Younger and Lynn Murphy.

**3.PLANNING COMMISSION REPORT:** Report given by Nia from the meeting held April 4, 2024. She reported that an Unconditional Use Permit for John Olson for a trailer at 234 S 400 E was supposed to be issued March 22, 1989. But there is no record of it having been given out. Bryce Wheelwright went and looked and there is not even a trailer there. The trailer is gone and the permit cannot be found so the case has been closed.

The Planning Commission is looking into an ordinance that would cover Airbnb's in residential zones. There are several issues that need to be investigated such as insurance, taxes, and parking.

A consideration and recommendation are being discussed for the Council to make an amendment to the General Plan Chapter 12-000 to include a land use map for a South Willard area to be included in an annexation policy declaration.

The Planning Commission is also looking to schedule an Open House around May 16. They are hoping to get South Willard to come and participate.

**4.a. Ordinance 2024-02** Marc Anderson put in a petition to rezone approximately 3.16 acres located at approximately 1100 S Main from A-5 to R-1/2. This was done previously and was approved but there was not an ordinance to tie it to. A motion to accept Ordinance 2024-02 was made by Council Member Jacob Bodily and seconded by Council Member Rex Christensen. The motion was carried.

**4.b.** Mayor Mote reported that after the last meeting he had a discussion with Payden and Jeremy and it was determined that when the collections were taken each city, Willard and Perry, was to provide their collection data. The reason the numbers were off was because Perry must do their own collection numbers and the reports must be submitted separately. The numbers were correct for Willard and that has been clarified and the ordinance should be passed by

4/12/24. A motion was made to pass the resolution for the Municipal Wastewater Program Annual Report by Council Member Mike Braegger and it was seconded by Council Member Jacob Bodily. The motion was carried.

4.c. A motion was made by Council Member Rex Christensen to repeal the Transportation Tax on Ordinance 2024-03 2213. The motion was seconded by Council Member Jacob Bodily. The motion was carried.

4.d. A motion was made by Council Member Mike Braegger to repeal the Transportation Tax on Ordinance 2024-04 2214. The motion was seconded by Council Member Jacob Bodily. The motion was carried.

4.e. A motion was made by Council Member Rex Christensen to adopt Ordinance 2024-05 2215 for Option Transportation Tax. The motion was seconded by Council Member Jacob Bodily. The motion was carried.

4.f. Discussion on vacating the sewer easement on properties east of 100 West was tabled until the next meeting. Things are still in the works.

4.g. Progress on amending Subdivision Ordinance to include new water allocation was tabled until the next meeting. Things are still in the works.

**5.MINUTES.** Motion made by Council Member Jacob Bodily to accept the minutes. Motion seconded by Council Member Rex Christensen. Minutes approved.

## **7.DEPARTMENT REPORTS**

**a. Public Works** – Payden was absent. Jeremy reported that the meters are being worked on. The missing 25 meters is now down to 5. The sprinklers are being prepared to use. Parker has turned in his notice to quit to go back to school.

**b. Police** – Chief Fielding reported that the department has ordered two new laptops using funds from the Beer Tax Grant, has ordered two new thermal printers, and ordered two new bodycams. Mayor Mote brought up the subject of Animal Control. Chief Fielding replied that we need to wait and see if it is going to be provided by Brigham City or by Box Elder County.

## **8.COUNCIL MEMBER REPORTS**

**a. Mike Braegger** reported that he had been talking with Payden about the pond at the Nature Park. Payden has a new tool that he can use to scrape around the edge of the pond to get rid of the bull rushes and that he will continue to maintain the area around the pond.

The North Cooks engineers have put together a plan to get the water to not come down the back of the homes. Staker Parsons needs to get involved with their property above the canal.

They are working on removing trees that are in the creek. The Hargis Hill drainage project is staked off and moving forward.

#### **10.MAYOR'S GENERAL CORRESPONDENCE AND INFORMATION**

The grant for the economic development study has been approved and signed. We should be starting on the economic process. Hopefully we will be able to see some ideas on where our tax revenue is coming from and what opportunities we have in the town.

#### **11.CITY MANAGER'S REPORT**

Jeremy reported that the office remodel should be done by tomorrow and then they will start working on the Police Office.

The city is moving towards being more electronic so we can be more efficient. Jeremy has been working with Todd getting the network secure. Fiber Optics was put in to the Police Department so they are on their own network. A new router has been installed. We are going to have to change our .com to .gov before the end of 2024.

Jeremy is looking into getting all the ordinances on-line so everyone can have access to them all the time.

#### **13.ADJOURN**

Mayor Mote made a motion to adjourn. Council Member Jordan Hulsey seconded it. Meeting adjourned.