

Date: March 24, 2016
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, Mike Crossley, Josh Braegger, and Jared Profaizer; City 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.)

Ryan Tingey – Brigham City, former Willard. Stated first that he appreciates all the Council members do. He stated his comments are on the first addendum to the interlocal agreement and feels there are some items that need to be reconsidered and would like to point out a few items.

He stated he doesn't have a problem with the board members serving their 2-year term and can be reappointed by their respective cities. He stated it should be very clear and feels paid employees should not be part of the sewer board. He stated he thinks it is an extreme conflict of interest and they should be non-paid employees and could go as far as saying it should be City Council members on the board. It should be a citizens committee, very objective recommending body where everything is still brought before both councils. Ryan said as far as the chairperson, it was agreed it would be mutually agreed by both communities and that would be the chair. He said the chair needs to be a non-biased person and feels the Sewer Board should not be making the recommendations for the chair. He feels the term should also be 5 years to go with the permitting and feels they should consider changing it in the agreement.

Ryan continued saying he has issues they are giving up charging for flows and going with percentage of ownership. He stated he has been on the phone with Jerry, Rod and with every person involved with creating this document. He stated he takes full responsibility and said he and Jerry should have been more specific when drafting the original agreement that after 24 months it would go to flows. He stated obviously we gave Perry a big cush. They had a lot of infiltration and they were going off the percentages to begin with. He said he then went to the Commission and realizes he should have made it clearer.

Ryan then addressed the \$800,000 in grant money and said he called Jerry and asked him what they spent that money on. He said Jerry told him they were on the final phases of the treatment facility and they turned over the \$800,000 and said they didn't even have enough money to completely do their portion of the Vac truck and Jerry said he thinks Willard paid the majority of the Vac truck. He said we have in here the \$400,000 benefit from the grant to half of the \$800,000, because both cities benefited from that \$800,000. He stated that

was a full \$800,000 because we were purchasing 5% in ownership and that was the cost at the time and they used that money because the State wouldn't give them anymore. That was a pretty big favor Willard did for them. He said as far as them getting their 5% back, he understands that Willard will never use 34% and said he doesn't necessarily agree with that. He addressed Mayor Braegger and said I think the Mayor has been in discussion with South Willard and you know Valley is getting ready to move forward. He said we're trying to work out the logistics of that. He said he has talked with the Citizen's Committee, the County is ready to make this petition to the City. So if they did petition the City and you accepted the petition for annexation, there will be just as many rooftops in Willard City, not including the subdivision coming in, as in Perry. He said if we look at this in the big picture in 5-10 years this City is going to be back begging to buy more ownership in that plant after they give up 5% and the City is going to pay more than \$800,000 for 5%. He knows they are talking about the 66% they have been paying since 2010, and the flows are currently at 75/25 and 14% is benefiting Perry City and even at 34% Willard is paying 9% of treatment of Perry's waste. He stated if this is a fair compromise it is only fair for Perry. He said he talked to Rod and knows he hasn't been involved he said he feels the original was fair and knows there were some shades of gray in it. He said they probably can't make a motion on it tonight and is glad because he knows Rod and Jerry would like to be able to speak with them. He feels they need to hold a public hearing. He stated every citizen is an owner in that facility and would like them to have an opportunity to comment on it. It will define our future. He stated he would love to have a meeting with them and appreciates all they do.

Michelle Mund – Stated her concern with a deal of \$800,000 and 5% back to Perry. She stated we gave them \$800,000 to bail them out because they didn't have the money and now they want 5% back and she is going to ask them a question they need to look at before they make a decision and that is what do they stand to gain as the people of Willard? And she agrees with Ryan that this is our future. She said down the road they will spend more than \$800,000 to get that 5% back. She said #2 she thinks this is something she feels the public needs to be aware of. She stated she feels they would not like this happening without their input because they have been reading the newspaper for months and they know Perry and Willard are at odds over this sewer system and it looks as if we are bowing down to the wishes of Perry and they are going to benefit from it and we are not. She said unless things have changed since she was on the Council, she believes Perry does what's good for Perry and she would like to see the Willard City Council do what is good for Willard. She said they need to look at what Willard has to gain. She added she would like to see the two cities get along. She said the big issue when she left was the flow meters and that was the argument they didn't want to pay their fair share and she is going to stand with Ryan on that. They are not paying their fair share. They haven't from the start. We didn't get the population in Willard we thought we were going to get and we have been paying 7-9% of their waste. She does not see the benefit for Willard and that is what she wants. She would like for us. She discussed the talk about arbitration and going to flows which was the original intent.

Michelle then addressed the idea of the 4th of July Fireworks at the Bay. She stated she is opposed. She said many residents are able to sit at their homes and see the fireworks from up on the park. She stated there are older that aren't able to or won't go down to the bay and won't be able to participate in what has been very traditional in Willard. She stated that is one thing the people in Willard won't give up. She said she feels the people will say you raised our taxes, our water rates and our sewer rates, we want the fireworks on our own park.

Mayor Braegger explained there are some concerns of residents north of the park with the

sparks coming off the fireworks. They do have discussions with those citizens every year. He stated they need to come up with something and maybe able to speak with the property owner east of the park. He stated there are issues and liability issues. Michelle stated they have faith in the Fire Department and is in favor of keeping in town as long as possible. Mayor Braegger expressed the need for people to step up and volunteer or the fireworks may be the only thing happening. Council member Fredde stated they will need to go out and solicit volunteers. Having done it for a number of years, people don't volunteer unless they are asked. Council member Profaizer stated the reason Willard Bay became an option is they approached the City with an offer to cover part of the costs and cutting costs is intriguing to the Council. Michelle stated she appreciates all they do.

3. Business

- a. *Consideration of Resolution 2016-8 APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT, PRESENTED TO THE WILLARD CITY COUNCIL ON MARCH 24, 2016, TO THE INTERLOCAL COOPERATION AGREEMENT DATED FEBRUARY 28, 2008.

Council member Beebe made a motion to table consideration of this item, seconded by Council member Fredde. The motion carried.

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

- b. Consideration of Resolution 2016-6 A RESOLUTION APPOINTING ROBERT LUND AS THE JOINTLY APPROVED FIFTH MEMBER OF WILLARD CITY WASTEWATER TREATMENT FACILITY.

Council member Fredde made a motion to table consideration of this item, seconded by Council member Beebe. The motion carried.

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

- c. Consideration of Resolution 2016-7 APPROVAL OF THE WILLARD CITY EMERGENCY OPERATIONS PLAN – The attached final plan was submitted for approval by the Council.

Council member Fredde made a motion to approve Resolution 2016-7. The motion was seconded by Council member Braegger and the motion carried.

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

- d. Discussion on the Storm Drain Management Plan development. Public Works Supervisor Doug Thompson asked what the Council is looking at in regards to a Storm Drain Management Plan that is due July 1, 2016. Council member Braegger stated the Flood Control Board is working with the County to develop the plan with Jones & Associates.

- e. Planning Commission Report – City Planner Bryce Wheelwright reported on the following projects:

Jared Erikson has submitted a packed for a rezone of the property on the northwest portion of the City owned by the Kunzler family for a Planned Development consisting of 128 lots.

He reported there needs to be something done with the water situation. He stated he has been working with BRAG on a study to see if the City would be able to qualify for a grant that would require a 25% match.

Bryce then reported Guy Isakson has submitted a request for rezone on a parcel of property at 1050 N and approx. 200 W from A-5 to R-1.

Bryce stated he is working on a grant that will provide signs for the trail on 200 West including a kiosk. A discussion was held on repairs required due to the accident where an individual drove through the gates. The claim has been submitted.

He then reported the Planning Commission is again trying to get the Nuisance Ordinance finalized and ready for Council approval.

- f. Approval of minutes: The minutes of the March 10, 2016, meeting were individually reviewed.

Council member Fredde made a motion to approve the minutes as written, seconded by Council member Profaizer. The motion carried with a unanimous vote.

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

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

4. Department Reports

- a. Maintenance Department – Council member Beebe reported Doug Thompson was able to purchase a drain pan for the Fire Department from an individual and saved hundreds of dollars for the City. Council member Crossley asked about Val Kotter trucks they have seen. Council member Fredde stated they are the company working on the sewer lines and reported thing are looking good. He stated he has received a couple of phone calls about the City paying someone to do it when they own a Vac truck. It was noted there are several other factors involved, including the equipment and ability to camera the lines.
- b. Police Department – Chief Loveland advised the Council to look at the water situation now. She stated she would be upset as a citizen if they allow the new homes and then ration water to existing residents.
- c. Fire Department – Chief Mund reported on ongoing training for drivers and aerial operation.

5. Council members

- a. Robert Beebe – Stated there needs to be a closed session to discuss the interlocal agreement. He also stated they need to look into more why the City Engineer agreed to grades higher than approved by the Council.
- b. Mike Crossley
- c. Del Fredde – Council member Fredde discussed the additional NIMS classes required and would like to have the County Emergency Manager teach the 2 required classes. Judy Loveland will look into setting something up.
- d. Josh Braegger
 - 1) Willard Creek Nature Park and Debris Basin – Review of and request for approval of Change Order for Staker Parsons for:
 - Bridge Installation: \$28,630.00
 - Additional work on low-level outlet: \$11,165.00
 - Concrete seepage ring on fishing pond outlet: \$1,100.00
 - Hauling and installation of clay liner: \$68,895.75
 Total increase in contract of \$109,790.75.

Council member Braegger presented the revision to the contract and explained the additional work.

Council member Beebe made a motion to approve the change order in the amount of \$109,790.75 for the Debris Basin project. The motion was seconded by Council member Crossley. The motion carried.

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

Council member Braegger then made a motion to approve up to \$35,000 for the road base. The motion was seconded by Council member Beebe and the motion carried.

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

Council member Braegger asked if the rocks had been placed along the 200 W trail to detour prohibited vehicle traffic. It was noted they had not. He also asked about the drinking fountain and Mayor Braegger stated it is not yet complete.

- e. Jared Profaizer – Council member Profaizer reported he and Doug Thompson visited Buena Vista Water District to look at the telemetry they are using. He will be looking at budgetary numbers.

6. Mayor's General Correspondence and Information – Eric Householder from Granite Ridge was present and made a request for the Council to look at the charge for industrial or hydrant meter charges he presented the rates from surrounding communities and the highest is \$7 per 1000 gallons compared to the Willard rate of \$25 per thousand. He stated

Granite Construction was given a \$7 per thousand rate during a prior meeting he attended and he asked for the same rate. Mayor Braegger explained their application is a permanent meter and involves infrastructure. He stated there hydrant meters are charged \$25 per thousand and there is currently another rental where that rate is being charged. Any change would need to be changed by a resolution.

Council member Crossley made a motion to go into a closed session to discuss pending litigation. The motion was seconded by Council member Beebe. The motion carried. The vote was as follows:

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

The members of the public left the Council chambers and Mayor Braegger, Council members Beebe, Braegger, Crossley, Crossley, Fredde and Profaizer, City Attorney Kevin McGaha and Recorder Teri Fellenz remained for the closed session which began at 7:15 p.m.

Council member Crossley made a motion to adjourn the closed session, seconded by Council member Fredde. The motion carried and the closed session adjourned at 8:59 p.m.

Council member Fredde made a motion to resume the regular meeting, seconded by Council member Crossley. The motion carried.

Mayor Braegger discussed the idea of having Founder’s Day activities at the Willard Bay State park. A discussion was held on previous year’s activities and the possibility of contacting Clyde Westley to help organize the event. Discussion was also held on the 4th of July and possible volunteers and participation in the Patriotic Program.

7. Adjourn: a motion was made by Council member Profaizer to adjourn, seconded by Council member Crossley, motion carried. The meeting adjourned at 9:08 p.m.

Minutes were read individually and approved on April 27, 2016.