

WILLARD CITY CORPORATION – CITY COUNCIL

The City Council of Willard City met in **Special Meeting**, on December 22, 2020, at 6:30 p.m. in the Council Chambers of the Willard City Offices, located at 80 West 50 South, Willard, UT 84340.

Present: Kenneth Braegger, Mayor
John Seamons, Council Member
Josh Braegger, Council Member
Kaleb Kunzler, Council Member
Brad Robb, Council Member
Fred Ward, Council Member

Also Present: Chris Davis, City Manager
Theron Fielding, Police Chief
Bryce Wheelwright, City Planner
Doug Thompson, Public Works Supervisor
Teri Fellenz, City Recorder
Gaylene Nebeker, Deputy City Recorder
Michelle Snarr

Others in Attendance: Shane Taggart, Jones & Associates, Zach Burk, Jones & Associates, Chad Mitchell, Marilyn Mitchell, Maurice Roache, Schott Christensen, Guy Isakson, Tammy Isakson, Carl Dilg, Rebecca Dilg, Jared Rice, David Wheatley, Fred Barker, Debbie Barker, Kent Nebeker, Alex Nebeker, Travis Wells, Lindsey Wells, Boyd Ricks

Call to Order

Mayor Braegger called the meeting to order at 6:30 p.m.

- a. Invocation
The invocation was offered by Council Member Robb.
- b. Pledge of Allegiance

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.)

Carl Dilg, 50 West 1075 North

Mr. Dilg indicated he would like to comment on the first agenda item (200 West Extension from Perry City to 750 North Using UDOT Grant Funds). He said he was concerned with increased traffic at 75 North, which was a private lane owned by four private owners. He reiterated when the proposed road would go through, it would increase traffic. He went on to say the city used the lane and has not done any upkeep on the lane. In addition, he had concerns there were still homes on 1050 North, and they do not have access to the private lane. He hoped his concerns would be taken into consideration and something would be done to mitigate the issues with the runoff with the state and the city.

Business

Presentation by Shane Taggart, Jones & Associates, Regarding the 200 West Extension from Perry City to 750 North Using UDOT Grant Funds

Mr. Shane Taggart, Jones & Associates, addressed the Mayor and the Council. He was present to discuss a portion of the extension of 200 West, which is currently being constructed in Perry City. He explained that Perry City obtained some federal funding to proceed with the road and through that process, it was determined there would be extra funding through UDOT. After it was determined there would be extra

funding, discussion came up to extend the road from Perry City to 750 West. He stated the funds were awarded if Willard City wanted to extend the road to 750 West.

After that determination, Jones & Associates were ask to do an environmental assessment. He noted that the assessment fell into a Category Exclusion Document and one of the requirement was to meet in front of the City Council and give the residence the opportunity to come to Council meeting. Mr. Taggart indicated there would be 750 feet of roadway and it would have 26 feet of asphalt with the funding that had been awarded.

Mr. Taggart explained the initial investigation showed minimal impacts in regard to wetland, flood plains and endangered species.

Council Member Ward inquired if 26 feet for a road was standard. Mr. Taggart indicated it was not; it was small. There would not be any utilities, curb or gutter as a part of the project; however, it would allow traffic to maneuver. He went on to say if the road expanded, there was an area outside the 26 feet to add utilities, curb and gutter.

Mr. Taggart presented the Council with a map and cross section of the proposed extension (material attached to the record herewith). The second page, the cross section, was the proposal - the bottom cross section, which was 26 feet with a shoulder and swells on each side of the road. He went on to say, in the future, the middle cross section, would be 40 feet from back to back of the curb.

Council Member Ward questioned how far it would be from the shoulder to the existing trail path. Mr. Burk, Jones & Associates, said they know the trials runs along there and it would run along the centerline of the road way. However, they do not know the exact distance. Their goal was to straighten the alignment and asphalt trail. The distance would vary.

Council Member Ward inquired if the funding was a grant. Mr. Taggart explained that Perry received the funds as a Federal WFRC grant. However, there was a process that entities could convert the funds over to state funds and that grant was awarded to Willard City. He noted it took out the federal requirements and there was a small cost to convert the funds. Mr. Taggart explained Perry City was allotted over a million dollars, and their cost was approximately \$400,000 to \$500,000. He noted there was a criteria that Perry City had to use it for streets. Therefore, it was proposed to UDOT that Willard City could extend the road to 750 North which was a state road, and the state allowed them do that. He added that one of the requirements was for Willard City to have an interlocal agreement with Perry City.

Council Member Ward clarified the city would not be working under a grant. Mr. Taggart indicated the city would not; however, the city would be responsible for the 10 percent of the improvements.

Mayor Braegger indicated the reason for inviting everyone to the meeting was to listen to their concerns.

Mr. Davis apologized for getting the letter to the residents in the area with late notice of the meeting. He went on to say, tonight would not be the only conversation the City would have with them. He explained that last Friday, Mayor Braegger, Zach Berk, Doug Thompson and he drove the corridor to figure out the concerns with the proposed extension. He stated that they recognize there are a lot of issues with each of the property owners, and they would also meet with each property owner individually.

Mr. Davis explained at this point there are no plans. They hope there would be 26 feet of asphalt; however, they don't know as of yet because the Perry City project was not completed. He went on to explain, the idea behind the swells was some of the property owners want some of the water but not all of it and some of the property owners done want any of it. He said they realize there are other issues and recognize there was an irrigation system that crossed the road.

Mr. Davis said the idea of tonight's discussion was to give the property owners an indication of what the project scope would be to get the road down to 750 North. He noted it would eventually look like Perry City, and the thought, initially in talking with Mr. Taggart, was the speed limit would be 25 mph. Furthermore, there have been comments made about how much weight could go on the road. Mr. Burk explained the cross section was only showing 3 inches of asphalt; there would not be any gravel trucks going down the road.

Mr. Taggart said the first thing that would happen, if the Council approved the resolution, was they would survey the property and Staker Parsons would be the contractor. They have said they would continue to honor the price with the Perry City contract. Additionally, all other work would be approved by Willard City as well and any change orders would be approved by both entities. It was noted that the project had to be completed by the end of June.

Mayor Braegger reiterated the City would be contacting each property owner individually.

Consideration of Resolution No. 2020-22 Approving an Interlocal Agreement By and Between Perry City and Willard City for Roadway Connection Project

Mr. Davis explained that Mr. Mund was not been able to be at the meeting; however, he did read the interlocal agreement; and he approved it.

Council Member Ward said he would feel better about the proposed extension if he knew the cost to the City. Mayor Braegger indicated the maximum cost could be \$90,000 to the city. Council Member Ward inquired if the funds came up short, would Willard City be responsible for 100 percent of the remaining cost. Mr. Taggart explained based on where Perry City's numbers were coming in, that was how they came up with the 26 feet of asphalt.

Council Member Kunzler said if the City came up short, they could go as far as they had funding and make a decision from there. Mr. Taggart added that Perry City's project included curb, gutter, storm drain, concrete work, etc. and the road width was 80 feet with 4 inches of asphalt.

Council Member Ward questioned if Willard City would be required to go the entire way to 750 North. Mayor Braegger indicated the city would not. If the road didn't go all the way through to 750 North, it would not have public access. They would probably have to gate off the road (the road extension would start on the Perry boundary and go toward 750 North).

Motion: Council Member Seamons moved to approve Resolution No. 2020-22 Approving an Interlocal Agreement By and Between Perry City and Willard City for Roadway Connection Project. Council Member Robb seconded the motion. Council Members voting aye: Kunzler, Robb, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Consideration of Resolution No. 2020-23 Specifying Child Richards CPAs and Advisors Authorized Access for the City Banking Accounts

Mayor Bragger explained that Child Richards CPAs and Advisors had been hired to be the City Treasure. Mrs. Fellenz added in order to add the firm to the city's bank accounts, the city had to adopt it by resolution. She went on to say by adopting the proposed resolution, it would give the firm access to transfer funds to and from the city's bank account and PTIF account.

Motion: Council Member Robb moved to approve Resolution No. 2020-23 Specifying Child Richards CPAs and Advisors Authorized Access for the City Banking Accounts. Council Member

seconded the motion. Council Members voting aye: Kunzler, Robb, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Consideration of Resolution No. 2020-24 Appointing Authorized Individuals to Add/Delete, or Make Changes to the Bank Accounts Tied to the Public Treasurer's Investment Fund Accounts, Open or Close PTIF Accounts and Execute Necessary Forms in Connection with Such Changes on Behalf of Willard City Corporation

Mrs. Fellenz explained the PTIF account was the Public Treasures Investment Fund account, and the resolution adds/deletes authorized individuals. It would remove herself and add Mr. Davis, Child Richards, and Ms. Snarr as authorized individuals.

Motion Council Member Kunzler moved to approve Resolution No. 2020-24 Appointing Authorized Individuals to Add/Delete, or Make Changes to the Bank Accounts Tied to the Public Treasurer's Investment Fund Accounts, Open or Close PTIF Accounts and Execute Necessary Forms in Connection with Such Changes on Behalf of Willard City Corporation. Council Member Robb seconded the motion. Council Members voting aye: Kunzler, Robb, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Consideration of Resolution No. 2020-25 Honoring Teri Fellenz for Exemplary Service and Proclaiming December 31, 2020 as Teri Fellenz and Gaylene Nebeker Day in Willard City

Motion: Council Member Braegger moved to approve Resolution No. 2020-25 Honoring Teri Fellenz for Exemplary Service and Proclaiming December 31, 2020 as Teri Fellenz and Gaylene Nebeker Day in Willard City. Council Member Ward seconded the motion. Council Members voting aye: Kunzler, Robb, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Consideration Resolution No. 2020-26 Honoring Gaylene Nebeker for Exemplary Service and Proclaiming December 31, 2020 as Teri Fellenz and Gaylene Nebeker Day in Willard City

Motion Council Member Kunzler moved to approve Resolution No. 2020-26 Honoring Gaylene Nebeker for Exemplary Service and Proclaiming December 31, 2020 as Teri Fellenz and Gaylene Nebeker Day in Willard City. Council Member Ward seconded the motion. Council Members voting aye: Kunzler, Robb, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Planning Commission

Consideration of Discussion/Action on Requirements Regarding Mark Mackley Request for Sewer Service to Property Located in Perry City and Discussion Whether to Proceed.

Mr. Davis informed the Council that Mr. Mackley could not come to the meeting. He went on to explain Perry City was still working on an interlocal dealing with the agenda item. His recommendation was to table the agenda item until such time staff would bring the item back before them. Mr. Davis add that he would talk to Mr. Mackley about other options he had available to him.

Motion: Council Member Seamons moved to table the agenda item. Council Member Bragger seconded the motion. Council Members voting aye: Kunzler, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Approval of Minutes- December 10, 2020 meeting

Motion: Council Member Braegger moved to approve the Regular meeting minutes of December 10, 2020, as amended as noted. Council Member Ward seconded the motion. Council Members voting aye: Kunzler, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Financial

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

The Warrants and Vouchers were presented to the Council for review. The items were reviewed individually.

Department Reports

Maintenance Department

Discussion and Possible Consideration of Upgrade of Lift Station SCADA (Materials \$15,400.00)

Mr. Jared Rice addressed the Mayor and Council in regard to the SCADA. He explained in 2016, they installed the city SCADA system for the reservoir and the tank. He went on to explain at that time the city decided not to put the SCADA system on the lift station; there was no remote on the lift station. Mr. Rice added that Mr. Thompson would receive a text or email and let him know what was going on with the lift station. Mayor Braegger inquired if Mr. Thompson would be able to remote into the system. Mr. Rich indicated he would; it would also monitor the generator as well.

Mr. Rice informed the Council how the system would talk to the lower reservoir; it currently has a cellular modem now; however, with the new system, as the alarms are generated, it would upload to the cloud.

Mayor Bragger express concern with a cloud based system. Mr. Rice explained they have been utilizing the system and have been so for eight to nine years. It was the same security as when an individual logged into their bank account. The system was a VPN through Verizon and it goes back to their data center in Minnesota. He stated they had not any issues worldwide.

Mr. Rice noted if the internet service went down, they would lose their connection to the system; however, an alarm would go off if that it happened and alert Mr. Thompson.

It was noted that the bid amount did not include labor. Mr. Rice indicated that it would take less than a day to install the SCADA, and it would cost less than \$1,000 for the labor.

Request for Approval of Lift Station SCADA

Mayor Braegger clarified the price to upgrade the lift station with the SCADA would be a maximum of \$16,400.00. Mr. Rice indicated that was correct.

Motion Council Member Kunzler moved to approve the upgrade to the lift station SCADA for an amount not to exceed \$16,400.00. Council Member Seamons seconded the motion. Council Members voting aye: Kunzler, Seamons, Braegger, and Ward. Council Members voting nay: none. The motion passed unanimously.

Police Department

Chief Fielding reported officer Kara Mueller was back from the academy.

Fire Department

Chief Mund did not have anything to report.

Council members

Brad Robb

Council Member Robb thanked Teri Fellenz and Gaylene Nebeker for the past five years he had been on the Council. He appreciated their work and hope they enjoyed their retirement.

Discuss followed regarding the city's PUD ordinance. Council Member Robb pointed out the City Council had a prior joint meeting with the Planning Commission and at the close of that discussion, it was decided they were going to proceed with repealing the PUD ordinance while building a new one. He went on to say he read everything Council Member Seamons put together, and he felt they needed to set a date to repeal the PUD ordinance because a new ordinance could not be put together overnight or a month's time. He stated it was going to take some work sessions with the Planning Commission to get everything they need. He went on to say, if they don't work to repeal the ordinance, they would leave themselves open to developers utilizing the existing ordinance. He reiterated the need to repeal the existing ordinance and start working on a new one.

Council Member Robb stated to date, they don't have a date set for a work session. It was his recommendation to work with the Planning Commission and get a good product. Council Member Kunzler agreed. He noted that what Council Member Robb was saying was what he got out of the previous work session with the Planning Commission. Council Member Ward agreed as well.

Council Member Seamons pointed out it took them five years to introduce the noise ordinance, and he didn't want anything else to do with the PUD ordinance. He felt it was up to the Planning Commission to do something with it. Council Member Robb indicated they had not had a chance to work with what they wanted from the Planning Commission.

Council Member Robb questioned if they should we just give up. Council Member Seamons said he was not opposed to repealing ordinance; however, what would they have to gain. Council Member Robb indicated they wouldn't have to accept PUD ordinance applications coming into the city.

Mayor Braegger stated it was his understanding the council could reject a PUD application. It was indicated that the PUD ordinance is a permissive ordinance, the Council could say no, but if the petitioner met all the requirements, what would be their cause for denial?

Council Member Kunzler said if there wasn't a PUD ordinance, they couldn't apply for a PUD. The City's zoning wouldn't allow for it because they wouldn't have an ordinance.

Council Member Robb stated that he felt the PUD developments that have been approved have not been in the City's favor, and he wanted to get to work (on a new ordinance).

Councilor Member Bragger stated he didn't disagree with Council Member Seamons; it was the Planning Commission's job. They need to have a joint work sessions.

Mayor Braegger recalled that Doug Young came in with a PUD proposal, and the Council didn't like it. He went on to say, now there was a new council, and they want to change the PUD ordinance. He pointed out that every time the Council changed the PUD ordinance, another Council wanted to change it again. He encouraged the Council to have something that was viable for the future.

Council Member Seamons inquired how the Council would accomplish that. Mayor Braegger indicated that he didn't know; they could put a date on it so they were not five years down the road. Council Member Robb said he was not sure they can do that. The current ordinance was from 2009 with the modifications which presented the need to get it corrected. Council Member Robb did not want to take one or two years to fix the ordinance

Council Member Ward indicated he thought this Council could get it done. The current PUDs all lean to the benefit to the contractor. He stated he wanted to keep the area beautiful, and he thought they could structure a PUD to accommodate that. Council Member Kunzler said what Council Member Seamons presented had a very solid starting point.

Council Member Kunzler stated that he had a discussion with Mr. Colt Mund, and his impression from that discussion was that repealing and replacing the ordinance was the easiest path forward.

Council Member Robb indicated if they wanted to set a public hearing for the City Council to repeal the ordinance, they would do it on January 14, 2021 (note: the Planning Commission has to hold a public hearing on any zoning amendment prior to the City Council).

Council Member Seamons clarified that Council Member Robb wanted to repeal the current PUD ordinance in January, and reenact a new ordinance a year later. Council Member Robb noted that he did not; he would want to get it done within approximately six months. He did not think there was any sense in pushing it through in a month or two.

Mr. Davis indicated that staff would work on setting a public hearing regarding the PUD ordinance. He inquired if the Council wanted an agenda item to work on Council Member Seamons' suggestions. In addition, did the Council want a joint City Council/Planning Commission meeting? They could start a half hour earlier.

It was suggested that the City Council could start a half-hour earlier at 6:00 p.m. and when the meeting was over, they could have their joint work session with the Planning Commission.

Josh Braegger

Council Member Braegger reiterate what Council Member Robb said about Mrs. Fellenz and Mrs. Nebeker. If anyone ever needed anything, they found it. He stated that the two ladies have been awesome, and they would be missed.

Fred Ward

Council Member Ward said thank you to Mrs. Fellenz and Mrs. Nebeker. He said he had known both of them for a long time. He indicated that he liked how they worked and interfaced with the public.

John Seamons

Council Member Seamons stated it was hard to run a small city like this; he was impressed with Mrs. Fellenz abilities to do what she did with the efficiency she had and with Mrs. Nebeker as well.

Kaleb Kunzler

Council Member Kunzler indicated that he would like to echo what all the other Council Member said. He appreciate the work Mrs. Fellenz and Mrs. Nebeker put in over the years. He wished them the best in their future endeavors.

Council Member Kunzler mention one other item of business. He said there was a concern that people were running the stop sign (going east and west) on 100 South and 200 West.

Mayor's General Correspondence and Information

Mayor Braegger thanked Mrs. Fellenz and Mrs. Nebeker for their service. He pointed out the two had been with the city for 20 plus years each. He went on to say, our city is a better place because of their service, and they were amazing for holding things together. He added that Mrs. Fellenz had also been the city manager as well, and she had shared some need for change for our community. Mayor Braegger reiterated, Thank you very much.

Mrs. Fellenz said that she had been with the city 24 and half years and Mrs. Nebeker had been with the city 22 years. She noted that between the two of them, they had done over 500 meetings. She went on to say, they had enjoyed their time working for the city. Mrs. Fellenz stated that the city had stellar departments; they are great. They answer calls with dignity and respect. She said the one thing she had learned over the years was constant change. She noted that every two years, they have the possibility that the council would change; and it's a hard job. You (the Council) have to balance the rights of land use and protect the community. She pointed out there were several training opportunities available. She stated that she appreciated working in an office where everyone worked well together for over 22 years. She thanked the Council for the opportunity to serve.

Mrs. Nebeker echoed the same sentiment and thanked the Council for her opportunity with the city.

Adjourn

With no further business coming before the Council at this time, Council Member Ward moved to adjourn the meeting. Council Member Robb seconded the motion. The meeting adjourned at 7:38 p.m.

Minutes were read individually and approved on: January 14, 2021

Mayor

Recorder