

WILLARD CITY CORPORATION – CITY COUNCIL

The City Council of Willard City met in **Regular Meeting**, on June 24, 2021, at 6:32 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
Kaleb Kunzler, Council Member
Josh Braegger, Council Member
Brad Robb, Council Member
Fred Ward, Council Member

Staff Present: Chris Davis, City Manager
Colt Mund, City Attorney
Theron Fielding, Police Chief
Bryce Wheelwright, City Planner
Doug Thompson, Public Works
Michelle Snarr, City Recorder

Others in Attendance: Diana Baker, Lew Swain, Travis Mote, Brent Bailey, Mike Bastiani, Cami Sabin, Chad Braegger, Jordan Hulsey, Peggy Barker, Brett Hubbard, LaDawn Hubbard, Darren Meiser, Matt Barker

Call to Order

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

- a. Invocation
The invocation was offered by Council Member Seamons.
- 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.

Travis Mote, 455 South 200 West

Mr. Mote addressed the Council regarding the Council meeting when they adopted the budget – see attached public comment letter attached hereto. He indicated he suggested the city use a portion of the increased funds to start working down the sewer debt. He went on to say some incorrect information was provided to the public attending the meeting. It was said general funds could not be transferred to the sewer or water enterprise funds. He added that he spoke to Ryan Child, City Treasurer, and that information was incorrect. The city can transfer funds from the general fund into those funds; however, they cannot transfer funds out of those specific funds. He suggested the Council visit with Mr. Child regarding that issue.

Mr. Mote stated that much of the discussion and decisions made by the city seemed to focus around paying down the sewer debt. He pointed out tonight, the Council was going to consider an (sewer) agreement, which included annexation of South Willard as a part of providing sewer service.

Mr. Mote went on to discuss projected growth of the city when the sewer system was approved. He noted that Willard City had 555 homes, and there was a project growth of five percent (5%) for a total of 1,403 homes to meet the obligation of the sewer. Mr. Mote indicated Mayor Braegger said the city was currently at approximately 700 homes, and Council Member Braegger said at completion of the approved subdivision lots, the city would be near 1,400 homes.

Mr. Mote state with the approved residences and the ability to use general funds in the sewer fund, the city should be in a stable situation with the sewer debt. He thought there was no reason to consider the annexation of South Willard. It would make the city responsible for their water, sewer, maintenance, and all their infrastructure. It would jeopardize the city's water supply and storage. He added that the developers had suggested they would transfer water rights to Willard City; however, a water right does not guarantee water supply as they are seeing in the current drought.

Mr. Mote said he was not opposed to providing South Willard sewer service at their expense as long as the city

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had a reliable payment method. His suggestion was for the developers to work with the citizens of South Willard to incorporate as a city. Then, the existing citizens could have input in the development around them. He added that Willard City could contract with that city to provide sewer. If the citizens were not interested in forming a city, why were we imposing our city on them?

Cami Sabin – 505 South 200 East

Ms. Sabin addressed the Council, and she asked the Council to address the disrepair of the Willard City Children's Park. She pointed out the basketball rim was down, the playground equipment had been removed, the sand volleyball court, and the sand around the swing set was full of weeds and goat heads. She added that she had never seen anyone play volleyball at the park and it seemed more sense to replace the volleyball area with grass and install playground equipment. She informed the Council that she does hear children playing there and it would be nice to see it a better place for children to play.

New Business

Consideration of Resolution 2021-11, a Resolution of the Willard City Council Authorizing the Mayor to Enter into an Agreement with Brigham City Corporation to Provide Animal Control Services

Mayor Braegger explained the Animal Control Services agreement was an agreement the City entered into every other year; the proposed agreement was the same contract. Council Member Seamons inquired what it cost the city a year. Mr. Davis explained most of the costs were a pass-through cost. Chief Fielding added the city paid an annual fee and when a dog was picked-up, the owner paid those fees; however, the city paid those fees if the owner did not pick-up the animal.

Motion: Council Member Seamons moved to approve Resolution No. 2021-11, a Resolution of the Willard City Council Authorizing the Mayor to Enter into an Agreement with Brigham City Corporation to Provide Animal Control Services. Council Member Kunzler seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Consideration of Approval of Sewer Agreement with Blue Ox Development, Willard Partners LLC, and Valley Estates

Mr. Davis recalled the Council had reviewed the sewer agreement during a previous Council meeting. Before the Council tonight, were two alternative agreements; one of the agreements was with annexation and the other was without annexation of property. He went on to say the Council could approve both agreements and one would not be necessary. Mr. Davis informed the Council the City Engineer had looked at the budget for the sewer, and they were comfortable with the budget. He went on to say the agreement(s) had gone through extensive review by Mr. Colt Mund and himself.

Council Member Seamons said one item that was inconsistency was the amount that would be paid back through impact fees. He pointed out in some areas it indicates \$7,700 and other areas it indicates \$7,200. Mr. Davis explained the impact fee was \$7,200 and the connection fee was \$500 for a total of \$7,700. The developer would be repaid \$6,900 for each ERU.

Council Member Robb referred to the agreement with annexation of property. He said it dealt with all three developers; and in the event they do not annex the property, how would that agreement hold up? Mr. Davis indicated they would have to amend the agreement. At some point and time, they would have to decide to annex all of them or one or two. He pointed out they could move forward now even without the annexation of property.

Council Member Robb inquired if the city currently had any annexation petitions. Mr. Davis stated the city had three annexations pending. He went on to explain one of the first things they would need to do was establish zoning, and staff was working with Bruce Parker and the General Plan. He noted as of right now, the city's zoning

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only provided for half-acre lots.

Council Member Ward stated he did not think they should entertain an annexation into the city. However, people need to be hooked to the sewer. He went on to refer to Section 15, *Reimbursement by Other Properties* of the sewer agreement.

Generally, the Project is anticipated to benefit the development of the Parcels. However, Developer and the City understand that the Project may also benefit other surrounding property owners. The City shall establish a means of collecting payments from developers or other real property owners for the Project Costs of installing the Sewer Line of the size, length or capacity greater than that needed to service the development of the Parcels and which will service other properties ("*Benefitted Properties*"). In the event that Benefitted Properties desire to connect to any portion of the Sewer Line, the City agrees to require each such Benefitted Property to pay a sewer connection fee and impact fee of not less than \$7,700.00 for each connection to the Sewer Line (the "*Participation Fee*"), which Participation Fees shall be applied to the reimbursement of Project Costs until repaid in full.

Council Member Ward said in reading Section 15, not less than \$7,700 shall be applied to the project cost for additional developers that may come forward. He went on to say, the way he looks at that, it was not fair to the city or taxpayers. The sewer line was presented in a way that they would have enough housing to pay for the impact fees. He thought the new impact fees should be paid.

Mr. Davis explained the three developers would install the sewer line and anyone else wanted to add 100 units, for example, on to that, those additional fees would pay down the debt on the sewer line. If another party came in and wanted to hook to the sewer, everyone would pay an impact fee, and it would go to pay the under lying debt faster. He stated there would not be an additional cost to the city.

Council Member Ward reiterated he was not in favor of annexation. He thought they should supply a sewer line and receive an income from an outside source, which would be a huge cost savings to the city.

Council Member Kunzler inquired how the city would handle the situation if units were hooked up to the sewer and not the water, and they do not pay for their sewer service. How would that be resolved? Mr. Davis indicated that gets to be problematic if they are not hooked to water. He said it could be taken care of through small claims or referred to a collection company or a lien on the property. He indicated it was a challenging thing.

Mr. Davis pointed out the sewer agreement was a precursor, which was contingent on the city getting a corridor agreement with the Utah Transit Authority (UTA). If that does not happen, the agreement does not mean anything.

Council Member Robb referred to the sewer agreement with annexation, which would be null in void if there was not annexation of property. He stated the city had not been presented with any petitions yet, and it would not be a benefit to the developers if they do not do a smaller zone. He questioned why the city would want to go down the road with annexation if only one or two of the properties were annexed. Mr. Davis said that was why the Council had two alternative agreements before them.

Council Member Robb was in favor of the sewer agreement without annexation. He said he did not see the need to approve the agreement with annexation until they had a petition before them with the proper zoning, and he assumed the developers were not interested in half-acre lots.

Council Member Robb inquired if all three developers were together on the annexation, or would they petition separately. Mr. Davis indicated they would petition separately. Council Member Robb said so potentially, the city

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would have to amend the agreement three separate times, and he was not sure what their urgency was to approve the agreement right now. Mr. Davis indicated the agreement was a precursor that indicated it was something the Council was willing to do if the corridor was approved by UTA.

Mr. Lew Swain addressed the Council. Mr. Swain informed the Council that what was being proposed was an exceptionally large pipe. In any given subdivision, there might be an 8-inch pipe; however, this was an 18-inch pipe from Valley Estates to the city's lift station. He thought it was imperative that the city viewed it as an accommodation of all the land from Valley Estates to the lift station not just the three developments. He went on to say he thought it was also probably good to clarify, based on the \$6,900 reimbursement, it would require about 280 homes to pay for the full amount of the 1.7 million installation price. He noted Willard Lands had 362 homes, Blue Ox had 250 homes and Valley Estates had 250 homes. He pointed out there would be a substantial amount that would be generated from impact fees.

Mr. Swain also thought it was important to make clarification regarding water whether they were annexed or not. He stated they had water rights, and they intent to comply with the recommendations of the City Engineer to drill a well and make it work at their own risk with additional storage that the city does not have. They are not asking the city to provide them water. He said it was not going to be a detriment to involve the city with a water agreement.

Mr. Swain's request was that the city accept the sewer agreement with or without annexation. He said he could only speak for Willard Lands. He explained if they only had the ability to do one-third acre lots, with 100-foot frontages on the lots, they would be so deep the development would not have curability. The city would have straight streets. He said that was the only reason they made that proposal.

Mr. Swain pointed out if you approve the agreement with or without annexation, their petitions had been in; he believed since last October. In addition, the city would hear development agreements and water and zoning agreements. He explained they just gave the Council both options. The two agreements are virtually identical, and they felt the sewer agreement was a benefit to the city.

Council Member Robb indicated that Mr. Swain was assuming if they drilled a well, they would have enough water. Mr. Swain explained if they drill a well, and it does not produce; they would have to drill another well. Council Member Robb pointed out the city does not have the storage capacity. Mr. Swain further explained they would provide a 500,000-gallon water tank. He stated they are not trying to burden the city. They are trying to be a good neighbor.

Mr. Davis informed the Council they had more water than what they needed to service their subdivision. Mr. Swain added they were also going to provide a secondary water system; they had the shares to do that as well.

Mayor Braegger entertained a motion to approve the sewer agreement without annexation of property.

Motion: Council Member Ward moved to approve the Sewer Agreement with Blue Ox Development, Willard Partners LLC, and Valley Estates without annexation of property. Council Member Robb seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Mayor Braegger entertained a motion to approve the sewer agreement with the possibility of annexation of property. Mr. Davis added the Council could table the item indefinitely with the issues of the General Plan update. The item died with no motion.

Council Member Seamons inquired if the approval of the agreement allowed for engineering to get started. Mr.

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Davie explained they were waiting for the agreement with UTA. He went on to say, without the agreement with UTA, this agreement means nothing.

Consideration Review and Approval of Pay Request No. 4 in the amount of \$33,392.71 and Pay Request No. 5 in the amount of \$14,175.34 for Allied Underground Technology for the Granite Ridge Upper Pressure Zone Water Line Project

Mr. Davis informed the Council Pay Request 4 and 5 finalized the project. He went on to say, they were about ready to start paying 300 East and part way up to Spring Street. He noted the pay requests had been reviewed by the city engineer.

Motion: Council Member Ward moved to approve Pay Request No. 4 in the amount of \$33,392.71 and Pay Request No. 5 in the amount of \$14,175.34 for Allied Underground Technology for the Granite Ridge Upper Pressure Zone Water Line Project. Council Member Seamons seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Consideration of Review and Approval of Pay Request No. 5/Change Order No. 2 (Items 201 through 229) for the 200 West Project in the amount of \$35,215.87

Mayor Braegger explained the proposed payment was the city's 10 percent (10%) payment. Mr. Davis added the entire pay request was \$352,158.70. The city will pay Perry City, and they will pay Staker Parsons.

Motion: Council Member Braegger moved to approve Pay Request No. 5/Change Order No. 2 (Items 201 through 229) for the 200 West Project in the amount of \$35,215.87. Council Member Kunzler seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Consideration of Review and Approval of Pay Request No. 1 in the amount of \$5,000 for Planning and Development Services, LLC for the General Plan Update

Mr. Davis explained the payment was for Bruce Parker for the General Plan update, which was a part of their \$55,000 contract. In addition, they are working on the PUD ordinance. They are looking at combining elements from the Master Plan Community Zone and the previous PUD zone. He went on to say, they would like to have an open house in a few weeks to get input from citizens.

Motion: Council Member Robb moved to approve Pay Request No. 1 in the amount of \$5,000 for Planning and Development Services, LLC for the General Plan Update. Council Member Ward seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Consideration of Review and Approval of Pay Request in the amount of \$13,500 for Hennefer Plumbing for the Nature Park Restrooms

Motion: Council Member Braegger moved to approve the Pay Request in the amount of \$13,500 for Hennefer Plumbing for the Nature Park Restrooms. Council Member Seamons seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

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Report on Broadband/Fiber Optics

Mr. Davis gave a brief update to the Council on the proposed broadband/fiber optics options being proposed to the city. He indicated he spoke to Mayor Dickamore of Farr West regarding Connex, and he does not have any concerns with Connex. He went on to explain he had a conversation the other day with Strata regarding the micro trenching.

Mr. Davis noted that in talking to Rebecca Dilch, there are federal grants that are open right now, and he has not talked to Connex or Strata about those grants. In addition, later this summer there may be some state grants available. Mr. Davis informed the Council he told both providers the city was not interested in owning the system, and he will talk to Utopia, and let them know the city was not interested in their services.

Council Member Robb inquired if Strata alleviated any of the mayor's concerns regarding micro trenching. Mayor Braegger explained if Strata sawcut the rock, and the city had to come back and do any water or sewer maintenance, and if the city ripped out the fiber optics, it could be very costly to the city; it could essentially bankrupt the city. He went to say that Strata said they would consider going overhead, and they would design the network so if it were torn out in one area, it would not take down the entire system.

Unfinished Business

Consideration of Purchase of a PowerEdge T340 Tower Server or a Cloud Based Server and the Purchase of a Router

Mr. Davis informed the Council that staff did not have the information from Mr. Earl regarding the cloud-based server. No action was taken on the item.

Planning Commission

Set a Public Hearing to Consider Amending Willard City Zoning Ordinance Chapter 12-500 of the Willard City Zoning Ordinance regarding Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and a proposal to adopt Chapter 12-700 regarding Recreational Vehicles and Recreational Vehicle Parks (July 8, 2021)

Mr. Wheelwright informed the Council the city's current Mobile Home ordinance also includes recreational vehicles; they were all in one. The city had issues with its current ordinance, so Mr. Mund did some extensive work on the Mobile Home Ordinance and a new Recreational Vehicle ordinance. He went on to say, the Planning Commission reviewed the proposed amendments to the Mobile Home ordinance and the new recreational vehicle ordinance, and they feel they have a good ordinance that could be adopted.

Motion: Council Member Kunzler moved to set a public hearing on July 8 to consider Amending Willard City Zoning Ordinance Chapter 12-500 of the Willard City Zoning Ordinance regarding Mobile Homes, Mobile Home Parks, and Mobile Home Subdivisions and a proposal to adopt Chapter 12-700 regarding Recreational Vehicles and Recreational Vehicle Parks. Council Member Robb seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. The motion passed unanimously.

Approval of Minutes

June 10, 2021, Regular City Council Meeting

Motion: Council Member Seamons moved to approve the Regular City Council minutes of June 10, 2021, as presented. Council Member Braegger seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay: None. Council Member Ward Abstained. The motion passed with four in favor and one abstention.

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Financial

Warrants
Vouchers
Reports
Purchases

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

Department Reports

Maintenance Department

Mayor Braegger informed Mr. Thompson they needed to flatten out an area for the sound speaker spot; he thought one load of road base would be adequate. Mr. Thompson informed the Council the trees at the park were scheduled to be removed the week of July 12th through 18th when baseball was finished for the season.

Mr. Thompson went on to give an update on water meters and tank meters. He explained they would be putting in different meters, and the meters were out about a month. He went on the explained the new meters would read the flow coming and going and be a lot more accurate.

Council Member Robe inquired if staff would be able to read the new meters from the office. Mr. Thompson indicated those were a different meter – those were Allegro meters. With those meters, they would need to purchase a frequency that would enable them to put an antenna in the office. He added they would need to have a study completed because they could need a repeater.

Mr. Thompson explained with the new meters, they would last five years longer than the normal meters. They sleep all the time until the radio called on them. The meters they have now read every 30 seconds. Mr. Thompson stated they had reached the point where they were going to have to replace all the meters. Council Member Robb said with all the new additional growth they have, now was a good time to add new meters. Mr. Thompson added they were thinking about going from a ten-year warranty to a 15-year warranty.

Mr. Thompson explained with the large meters, if they get below 200 gallons per minutes, they are not getting a reading on the meters. The new meters would allow the reading of any flow; they read by the gallon. Mr. Thompson indicated they would need to do four large meters. And they are approximately \$4,800 each.

Police Department

Chief Fielding reported he was hoping to get the speed trailer back next week. The cost to fix the speed trailer would be \$395. He went on to explain, the oldest police truck was struggling to keep cool. He may have to have the thermostat check or have it flushed. Mayor Braegger inquired where they were at with the solar speed signs. Chief Fielding indicated he had the quotes, they just needed to order them. Zach just needed to make a check out to Willard City as a donation.

Fire Department

Chief Mund was not present at the meeting. Mayor Braegger informed the Council that Engine 51 had some brake and exhaust issues. The engine was taken to Kenworth, and the Council would be reviewing an invoice for that in the amount of \$3,501.98.

Council Member Reports

Brad Robb

Council Member Robb did not have anything to report at this time.

Josh Braegger

Council Member Braegger noted that the city got the retaining wall donated, and he suggested sending Amcor Old Castel a thank you note.

Fred Ward

Council Member Ward did not have anything to report at this time.

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John Seamons

Council Member Seamons referred to the city Children's Park. He said he thought it was a valid complaint and thought they should see if they could address it. He acknowledged it was in bad shape, and he could not see how anyone could play in it. Council Member Braegger said they needed to decide what they would do about the playground equipment. It was mentioned the city needed to clean it up and have some sort of a plan. It was noted that the city previously cleaned up the park, but they never came up with a master plan. It was suggested the city get some prices and not waste their effort. It was brought up the city also needed to take care of the basketball stand. Mayor Braegger asked Mr. Thompson to get a price on a new basketball stand.

Council Member Seamons inquired what Ms. Sabin would like at the park. Ms. Sabin indicated there are young children in the neighborhood. She thought it would be appropriate to have some type of playground equipment for the younger children. She encouraged the Council to keep the swings. It was inquired if Ms. Sabin would be willing to talk to her neighbors and find out what they would like at the park and come back and report that information to the Council. She indicated she would do that.

Kaleb Kunzler

Council Member Kunzler did not have anything to report at this time.

Mayor's General Correspondence and Information

Mayor Braegger briefly discussed the 4th of July. He informed the Council they have the base of the flagpole set, and they would have the flag ceremony at the nature park. He went on to say the fireworks would be the nature park as well; however, individuals would have to walk into the nature park.

Council Member Braegger pointed out the old cemetery was looking bad. Mr. Thompson informed the council they watered it an hour a day; everything was watering about an hour a day right now. He said that he thought people were turning the valves off. Mayor Braegger requested the police officers watch for people messing with the water valves.

Mayor Braegger indicated he would like to remind everyone to be smart about their outdoor watering. He went on to say, it was their drinking water they are utilizing on their grass. The spring was not producing like it should because of the drought conditions. He emphasized he wanted to encourage people to be more cognizant about watering their grass. It was not wise to water during the day; the water just evaporates. He added he would like to promote watering no more than every other day and watering in the evening. He did not want to put in place water restrictions; it was a proven fact that people water more when water restrictions are in place. The only fix would be to have no outside watering.

City Manager's Report

Mr. Davis informed the Council the mayor signed the contract for the closing of the property owned by the LDS Church.

Mr. Davis noted that Staker Parson was almost finished with the 200 West paving project. However, Zach Burk said the city might have enough funds to try and do a few other items. They ordered two solar speed signs. He went on to say they are looking into talking to Dr. Perrin regarding a speed limit of 25 mph and weight limits; however, there are some qualifications on the weight limits. Mayor Braegger added there would also be a few signs that the road may be closed at sometimes due to farming operations. He went on to explain there would be gates on the roads because if there was not, people would drive over the Well's lines.

It was inquired what kind of weight limit they were looking at. Mr. Davis indicated they had to talk to Dr. Perrin. Council Member Braegger thought it could be around 26,000 pounds. Mayor Braegger stated the city could not restrict local delivery; the idea was to restrict semi traffic.

Mr. Davis informed the Council he learned earlier this week from Mike Schultz, the state was going to open grants for infrastructure. He said those funds could be used for water, sewer, and secondary water.

Mr. Davis indicated he had a conversation with Sue Anderson about the 4th of July breakfast, and he was aware the city has two dumpsters. He inquired if two dumpsters were sufficient for the 4th of July or did they need an additional dumpster? It was noted the city would need an additional dumpster.

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Mr. Davis informed the Council on July 13, 2021, the master plan group would like to be in Willard City to have an open house to get feedback from the public. He said they wanted to get preliminary information as to what was important to the public.

Consideration of Motion to Enter a Closed Session (if necessary) pursuant to UCA §52-4-205 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.

No closed session at this time.

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 7:55 p.m.

Minutes were read individually and approved on: July 8, 2021.


Recorder


Mayor