

Date: May 14, 2015
 Time: 6:30 p.m.
 Place: Willard City Hall, 80 W 50 S, Willard, UT 84340
 Attendance: Mayor Kenneth Braegger, Council members Robert Beebe, Del Fredde, Michelle Mund, Mike Crossley and Josh Braegger, Recorder Teri Fellenz, City Planner Bryce Wheelwright

Excused:

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.)

Joel Murray – 1025 S 105 E – Stated he has quit a few comments. He stated he has been looking through the Willard City Land Use Ordinance. He stated he thinks they are considering it tonight. Mayor Braegger stated it was noted it will need to be set for a public hearing in June. Joel stated he thinks they should take time to go through it. He said there a lot of things the give him frustration. He said there is a lot of mention about the rural and agriculture. He understands how they need to preserve that. He said we also need to take into account the property owner's rights. He stated it is not addressed in there at all what those rights are for those people that are wanting to do anything, whether it be a development or anything else. The way it is written it allows the commission to allow or deny anything depending on how they feel that day. He stated they need more specifics so if Joe Blow comes in he is treated the same as the next guy. He stated he is confused about the process, the way things are done and why it is so slow. At the Planning Commission stage, and said correct me if I am wrong aren't they and advisory board. Are they supposed to have all the engineering done and do all the leg work and the hard things and then the City Council just rubber stamps it. Or if the Planning Commission also has a public hearing then we have two public hearings and said that seems, he is just confused about the process in trying to get anything done in Willard. He said he has tried to do several things in Willard and from the get go trying build his house, that wasn't going to get approved. He said it was like a to get a building permit it was like an act of God to get a building permit approved for a house let alone do anything else. He stated he would like to see things nailed down and simplified so it is the same for everyone in the community and so it doesn't seem like things drag and drag. When you are trying to rezone, he doesn't care approve it or deny it don't just leave it in limbo land and not have anything happen at all. Council member Mund asked what example he has of someone treated differently or where he is treated differently than someone else. Joel said it isn't himself necessarily. He said he just noticed if we have any people treated differently we are going to have a problem. We can't have discrimination per say if you are going to bat for the farmers or whatever and not do for the others. Mayor Braegger said Joel is saying he wants them to recognize the rights of the property owners as far as what they want to do with their property, in other words this guy wants to do this and that don't make it fair that this guy can't do something different. Joel stated for the farmers there is provision in there to protect them and their animals, hours of operation and everything else. They had one thing in there where a person can have so many farm animals and it is limited, but what is it limited to? He knows there have been several

instances in Willard where the guy had pigs or whatever next to somebody else and created a lot of problems. Mayor Braegger stated that is kind of a hard line to draw in the sand because if we say you can have a large animal it is hard to say you can have a horse, but you are not allowed to have a pig. He said it is a hard line to draw and they would be open to suggestions of how the best way to handle that is. Joel said pigs are not horses and that's how you handle that. One stinks and one only half stinks. Joel added as far as the (Highway) 89 Corridor direction he thinks we're going to get some commercial there. He added he also thinks we need a 200 West corridor and a 200 East corridor. He said we have the shortest distance between the mountain and the Bay right here and if we get a problem right there we are stuck. You have to go all the way around. Mayor Braegger stated we have already experienced that. Brigham City has 500 West that's kind of theirs and 600 East and Highland. He just wants them to really take a good look at it before they go rubber stamping it. The Council thanked him for his comments.

3. Business

a. James Morgan – Willard Bay State Park – Request for support of upcoming events. James Morgan of Willard Bay State Park stated he would like to coordinate and event in conjunction with the Willard City Founder's Day celebration on August 1, 2015. He stated they could contribute to a bigger fireworks show with sponsors and also is considering a 5k run live music and vendors. He stated he has already budgeted \$3,000 toward fireworks and would like to call it Fire on the Bay. He explained Willard residents would receive a free voucher for admission to the park for the fireworks which would start at around 9:00. He asked if the Fire Department would be able to set off the fireworks on the peninsula and added they are not able to do it and their insurance won't cover the fireworks so Willard would need to assume the liability and see if their insurance coverage would cover it. Mayor Braegger stated there is a Founder's Day Committee that he can coordinate with. A discussion was held on fireworks and Fire Chief Mund stated it is \$1,000 per minute for Lantis Fireworks to shoot off the fireworks. James added they already have \$3,000 budgeted and that may increase. A discussion was held on the storage of fireworks due to new regulations and some options were discussed. Mayor Braegger will look into the possibilities for storage containers. Mayor Braegger also brought up the possibility of the 5k run utilizing the new 200 W paved trail. A discussion was held on crossing the railroad track being a problem, but they will look at options.

b. 200 West Trail Project – Progress report and discussion of use rules and regulations. Council member Beebe reported they still need to shoulder the trail, complete the parking area and install the drinking fountain. He then asked what they wanted to do for the use of it. They have established the crossovers and then asked how they want to regulate it and administer it? Mayor Braegger asked if the Council had any suggestions or if they would like to think about it and come up with some ideas. He said they have it gated on both ends and the farmers have been traveling back and forth from their fields over it. He stated obviously they do not want motorized vehicles on the trail. He stated they provided crossovers for everyone where they can cross over into their field. Council member Beebe stated the trail was reinforced at those locations. Council member Beebe stated the same people that want it opened are now complaining about dust control to protect crops. Mayor Braegger stated the suggestion is they leave the gates on the ends to keep the motorized vehicles off the trails. We will shoulder it to protect the trail and the access road would be left as is then the farmers traveling it are creating their own dust. Council member Beebe stated his concern is the liability for the

City. He said it is an unimproved road and we do not have the budget to maintain it, grade it and weed control. They do go and spray it once a year.

Council member Mund stated the drinking fountain is great, but feels it will only last a short time. Mayor Braegger and Council member Beebe assured her it is bulletproof. Council member Beebe stated it is located on the south end by the parking area. Council member Mund suggested getting a group, similar to those that adopt a portion of road. Council member Beebe stated garbage containers were considered but are not covered under the grant. Mayor Braegger stated that to put in benches or garbage containers they will need to look into the park budget. Council member Beebe asked if everyone would go down there before the next meeting. Council member Mund stated her kids have walked it before it was paved and thought it was great. Mayor Braegger stated a citizen was riding a bike on it and told him it was the best thing the city ever did.

Council member Mund stated it doesn't take her long to think of some of the bad things and illegal activity that can happen on the trail. They discussed those same things can happen anywhere. Council member Beebe stated his concern is what they are going to do with the traffic on the unimproved portion. He asked do they let it go. He said there have already been 4-wheelers right down the middle of it. Council member Mund stated she is grateful to get the bicyclers off of Highway 89 if they will use it. Mayor Braegger stated the catch 22 is that it is still not finished on the Perry end and does not know how long it will be before they do anything about it. He said the mountain bikers can use it but it is difficult for the road bikes. He added it is open which is nice for the safety aspect. He said the comments he has received is that it is awesome and when are we going to do more. They want more trails. He said they need to work in that direction.

Council member Crossley asked if the 4-wheeler was ridden by one of the farmers. Council member Beebe stated he did not know. Mayor Braegger stated they need to get signs up. Police Chief Jean Loveland stated they need to come up with some type of an ordinance if it is something they want the police department to enforce. If they will develop an ordinance stating no motorized vehicles on the trail and post the ordinance and signs then they can enforce it. Council member Mund asked if they go from one crossover to the other would they be breaking the law. A discussion was held that the ordinance would cover north and south motorized traffic on the trail. Council member Beebe stated the trail is not strong enough to support the tractor traffic and expressed some concern about the large wheel line. Chief Loveland stated the lanes are private lanes and the farmers need to post them up at the top of the lane. Mayor Braegger confirmed that the east-west accesses are all private with the exception of 750 North. He stated the trail is gated to motorized traffic on both ends and can still be accessed by pedestrians and bicycles.

Chief Loveland stated they need to determine how to limit 4-wheeler access to the trail. Mayor Braegger stated signage is the best and doesn't know if the City Attorney should be contacted to write an ordinance and determine the best course of action for the trail and stated it should cover all the trails including those we will have in the future. City

Planner Bryce Wheelwright asked if they would like the Planning Commission to look into it. Chief Loveland stated she will get some sample ordinances. Mayor Braegger stated he would like to go ahead and have signs posted and post them at the intersections. He said they will work on the drinking fountain. Chief Loveland asked about blocking the road with large rocks to limit the 4-wheelers. Mayor Braegger stated his problem is the City provided gates at the City's expense which basically told them they could use it for access and feels if they go to court they would lose. He stated they don't want them on the asphalt. Council member Beebe stated it is a no win situation. He stated the ones that are wanting the access limited will also be the ones that want it maintained, will want dust control and to limit the people that are on it. He stated no matter what they do it will be wrong. A discussion was held on posting options. Mayor Braegger stated he would like to post the trail for no motorized vehicles and watch what is happening on it. Then in a month or so review for any issues they see that they did not have to deal with before and address those issues.

Mayor Braegger stated he hopes there is an increase in use and stated his other concern is horses on the asphalt during the summer and feels they can do quite a bit of damage. City Planner Bryce Wheelwright stated the grant application indicates the trail is for equestrian traffic also, so they cannot be excluded. Mayor Braegger stated the trail will be well shouldered and feels there will be plenty of area for the horses on the shoulder. Some other options were discussed and the grant deadline of October 2015 will give them some time to determine if there are other issues that need to be addressed. Mayor Braegger encouraged the members to go and try it out. Council member Crossley asked if the gate was big enough for a wheelchair. Bryce stated it is ADA accessible.

7:05 Council member Fredde arrived.

c. Willard Creek Nature Park and Debris Basin – Progress report, review and possible approval of drawings. Council member Braegger stated the drawing was sent out to the Council members for review. Council member Mund asked if it was one presented by the USU students. Council member Braegger stated it was drawn by the City Engineer utilizing some of the suggestions from the student drawings. Mayor Braegger explained the drawing. Council member Braegger stated the pond shown is a 1-acre pond and Fish and Game stated they would stock it once with fish that will propagate. A discussion was held about the area being stocked previously and that residents did fish in the pond as long as there was water in it.

Mayor Braegger stated the proposed pond would be lined to hold water. Council member Braegger stated the plan shows a low level outlet. Mayor Braegger stated the Dam Safety people will have problems with it. He said if they disturb the retention area they will need to bring it up to current Dam Safety standards. Council member Braegger stated the engineer has been working with them. A discussion was held on the pond and using Willard irrigation shares for an additional water source. Council member Braegger stated the plan is not set in stone and the plan basically shows the cut and fill

and will need to finalize the plan so they can put it out for bid. Council member Fredde asked if they needed a 12 ft. trail. Council member Braegger said it would probably not be that wide and they discussed it being 10 ft. like the one just installed on 200 West. Mayor Braegger asked if they were looking for any sort of approval. Council member Braegger said the plans are not final at this time and they are for review only.

d. Planning Commission –

- 1) Presentation of proposed changes to section 12-000 General Plan of the Willard City Zoning Ordinance and set for public hearing. City Planner Bryce Wheelwright stated the Planning Commission has been reviewing the General Plan and condensed it and put it into a new revised document. He stated the General Plan should be reviewed every 5-10 years and Willard's has not been updated since 2004. He stated the Planning Commission has worked hard. Mayor Braegger asked if they should table it and take time for review.
- 2) Presentation of proposed changes to section 12-102-3 and 12-111-4 of the Willard City Zoning ordinance to allow 1 lot of a 2 lot infill subdivision to be reduced to 85 ft., setting the requirements and set for public hearing. Bryce Wheelwright then explained the proposed changes to the two ordinances address the issue of lots in a specified area where early zoning resulted in 1-acre lots 185-195 ft. wide. They cannot currently be subdivided leaving large lots that residents are not able to maintain. The Planning Commission is recommending that the lots be able to be subdivided allowing the frontage of one of the lots be 85 ft. and still maintain the ½ acre minimum lot size. The area is specified where this is allowed. A brief discussion was held.

Council member Braegger made a motion to set a public hearing for June 11, 2015 to hear public comment on the proposed changes to the General Plan and the proposed changes to sections 12-102-3 and 12-111-4 of the Willard City Zoning ordinance. The motion was seconded by Council member Mund and the motion carried.

Council member Beebe – yes

Council member Braegger – yes

Council member Crossley – yes

Council member Mund – yes

Council member Fredde – yes

e. Approval of minutes: April 23, 2015 meeting. The minutes of the April 23, 2015, meeting were individually reviewed.

Council member Mund made a motion to approve the minutes as written. The motion was seconded by Council member Crossley and the motion carried with a unanimous vote.

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

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

Public Hearing to hear public comment on proposed increases to the 2014-15 Fiscal

Year Budget.

City Recorder Teri Fellenz presented the attached proposed changes to the 2014-15 Fiscal Year budget. She explained the proposed increases and decreases in both the revenues and expenditures as shown on the attached Summary of Budget Increases/Changes. She stated there will be line item changes within the departments and will get with the department heads for those changes. She asked if there were any questions or comments. There were no questions or comments.

Council member Mund made a motion to close the public hearing, seconded by Council member Beebe. The motion carried and the public hearing was closed at 7:28 p.m.

Council member Beebe – yes

Council member Braegger – yes

Council member Crossley – yes

Council member Mund – yes

Council member Fredde – yes

4) Consideration of Resolution 2015-07 To APPROVE PROPOSED INCREASES TO THE 2014-15 FISCAL YEAR BUDGET – The attached resolution was presented for approval.

Council member Mund made a motion to approve Resolution 2015-07 approving the proposed changes, seconded by Council member Crossley. The motion carried with the following vote:

Council member Beebe – yes

Council member Braegger – yes

Council member Crossley – yes

Council member Mund – yes

Council member Fredde – yes

5) Presentation of proposed 2015-16 Fiscal year budget - Steve Pettingill of the Willard/Perry Waste Water Treatment Board presented the attached proposed budget from the Board along with the changes the Perry City Council is considering. He explained the increase in the budget and the machinery that needs to be planned for replacement. Council member Fredde stated Willard is on the agenda for the Division of Water Quality Board on May 27th at 8:00 a.m. to discuss the restructuring the bond payments. They suggested the City Manager and Finance Director be there. Steve asked if there were any questions about the WWTP proposed budget. No questions were asked and Mayor Braegger stated they appreciate all the Board is doing. Steve then thanked them and left the meeting. City Recorder Teri Fellenz then reviewed the rest of the Sewer Fund Budget and stated there have been additional maintenance items added to the Sewer Fund such as having someone camera and clean the lines to prevent problems. The insurance was increased due to the for the liability coverage for the collection system and wages for the maintenance personnel to visually inspect manholes.

City Recorder Teri Fellenz presented the attached information regarding the budget. She explained the different funds and how each obtains revenue. She

explained they are accounted for separately. She presented the trends from the three prior years and projections for the current year. The General Fund was discussed and proposed increase in the property tax of approximately \$55,000. She stated taxes have not been raised in over 20 years. She stated in the 20 years there have been significant increases in the cost of benefits as well as overall general costs. She also presented the attached comparison of the current tax rate and the proposed increase on the valuations of properties of some of the individuals in the room. The highest of those presented was less than \$10 per month. She stated the other choice is for the Council members to go through and decide where the cuts will be.

Teri then moved to the Water fund and explained the budget was based on current rates. She stated information has been sent to the Rural Water Association where they can run different rate scenarios. She has not yet received any information back. A discussion was held on different options. The Council members requested an estimate of revenues if the base were dropped to 15,000 gallons for \$25.00 and a \$.50 increase on each level of overage and also an estimate increasing the base an additional \$4-\$5.

The Capital Projects Fund was then presented. Teri noted \$50,000 was taken from the Streets Projects and an item for Police Vehicles was added with the \$50,000 noting the Council member Fredde had asked for a scheduled replacement of vehicles and equipment and the 2011 Tundra is one that should be considered for replacement. Another item added is the Willard Creek Park and Debris Basin project. She explained her concerns about the reimbursement process and that payment requests can only be submitted quarterly. Mayor Braegger explained he discussed adding on to the City Hall for additional office space. Teri explained she did not feel they could take on another project at this time.

Council member Braegger made a motion to accept the preliminary budget and move forward to look at the truth in taxation process to raise the property tax. The motion was seconded by Council member Fredde. The motion carried.

***Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Mund – yes***

4. Department Reports

a. Maintenance Department – Council member Beebe explained the Massey tractor and brush mower needs to be repaired. They can either replace it or rebuild. The cost of the rebuild will be \$700-\$800.

Council member Beebe made a motion to approve repair not to exceed \$700. Council member Braegger seconded the motion. The motion carried.

Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes

Council member Braegger – yes
Council member Mund – yes

Maintenance Supervisor Doug Thompson presented information on the chlorinator system. He explained there are some components that are not working and need to be replaced and one of the injectors has a flow rate meter of 1-25 and should be one of 1-5. He stated this is an important part of the system and the cost of the parts is \$1800.

Council member Mund made a motion to approve up to \$1800 for items to repair the chlorinator system. The motion was seconded by Council member Crossley. The motion carried.

Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes

Council member Braegger – yes
Council member Mund – yes

Council member Braegger then asked if they were going to discuss the electrical at the Historic Cemetery. Doug Thompson reported the power pole at the Historic Cemetery has rotted and fallen over. The pole needs to be replaced and the electrical will need to be replaced to meet current code. The approximate cost is \$3,200.

Council member Beebe made a motion to approve up to \$3,200 in parks to replace the power pole and upgrade the electrical. The motion was seconded by Council member Fredde. The motion carried.

Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes

Council member Braegger – yes
Council member Mund – yes

- 1) Progress report 100 N Waterline Project
- 2) Discussion of possible outdoor watering restrictions – Doug Thompson asked if the Council wanted to consider watering restrictions. He stated he attended the South Willard Water Co. meeting and they have monitored their well and the draw down on the well has dropped 4 ft. He stated we do not have a way to monitor our well. Mayor Braegger suggested getting a relatively inexpensive sounder which will need to be manually checked but would be a way to monitor the water depth and would be something they could do for now. He asked Council member Mund to check into the cost for the two wells.

Council member Mund stated she feels residents water more with water restrictions and explained if they are only allowed to water two days they water more on the two days than necessary. Additional discussion was held and there will be some suggestions put in the newsletter.

b. Police Department – Chief Loveland stated there have been problems about parking

on the lawn at the East Park during the ball game. She explained the concerns are for possible damage to the sprinkling system and mainly for the safety of the kids. There was also an instance where an individual chose to make a deliver to the park during the busiest time and again cited the concern for the safety of the kids. A discussion was held and it was noted the walking path is posted no motorized vehicles. They also discussed putting in rocks to block access.

Chief Loveland then presented the attached report of the month's calls and cases. She then commended Teri Fellenz for her hard work on the budget.

Chief Loveland then presented a request for \$580 for miscellaneous electrical work that has been done on the police vehicles over several months.

Council member Crossley made a motion to approve \$580 for the electrical work done on the vehicles, seconded by Council member Mund. The motion carried.

Council member Beebe – yes

Council member Braegger – yes

Council member Crossley – yes

Council member Mund – yes

Council member Fredde – yes

Chief Loveland then provided the information for the additional lighting for the vehicle she currently drives and additional car and body cameras from Digital Ally. She discussed the costs and stated these are items they need to look at purchasing in the near future.

Chief Loveland then reported on the meeting with the Utah Department of Transportation about safety concerns of the additional traffic with the I-15 additional lane project. It was noted a representative from UDOT has asked to be on the agenda for June 11 to provide information on the project and to answer any questions they may have.

c. Fire Department – Chief Van Mund he was talking to James Morgan from Willard Bay and they have an area for storing a container of fireworks. He stated it needs to have 2 locks on the door and needs to be 75 ft. from the building. He asked if he should order fireworks. A brief discussion was held and the need to contact the insurance company.

Council member Crossley made a motion to move forward with Willard Bay State Park for the plans for Founder's Day. The motion was seconded by Council member Mund. The motion carried with Council member Fredde abstaining because he was not present during the previous discussion. The vote was as follows:

Council member Beebe – yes

Council member Braegger – yes

Council member Crossley – yes

Council member Mund – yes

Council member Fredde – abstained

Chief Mund then reported on the leak in the restroom on the south side of the fire station. He stated they have come up with a solution and will get it repaired.

Chief Mund then brought up the discussion of the possibility of an ambulance for Willard

City to provide ambulance service. He stated they can get a fairly decent used ambulance for about \$10,000 and because of the new protocols they have much of the medication and supplies. He stated it is an opportune time and can do it without expansion of the fire station. He stated currently when they respond to medical calls they do not get paid and they cannot charge for the service. There are 20-25 certified EMT's in the department and 4-5 new candidates are already certified. He discussed the amounts that can currently be charged and stated out of 220 patients approximately 100 were transported. A question was asked if Brigham City would still respond if more than one ambulance were required. Chief Mund stated he has begun conversations and they indicated they will.

5. Council members

- a. Robert Beebe
- b. Mike Crossley
- c. Del Fredde- Council member Fredde again noted for the City's benefit the 5 year plans need to be completed.
- d. Josh Braegger – Council member Braegger agreed with Council member Fredde
- e. Michelle Mund

Council member Beebe made a motion to proceed with putting the Dike project out for bid once the plans are completed. The motion was seconded by Council member Braegger and the motion carried.

Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes

Council member Braegger – yes
Council member Mund – yes

City Recorder Teri Fellenz stated she would be on vacation and a discussion was held on if the Council Members have items for the next agenda.

Council member Mund made a motion to cancel the next meeting, seconded by Council member Beebe. The motion carried.

Council member Beebe – yes
Council member Crossley – yes
Council member Fredde – yes

Council member Braegger – yes
Council member Mund – yes

6. Mayor's General Correspondence and Information

7. Adjourn: A motion was made by Council member Beebe to adjourn, seconded by Council member Mund, motion carried. The meeting adjourned at 9:40 p.m.

Minutes were read individually and approved on June 11, 2015.