

Date: November 14, 2019
Time: 6:30 p.m.
Place: Willard City Hall, 80 W 50 S, Willard, UT 84340
Attendance: Mayor Kenneth Braegger, Council members Josh Braegger, Jared Profaizer Del Fredde, Mike Crossley, and Brad Robb; City Recorder Teri Fellenz, City Planner Bryce Wheelwright, City Attorney Colt Mund

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.) No public comment was received.

3. Business

- a. Child Richards CPAs & Advisors - Presentation of the 2018-19 Fiscal Year Audit – Ryan Child of Child, Richards CPAs and Advisors presented the results of the 2018-19 Fiscal year audit. He stated they gave an unqualified opinion and there is a clean financial statement. He reviewed balances of the funds and stated there is only one finding which is a General Fund Balance in excess of 25% of the fund revenues. The corrective action is to spend the excess or transfer it to a Capital Improvements Fund. He asked if there were any questions and stated they enjoyed working with the staff.
- b. Abdiel Vazquez - American Democracy Project Chair, Weber State College Republicans Vice Chair Weber State University- Request for consideration of Resolution 2019-19 **A RESOLUTION REQUESTING CONTACT INFORMATION ON MUNICIPAL ELECTED OFFICIALS BE INCLUDED ON THE WILLARD CITY WEBSITE** – Abdiel Vazquez introduced himself and explained he is currently attending Weber State University and the requirements of one of the classes is to present a resolution to the City Council for approval. He stated he felt it is important for the citizens to know who their Council Members are and how to contact them. He presented Resolution 2019-19.

Council member Profaizer stated he felt the best place to approach Council members and find out what is going on is for citizens to come to a City Council meeting. Council member Robb stated that he worked with Abe on the resolution for the past month and not everyone is available to make it to the City Council meeting. He stated they discussed putting the Council members names, phone number and email address. Council member Fredde stated he felt it was a good thing to have. Kaleb Kunzler suggested an email managed by the City that is trackable or they could contact the City Office.

Council member Robb stated he disagrees and feels they are public officials and the public should be able to access their elected officials. A discussion was held on

issues with giving out personal cell phones and email numbers and the possibility of passing the resolution and adding Council members names and determine what contact information can be made available.

Abdiel also explained he works for Congressman Rob Bishop and how contact information is available through that office.

Council member Robb made a motion to approve Resolution 2019-19, seconded by Council member Fredde. The motion carried with the following vote.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

c. Planning Commission

- 1) Public comment and presentation on any written comment and discussion on of disposal a parcel of real property located at approximately 40 N 100 E, Parcel 02-048-0060 (.07 acres). City Planner Bryce Wheelwright explained there was a public comment period posted and they have not received any written comment regarding the parcel of property the City Council is considering for disposal. Mayor Braegger gave the audience an opportunity to give comment. No comment was received. City Attorney Colt Mund explained they will need to present a resolution and the State Code also states the disposal of a “significant parcel” of property requires a public hearing. Because there is not a definition of a significant parcel in the Willard City Ordinance a public hearing will also be noticed for the next meeting.
- 2) Jared Erickson/Sam Kunzler – Presentation of revised concept plan and request to accept the concept changes. Jared Erickson presented the attached revised plan for the proposed Planned Development. He explained the school was moved to the west side and the revised the density with a 24 unit increase. He also explained the lane that has been in question to access properties west of the development will be a recorded easement. Mayor Braegger explained he likes the plan and asked what happens if the school is not interested in the property. Jared stated there would be trails and a boardwalk and the particulars could be incorporated into the development agreement.

Council member Profaizer asked if the road lines up with 100 W. as shown on the Master Road Plan. Jared Erickson stated it does line up. Jared Erickson stated there are a lot of town homes which he feels is a better plan. Mayor Braegger explained the Holmes property is shown on the plan, but is not part of the development. Jared Erickson stated it was just to show the potential of the Holmes property.

Council member Crossley made a motion to approve the revised concept plan, seconded by Council member Profaizer. The motion carried.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

- 3) Bryce Wheelwright - Presentation and discussion of a proposed revision to Ordinance 12-400 Subdivision Ordinance allowing a waiver of curb and gutter. City Planner Bryce Wheelwright presented the attached proposed ordinance. He explained there are issues with minor subdivisions and areas where curb and gutter didn't make sense. The Planning Commission worked on the Old Town Willard Ordinance that was approved a few months ago.

The Planning Commission was then requested by property owners to look at the City as a whole. The previous City Attorney and Planning Commission created an ordinance that if a property meets certain criteria it would be a solution to the problem. Bryce stated he was not sure that it would and asked City Attorney Colt Mund to comment. Attorney Mund stated he spoke with Attorney Mike Christiansen in his office about allowing waivers of curb and gutter on a general level. They both offer the same opinion that there should not be modification to the ordinance to allow a waiver.

Council member Braegger stated the Flood Control Board is looking at the Storm Water Protection Plans and the State seems to be moving away from curb and gutter and to natural drainage areas for the water to dissipate. Colt stated he is not familiar with the State storm water plans and stated that anything considered on a case by case basis opens up the Council for arbitrary decisions. No curb and gutter is a City Council decision, but the current ordinance requires it.

Council member Profazer stated they should not make any changes until they have an understanding of what the State requirements are and the direction they are moving. Mayor Braegger explained having curb and gutter makes a defined line of property. He explained the issues of residents encroaching on the right-of-way with landscaping and yard art. He also explained areas where they currently have the natural drainage areas, the ditches in the right-of-way have been filled up and the drain pipes under the driveways have not been installed causing more problems. He stated it is an issue they have been dealing with and feels they should stick with curb and gutter. He stated if they delay then it becomes a city problem. Mayor Braegger also stated the east-west streets on the east side need to have something done. The sides of the streets wash out each time there is a rain storm. He stated they may need to just form a SSID and do a curb and gutter project. More discussion was held on the need to have developers put in the curb and gutter and not have an ordinance where they consider it on a case by case basis. Council member Fredde explained he felt they need to stick with curb and gutter.

City Attorney Mund stated the Planning Commission should explore it further and it is his opinion it is not a wise decision to go further with the ordinance and felt the time could be spent better elsewhere. The Council agreed.

- 4) Update on Planning Commission Vacancies – City Planner Bryce Wheelwright stated he sent a list of names to the Council members to fill 2 vacancies. The Council asked if any of them had been contacted. City Planner Bryce Wheelwright stated they have not. Mayor Braegger stated he will start contacting the individuals to see if they are interested.

- d. Discussion and consideration of Ordinance 2019-E **AN ORDINANCE AMENDING TITLE THREE OF THE WILLARD CITY GENERAL ORDINANCE TO CREATE AND DEFINE THE POSITION OF CITY MANAGER** –The attached ordinance was presented for approval delegating some of the powers of the Mayor and Council to a City Manager. Council member Profaizer stated he feels the position will be needed more and more as the City grows.

Council member Profaizer made a motion to approve Ordinance 2019-B. The motion was seconded by Council member Robb and the motion carried.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

- e. Approval of Minutes – The minutes of the October 24, 2019, Work Session and the October 24, 2019 Regular meeting, were individually reviewed.

Council member Crossley made a motion to approve the minutes as written, seconded by Council member Braegger. The motion carried.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

- f. 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 – Supervisor Doug Thompson reported the contractor is progressing on the new water tank and the lid should be poured in the next week.
 - 1) Purchase approvals
- b. Police Department
 - 1) Purchase approvals
- c. Fire Department
 - 1) Purchase approvals

5. Council members

- a. Mike Crossley
- b. Del Fredde – Council member Fredde reported he appreciates the way the community is coming together to help Bill Clausen who lost his house in a fire.
- c. Josh Braegger – Council member Braegger reported the Flood Control Board has curb and gutter on the east side streets on the projects list. A discussion was held on getting in contact with Matt or Stan of Jones and Associates on future storm water and curb and gutter projects.
- d. Jared Profaizer
- e. Brad Robb – Stated they may need to plan a special meeting to review and approve the plumbing and block portions of the restroom construction for the Nature Park.

6. Mayor's General Correspondence and Information-Mayor Braegger reminded everyone of the annual Christmas Party on December 4th.

7. Closed Session – To discuss the sale/disposal of real property and to discuss pending litigation.

Council member Crossley made a motion to go into a closed session to discuss the sale/disposal of real property and to discuss pending litigation. The motion was seconded by Council member Robb. The motion carried.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

Mayor Braegger, Council members Robb, Braegger, Crossley, Profaizer, and Fredde, City Attorney Colt Mund, and City Recorder Teri Fellenz adjourned to the main office at 7:35 for the closed session.

At 7:41 Attorney Mund left and Attorney Chris Davis joined the others in the closed session.

Council member Crossley made a motion to adjourn the closed session and resume the regular City Council meeting. The motion was seconded by Council member Profaizer and the regular meeting resumed at 8:00 p.m.

***Council member Robb – yes
Council member Crossley- yes
Council member Fredde – yes***

***Council member Braegger – yes
Council member Profaizer – yes***

Mayor Braegger then allowed a presentation by an individual for an Eagle Scout Project. The plan is to widen a trail at the North East corner of the Willard Nature Park to connect it and keep it off of the road. The Council agreed it was a good idea and no City funds are required.

- 8. Adjourn: Council member Robb made a motion to adjourn the meeting, seconded by Council member Braegger. The motion carried with a unanimous vote and the meeting adjourned at 8:05 p.m.**

Minutes were read individually and approved on December 12, 2019.