

Date: June 11, 2015
Time: 6:30 p.m.
Place: Willard City Hall, 80 W 50 S, Willard, UT 84340
Attendance: Mayor Kenneth Braegger (arrived at 7:05 p.m.), Council members Robert Beebe, Del Fredde, Michelle Mund, and Josh Braegger, Recorder Teri Fellenz, City Planner Bryce Wheelwright

Excused: Council member Mike Crossley

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. Eagle Scout project presentations and requests for approval – Jace Wilding and Carter Rose contacted the City Office prior to the meeting and asked to be moved to the June 25, 2015 meeting agenda.
 - 1) Jace Wilding – Signs
 - 2) Carter Rose – Cemetery Project
 - 3) Brandon Flinders – Repair and paint wood bleachers – Brandon Flinders was presented a proposal to repair and paint the wooden bleachers currently located next to the fire station. Brandon stated he would like to do the project for people to have a place to sit during events. He said he would sand and scrape the old boards and replace the ones that are damaged. He stated it would save money and prevent accidents. Brandon stated he would get help from his young men's group and family members. Council member Fredde asked what he needed for tools and supplies. Brandon explained he would need sanders and paint scrapers. Council member Fredde said he would need to have those helping provide the sanders as the City does not have sanders. Brandon stated he wants to have it done before the 4th of July. Council member Fredde instructed Brandon to stay in contact with him on the project. He also suggested help from Scouts and young men's and women's groups with the Rocket Ride and with possibly soliciting donations for fireworks at the park on the night of the 4th to help offset the costs.
- b. UDOT- Dave Asay and Rod Terry- UDOT I-15 Box Elder project information and receive input. Rod Terry of UDOT and also a citizen of Willard is the project manager of the upcoming project named I-15 Box Elder County Lane Gain-Farr West to Brigham City. He explained there will be adding a lane to the middle, working on drainage, and adding auxiliary lanes at the Port of Entry southbound and the Rest Area northbound to help alleviate traffic issues in those two areas. Council member Braegger asked if the Rest Area would remain as it was not on UDOT's list of Rest Areas. Rod stated as far as he knows it is going to remain. Rod also explained there will be less turnarounds through the concrete barriers than before. He presented the cost of the project as \$68,000,000.

Rod went on to explain the schedule. He said advertising would begin in September 2015 with preliminary work beginning in the fall and the major construction would happen starting spring of 2016 and concluding in the fall of 2016. He stated there would be several bridges that would need to be constructed. He stated Dave Asay works with a company that has been hired to help with keeping the public informed on the status of the project. Rod also brought up the maintenance of traffic from SR 126 to Highway 89-91 including during special events such as Peach Days and Utah State University football games. He asked if there were any questions from the Council members.

Council member Beebe stated a light is needed at Main Street (Highway 89) and SR315. A discussion was held on the back up of traffic on SR315 and the dangerous condition that is created when trying to turn north off of SR315 onto Highway 89. Truck traffic was also discussed and the near accidents that many have witnessed. A suggestion was made for a temporary light during the construction. Rod stated they could look into that. Council member Beebe also stated there would need to be access to the Waste Water Treatment Facility throughout the project. Rod stated there has been a noise study done and is available on the website www.udot.utah.gov/I-15boxelder. Contact information was given for Dave Asay for issues that arise throughout the project.

c. 200 West Trail Project – Progress report, discussion of damage by vehicles, discussion of rules and regulations. Council member Beebe stated the trail has been open for 4 weeks and there has already been farm equipment driven over the track and damaged the pavement. He stated on the north end someone couldn't be bothered to go where they have historically crossed and they crushed the asphalt. There will need to be a repair made on it. Council member Beebe stated there has been nearly \$100,000 spent on the project and they need to protect it. There needs to be signs placed along the trail and get people crossing back over where they need to be. He stated he would like the Police Chief to find out who drove out of their field and damaged it and charge them with destruction of City property. He stated they were on City property when they came out with the wagon. Council member Mund asked if he knew who did the damage. Council member Beebe stated he thinks he knows. Chief Loveland stated she would get with him after the meeting.

Council member Beebe stated they need to do something and said he doesn't think signs are going to be adequate. He said they are getting a lot of flak over closing it, but what they are doing is getting them to do exactly what they've done for the last 50 to 100 years. He stated that is the City's property and not the farmers'. He said they need to do something to protect it or open the gates and forget about it. Mayor Pro-tem Fredde asked Chief Loveland about a comment from the last meeting about an ordinance that would be required in order to enforce it. She nodded affirmatively. Mayor Pro-tem Fredde asked City Planner Bryce Wheelwright if he could get the Planning Commission to look at it. Council member Beebe stated they need something now. He said they are destroying it down there. He said they need to figure out a temporary closure, get the signs up, the gates up, rocks in place or we forget about it. Chief Loveland stated the best option would be to put a temporary closure on it. A discussion was held on the crossovers that were put in and Council member Beebe stated they have been put in where they weren't before and they still do what they want. Council

member Mund stated they may need to get the rocks put in place now. A discussion was held on a temporary closure. Council member Beebe stated the only thing they can do is close it at the crossings. A discussion was held on the putting an ordinance in place. Discussion was held on the time for the Planning Commission to draft an ordinance and also that they need to clearly outline what they want enforced, who is going to enforce it and that the Council needs to back whoever is enforcing the ordinance.

7:05 p.m. Mayor Braegger arrived.

Discussion continued on the already broken pavement. Mayor Braegger stated there has been some shouldering, but they didn't do anything to the actual asphalt crossings. Council member Beebe stated they have not been able to get out on it due to the wet conditions. Mayor Braegger stated they can't stop people from crossing where they have access. A discussion was held on them crossing where they don't have access. Council member Beebe again stated they have broken asphalt on the north end, someone has hauled across it and caused a couple thousand dollars of damage already. Discussion was held on the work that has been done and that the damaged was caused by a heavy piece of equipment.

Council member Mund stated they have put a lot of money and effort into the project and they need to protect it. Council member Beebe stated either they do something to protect it or just let what happens, happen. Mayor Braegger stated whatever they do won't be right, but feels they have to do something. Chief Loveland stated they could draft an ordinance that would also cover a continuation of the trail to the south.

Mayor Braegger stated that from personal experience the implements he has are large enough they have to roll up over the trail because the accesses are too narrow. He said shouldering does help. He stated they can't stop someone from accessing their fields, they can restrict things, but they have to let them move in and out of their field. Council member Beebe stated he feels they have done a pretty good job of facilitating that. A discussion was held on developing an ordinance and restricting traffic until the ordinance is developed. The discussion also included fencing, signs and pursuing who damaged the trail. Chief Loveland stated they could pass an executive order for the temporary restrictions and place a time limit. Then draft an ordinance and added that if they are going to develop an ordinance they need to specify what class of penalty the violation will carry and commented that the State Legislature recently decreased the severity of many violations from a Class B misdemeanor to Infractions. City Planner Bryce Wheelwright stated he would work with the City Attorney on an ordinance.

Council member Beebe made a motion to close all north and south movement on the 200 West trail system, restricting east and west movement by the residents with motorized vehicles to the provided crossovers. The motion was seconded by Council member Mund. The motion carried with the following vote:

Council member Beebe – yes
Council member Mund – yes

Council member Braegger – yes
Council member Fredde – yes

d. Discussion of enforcing residents' responsibility to control irrigation runoff to prevent road damage. Council member Beebe then brought up the issue of irrigation runoff and the damage it is creating along the sides of the road. He is not sure how to address it. Council member Mund said it states right in the letter from the irrigation company they are responsible for controlling the run-off. Maintenance Supervisor Doug Thompson stated that with the reclassification from rural to an urban area and the new storm water regulations, it will be an issue. Mayor Braegger stated they could vote to go with pressurized irrigation and that would take care of it. Chief Loveland stated there is an ordinance in place and it states they could be liable for damages. A discussion was held that the City in past encouraged grass up to the side of the road to keep it from eroding. Council member Braegger stated that with the new MS4 requirements they will need to enforce it and ordinance will be drafted to include the enforcement. Chief Loveland again noted there is an ordinance in place. Council member Beebe asked who enforces the ordinance. A discussion was held on drafting a letter to send to the individual and the irrigation company and then charging them for the damage. Chief Loveland stated she will get with UDOT to see how they want to handle it along Highway 89. Doug Thompson stated it is not only the damage, he is concerned about the City's liability with the MS4 reporting.

Mayor Bragger stated the City Council needs to decide if they want Willard to be a rural area or a suburb. Additional discussion was held on particular areas where it has been an issue and what can be done to educate residents. A request was made to put a reminder in the newsletter and drafting a letter for violators they may be held liable for damages.

e. Planning Commission – City Planner Bryce Wheelwright explained the Planning Commission is working on a revised map to go with the proposed changes to the General Plan. He also reported the Planning Commission has asked about the possibility of placing time limits on the approved development if it is changed. Mayor Braegger stated at this time it has not changed. He stated if they do change they could at that time.

7:40 PUBLIC HEARING TO HEAR PUBLIC COMMENT ON:

Proposed changes to section 12-000 General Plan of the Willard City Zoning Ordinance.

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. and setting the requirements.

City Planner Bryce Wheelwright presented the proposed changes to General Plan and the explained the changes to the Sections 12-102-3 and 12-111-4 for infill subdivisions. He explained the area affected is 300 N to 300 S and 300 E to 200 W. He stated in this

area there were several lots that were 185 ft. wide and 1 acre in area. They are not able to be subdivided because of the required 100 ft. frontage. The lots then become eyesores because the property owners are unable to take care of the total 1 acre parcel. They would still be required to meet the area and other requirements of the subdivision ordinance. Bryce stated there are approximately 15-20 lots that could fall into this situation.

Mayor Braegger opened the floor for public comment. No public comment was received.

Council member Mund made a motion to close the public hearing, seconded by Council member Braegger. The motion carried.

***Council member Beebe – yes
Council member Mund – yes***

***Council member Braegger – yes
Council member Fredde – yes***

The public hearing was closed at 7:48 p.m.

1) Consideration of Ordinance 15-A Approving proposed changes to section 12-000 General Plan of the Willard City Zoning Ordinance.

Mayor Braegger asked if there were any comments. Council member Fredde referred to page 7 of the General Plan. After some discussion it was discovered the version he was referring to was an old version and the newer version did not have the item he had a question on. There was no additional comment from the Council members.

Council member Braegger made a motion to approve Ordinance 15-A and the proposed changes to the General Plan. The motion was seconded by Council member Mund. The motion carried with the following vote:

***Council member Beebe – yes
Council member Mund – yes***

***Council member Braegger – yes
Council member Fredde – yes***

2) Consideration of Ordinance 15-B Approving 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. and setting the requirements.

Council member Fredde made a motion to approve Ordinance 15-B and the proposed changes to Section 12-102-3 and 12-111-4 of the Willard City Zoning Ordinance. The motion was seconded by Council member Beebe. The motion carried.

***Council member Beebe – yes
Council member Mund – yes***

***Council member Braegger – yes
Council member Fredde – yes***

f. Approval of minutes: The minutes of the May 14, 2015 meeting were individually reviewed.

Council member Mund made a motion to approve the minutes as written, seconded by Council member Braegger. The vote was unanimous

g. 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 the proposed 2015-16 Fiscal Year Budget.

Mayor Braegger opened the public hearing. No public comment was received.

Council member Beebe made a motion to close the public hearing, seconded by Council member Mund. The motion carried and the public hearing closed at 8:05 p.m.

4) Discussion and possible decision to proceed with Truth in taxation for 2015-2016 Fiscal year Budget. A brief discussion was held.

Council member Mund made a motion to proceed with Truth in Taxation for the 2015-16 fiscal year.

4. Department Reports

a. Maintenance Department – Council member Beebe stated the department needed a new weed eater and also reported the tractor is in for repair. They use the tractor to cut the weeds alongside the city streets. A discussion was held on renting. He will look into the cost.

b. Police Department – Chief Loveland presented a report on the calls for the department in May. She stated there were 77 calls and it was a busy month. She reported the calls included 3 reports of child abuse, 1 sexting case, auto theft, burglary, and dog bites. She also reported they are monitoring the RV trailer park more closely to insure compliance with the ordinance and their conditional use permit.

c. Fire Department

1) Review of Updated Agreement with Box Elder County to provide fire protection to unincorporated area. – Chief Van Mund presented the attached Interlocal Agreement with the proposed changes in red. He asked the Council members to review it. He stated it will be on the next agenda for approval

Chief Mund then reported the active 911 phone app is up and running and the cost is \$400 instead of the approved \$800. He requested the unused portion plus a small amount of restricted funds be added to it to purchase 4 pair of binoculars at \$140 each.

Council member Mund made a motion to approve the purchase of 4 pair of binoculars at \$140 each, seconded by Council member Fredde. The motion carried.

Council member Beebe – yes
Council member Mund – yes

Council member Braegger – yes
Council member Fredde – yes

Chief Mund then presented the attached information regarding the possibility of Willard City providing ambulance service. He explained the estimated revenues and expenditures are based on the calls and transports in 2014. Discussion was held on billing, collections, scheduling of personnel. Mayor Braegger stated he felt it was a great way to generate some revenue. The key is to decide and it will take 2 months to submit and get approval from the Bureau of EMS and then work on a vehicle, billing. Billing was again discussed and that bills for the service need to be submitted within 24 hours after the call. Chief Mund recommended it be on the next agenda so they could decide and if they approve get the paperwork into the State.

Council member Beebe made a motion to go into a closed session to discuss pending litigation. The motion was seconded by Council member Mund and the motion carried.

Council member Beebe – yes
Council member Mund – yes

Council member Braegger – yes
Council member Fredde – yes

At 8:55 p.m. Mayor Braegger, Council members Fredde, Braegger, Beebe, and Mund, City Planner Bryce Wheelwright and City Recorder Teri Fellenz adjourned to the main office for the closed session.

Council member Beebe made a motion to resume the regular meeting, seconded by Council member Mund and the motion carried.

Council member Beebe – yes
Council member Mund – yes

Council member Braegger – yes
Council member Fredde – yes

The regular meeting resumed at 9:10 p.m.

5. Council members

- a. Robert Beebe
- b. Mike Crossley
- c. Del Fredde

1) East Park – Safety Concern – Council member Fredde reported a safety concern of two bikes coming down the hill on the north end of the park into the road. A discussion was held of possible options to help alleviate it. Some created their own safety issues. They will look at what might be done.

2) 4th of July Report – Council member Fredde asked that the Council member again help with the Rocket Ride. They also discussed fireworks and he explained they have asked for donations this year and would like to have them pass a boot or helmet around on the night of the 4th to get donations.

3) Sewer Bond Refinance report. Council member Fredde explained they Sewer Bond refinance. He stated they were asked by the Division of Water Quality Board if they would be back in 3 years to make changes. Council member Fredde said they responded they did not know. They approved the refinance.

- d. Josh Braegger – Council member Braegger requested approval of \$395 for the purchase of a new weed eater.

Council member Beebe made a motion to approve \$395 for the purchase. The motion was seconded by Council member Braegger. The motion carried.

***Council member Beebe – yes
Council member Mund – yes***

***Council member Braegger – yes
Council member Fredde – yes***

1) Willard Creek Nature Park and Debris Basin – Council member Braegger reported they have received 2 bids for the removal of material and grading.

Council member Braegger also reported on the MS-4 Storm Water Plan, reporting, and ordinance that will need to be put into place.

e. Michelle Mund

6. Mayor’s General Correspondence and Information – A question was asked about the second meeting in July which is to be held on the 23rd and the Pioneer Day holiday is on Friday the 24th. A brief discussion was held.

Council member Beebe made a motion to cancel the meeting on the 23rd of July. The motion was seconded by Council member Mund and the vote was unanimous

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

Minutes were read individually and approved on June 25, 2015.