

Willard City Council

February 9, 2023

Willard City Council Chambers

80 West 50 North Willard City Utah 84340

The City Council of Willard City met on February 9, 2023, at 6:30 p.m. in the Council Chambers of the Willard City Offices, Located at 80 West 50 South, Willard UT 84340.

**Present:** Travis Mote, Mayor  
John Seamons, Council Member  
Mike Braegger, Council Member  
Rod Mund, Council Member  
Kaleb Kunzler, Council Member

**Excused:** Fred Ward, Council Member

**Staff Present:** Chris Davis, City Manager  
Colt Mund, City Attorney  
Theron Fielding, Police Chief  
Bryce Wheelwright, City Planner  
Payden Vine, Public Works Supervisor  
Van Mund, Willard City Fire Chief  
Susan K O Bray, City Recorder

**Others in Attendance:** Diana Baker, Rew Wiley, Larry Holmes, Lindsey Wells, Travis Wells.

### **1. Call to Order**

Mayor Travis Mote, Council Member Kaleb Kunzler, Council Member John Seamons, Council Member Mike Braegger, and Council Member Rod Mund.

- a. Invocation-** Mayor Mote
- b. Pledge of Allegiance-** Council Member Braegger
- c. Declaration-** None

### **2. Open Period Comment**

There were no comments.

### **3. Planning Commission Report**

Diana Baker reported on the Planning Commission meeting. She said there were a couple of recommendations given by Michelle Drago, Planning Commission Secretary on the Conditional Use Permit paperwork. With the recommendations that were made it will move to the City Council. Diana stated they talked about enforcement and how to enforce the ordinances. She thought once a conditional use permit was issued there

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should be a review once a year. She said she was told the only time they are reviewed is when there is a complaint. Diana said they talked about whether the applicant should pay for the public notices when they are sent out on their behalf. She said a broadband company has been going around doing a survey. Council Member Kunzler stated it is Beehive Broadband. Dr. Beards property will be coming to the Planning Commission for review.

#### **4. New Business**

##### **a. Representative Matt Gwynn regarding the 2023 Utah Legislative session.**

Representative Gwynn was unable to attend this meeting.

##### **b. Budget year-end report from Cami Moss, Child Richards CPA.**

Cami Moss with Child Richards CPA presented the 2022-year end report. She handed out the December financial statement and did just a few bullet points that she would go over. She reported this is a good benchmark to look at, overall, the revenues for the general plan were at about 63.3%. The expenditure is slightly over the budget of 55.2% and said there are various things that can contribute to that. She said she would continue to monitor it closely. Cami reported that taxes have exceeded the planned budget to date, but there have been some reasonable increases on sales tax and property tax. Dog licensing is 44.6% of the budget. Building permits and business licenses are at 29.6% and 34.4%. She said all the license and permits are low. Hopefully in the spring it will increase a little bit. The state liquor allotment is up by 134% for what was budgeted. She said the city did receive the ARPA fund of \$101,000 and it was not budgeted for. Cami said the city needs to consider making a budget amendment. She informed the council that a budget amendment is typical and is an allowed thing. The court fines are only 30.5%. The interest income is up, which is great. The administrative expenses are 56.9% of the budget expenditure and this account will also be monitored. She said it is a little bit higher than the 50% but there could be some one-time expenditures. The general building is over. The streets are at 70.7% of the budget expenditures. Mayor Mote commented about the street staff and how it is allocated in thirds with their pay. They have been called in a lot this winter to snowplow and have had some overtime which should probably go directly to street. Cami said we may want to assess that to be more exact.

Chris Davis, Willard City Manager said the city will have spent the Class C Road funds to do the projects on 1050 north, also 250 west were expended because they were done this summer.

Cami said this is typical, especially with streets and public work type projects. You have very seasonal things such as, one big project you have budgeted for and you will get that done and that expenditure percentage will be high, but overall, in the year it is okay. She

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stated parks is another one like the street budget it is very seasonal. She stated she will monitor those departments.

She said a quick summary on the enterprise fund which is water, and your sewer fund. Cami reported the overall revenues to date are under budget at 26.5%. She stated there are revenues we need to find out why the city is not getting quite as much money as they were thinking. The expenditures are at 47.5% and the same with the sewer fund at 30.2%. The expenditures are only at 3.5% that percentage is close. Cami suggested looking at the water a little bit closer. She said it concerns her why the revenues are down so much. It has been October since the meters have been read.

She said overall there are no categories she is terribly worried about. Cami said she is going to get the budget sheets out to the department heads at the first of the month. Council Member Seamons asked if the ARPA funds were earmarked for specific items. Chris Davis explained it was used for the water meters and they took care of some police. The Mayor and Council thanked Cami for the year-end report.

**c. 2022 Audit report by Chuck Palmer, with Christensen, Palmer, and Ambrose.**

Chuck Palmer with Christensen, Palmer and Ambrose addressed the Mayor and Council members. They were handed a booklet with the audit material and opinion. Chuck reported there are no material findings that need to be reported. He said age four through nine this is management's discussion and analysis it is just a summary. Chuck reported Willard has improved with their numbers in the governmental funding your business funds. He said this gives him a good comparison between 2020 and 2021 in all cases the city has improved. The assets are up, liabilities are down. You are getting good, strong financials. Chuck stated the city had a net increase of \$300,000 for the year. The fund balanced for government is good. Unrestricted funds are in a good position. The city's capital funds are in great shape for improvements.

Chuck continued with page 12 the general fund is \$530,000 at the end of June. He said this is a very good position to be in. Page 16 the utility fund for water and sewer funds. The utility fund is three million, the sewer fund 16 million liabilities for the utility fund is \$500,000. He said this is a good position to be in. Page 35 is what assets the city has and the increase and decrease in more detail. On page 37 is information about when the assets will be paid off. Page 52 shows the budget actual with two departments that were over budget. He did show the State Auditor one finding and the other one he did not because it was under 5%. Page 64 is a letter that was prepared on internal controls or reporting and compliance and other matters. There are no concerns. The last is the list at the top of all the compliance issues that he tested for the State Auditor's Office and the only finding they had was on the last page concerning the street department over \$170,141 more than was budgeted during the year.

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Chuck commented on the great staff and Cami with Child Richards CPA were good to work with.

**Motion:** Council Member Mund moved to accept the 2022 audit report. Council Member Kunzler seconded the motion. Motion carried.

**d. Discussion/Approval of the garbage contract.**

Chris Davis, City Manager reported on the Mayor, Council Member Braegger, and Council Member Seamons reviewed the three proposals that were received from the current provider Econo Waste, one from Waste Management, and one from Republic Services. Econo Waste came in at \$11. The contract ends with Econo Waste at the end of the month. Waste Management bid came in at \$8.37, and Republic Services came in at \$7.00. The current amount is \$4.37. Willard City pays independently to Box Elder County Landfill. When you see your bill, it shows \$8.00 for garbage. There are two components and part of that goes to Box Elder County landfill. If any of these were to be approved, it will have to be increased. Box Elder County landfill had also increased as of July 1 of this last year. The Mayor, Council Member Seamons, and himself looked over the monthly charges. Chris said there will be a resolution on the next meeting's agenda.

Reese DeMille, Owner of Republic Services stated they have had tablets in their front loaders and the roll of trucks, and they are now coming this year to the residential trucks. He said they have GPS on their handheld devices, but these will be tablets so when they pick up someone's they can identify they picked it up and when. He stated they have an app as well.

Council Member Braegger asked if they do e-logs or asked if they pay hourly for the drivers. Mr. DeMille stated his drivers are paid by the hour, but they do have to log their hours. Council Member Seamons understood they wanted to change to Tuesdays for garbage pick-up. Mr. DeMille stated that was correct.

Mayor Mote explained one caveat to the bid that should be brought, is their annual increase is indexed off the CPIU. We can lock it up 4% Or we can go up the CPI with a floor of 3.5 and a ceiling of five.

Mr. DeMille said December 2022 is 4.9%. It's on the CPIU, it's lying to 74 to 72. It goes between 68 to 74.

Chris Davis stated Republic Services will be able to do what the current carrier hasn't been able to do. They have roll offs so that when the city has the spring and fall cleanup, Republic Services can handle it. We don't have to go out and get another garbage company to bring the roll off dumpsters in. Republic Services has a few more than two dumpsters they can rent us.

Mr. DeMille stated they have brought drivers in from other locations around the West even as far as the coast to help with those, our size allows us to do that.

**Motion:** Council Member Kunzler moved to accept the proposal of a 4% increase a year and authorize the Mayor to sign the extended contract for five years. Pending a review from the City Attorney, the date changed to Tuesday starting March 7<sup>th</sup>. Council Member Mund seconded the motion. Motion carried.

Council Member Seamons asked Mr. DeMille about the current garbage cans. He asked if they were going to be changed out.

Mr. DeMille stated that can be done in the future. He said he didn't know who the city's current vendor was. He responded by saying they probably buy from the same vendors that cities buy from. He said the cans are rotationally molded and crosslink with the resin. If their injection molded, they're going to break and that's not a subject of our grabbers. That's just the cold and then the heat and then the cold and the constant pressure and the fact that they just don't make them like they used to. I've been doing this for 20 years and we break more today than we did 20 years ago they just don't make the can like they used to.

**e. Discussion on the Willard City Vehicle Policy.**

Mayor Mote stated he has talked to some of you on the use of city vehicles. We need to create a standard policy that's more of a competitive policy where several of our leads can take cars home or the police department can take cars home.

Council Member Wards' concern was that maybe there's a little bit of abuse. Our public works guys all jump in the vehicle and go to lunch, and I think Fred has seen that a couple of times. The Mayor asked if there is anything specific that they would like to see in the policy? Council Member Seamons said he would like to see it as user friendly as possible. He wants to make sure these guys don't have a feeling that somebody is looking over their shoulder. It is important that you don't make this a problem for your employees. Colt Mund, City Attorney will work on a Vehicle policy for the city.

**f. Discussion/Approval regarding the employee evaluation software.**

Chris Davis stated the software was updated and the SMART goals were put on. He said he thought that was the major concern the council had. Mayor Mote stated this is the second half of the first matrix that was already adopted. He said they raised three employees' pay to come within the matrix. He asked what does that mean going forward? Chris Davis said part of that becomes dependent upon talking with Cami with Childs Richards regarding where we are at with the income for increases. We should have that sometime next week and be back in front of you at the next city council meeting. Mayor Mote stated he understood there are people falling within that matrix and various places, and to be competitive and maintain happy employees, so they don't take off to local cities that would pay them where they're probably should be sitting in our pay scale. We can now start making some decisions there. The police got bumped out of their own pay scale. Have they been incorporated into this? Chris Davis answered confirmed they were added into the evaluation software.

Council Member Mund felt that they move forward with the budget and look at those things. He said it must be some kind of priority because we have got to be competitive to keep employees. Chris Davis stated what he recommends is getting approval for the process without approving a funding mechanism so far. The evaluation process is in place, and we can start doing those evaluations, and then review where we are financially.

**Motion:** Council Member Mund moved to go forward with the employee evaluation software including the SMART goals. Council Member Braegger seconded the motion. Motion carried.

**5. Approval of Minutes**

**a. Approval of the January 26, 2023, City Council Minutes**

**Motion:** Council Member Seamons moved to approve the January 26, 2023, minutes with corrections. Council Member Braegger seconded the motion. Motion carried.

**6. Financials**

The payment approval was signed by the Mayor and Council Members.

**7. Department Reports**

**a. Public Works**

Nothing to report.

**b. Police**

Chris Davis explained the reason why the chief is not here, he is at Norma Conkel's POST graduation. Jordan Harper has now completed his field training officer program (FTO).

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He's out there and very active. The court fines, which is part of the reason why the fines have been so low is because you've only had the two officers and then you've got the chief being one of those two officers. The Chief has been doing a lot of the administrative aspects of a police department and you only had Tyler as an officer who's out there. Chris commented that there has been great support from the part-time people, they have really stepped up.

**c. Fire Department**

Chief Van Mund the department vote instead of the annual dinner in February they are going to do gift cards that will come out of the restricted funds.

**8. Council Member Reports**

**a. Mike Braegger**

Council Member Braegger reported there was a traffic issue on Hargis Hill a couple of days ago. HE said he was sitting at his computer typing and looked out the window and there were cars going by and then a semi goes by and a UTA bus. HE said he saw Larry Holmes on the highway with his razor and all the flashing lights and it told a story about how narrow Hargis Hill Road is. Council Member Braegger stated if you go down that road now all the shoulders are beat and there are mud holes on the shoulders on both sides of the road on the Perry side and Willard side and no one can pass.

Council Member Braegger stated he has been in touch with Steve Anderson, the engineer for Nielsen Homes that is helping them with the flooding problem on Hargis Hill.

He hasn't come out and viewed this, but he sent him the plans that were sent by the engineer. The engineers came up with the plan that would involve a little bit of grading on the east side of Hargis Hill to a certain point where there would be one catch basin that would catch the water, then it would cross the road on the west side. The west side of the road has less infrastructure on it to deal with a pipe. They would put a pipe from there to another catch basin on the west side. That pipe would run along the west side of the road over to where the road would go down into the new construction development for Nielson Homes. It sounds like Nielson Homes is on board with doing this, it shouldn't be a problem, he just needs to get the engineers' heads together and kind of figure out where everything's going be put. The cost to the flood control district was about \$50,000. It's right in that area of a couple of different engineers estimates. There was one that was a little cheaper, and one that was a little more and he got one estimate for \$37,000 for curb and gutter on the west side of the road. He thought about Hargis Hill Road and thought about curb and gutter on West, right now there's no need for it. But they put it in there just to see if it was something that we were interested in.

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We don't know exactly where all the roads are going to be, it wouldn't even make sense. And so, as the district, we're looking at going with the option of getting it done that way. The city engineers are flood control engineers, so they're talking to each other. Once we get hooked up with Nielson Homes, we'll have it moving forward.

Council Member Mund stated he noticed that UDOT has been cleaning out the drains. He asked what is the story on that?

Council Member Braegger explained it is a drain, it's right there at the end of Hargis Hill that goes round down into the fields there. It comes across, where the Hunsaker's live, it's that little spot in front of there. Then they got another drain that's a little further up the hill. But the state's going all along with their VAC trucks all the way down to the county line. What they're doing is they're cleaning and videoing all the drainpipes on Hwy 89. They are in touch with the flood control engineers. When they go to redo this highway, from the understanding we're getting, they are going to tear 89 up, get down underneath it, take out the concrete that's underneath the asphalt and just go back to square one with the whole road. When they do, any of those pipes that collapse or anything like that they're going to replace, and at that time, we can upsize anything with the flood district.

Mayor Mote stated he has been told the city can also upsize their pipes at that time.

Council Member Braegger stated the city talked about getting some kind of drainage on 100 north and 100 south and Center Street. The flood district would be willing to help with those areas. If we decide to improve some streets the district would be willing to help with doing the piping and tying them into any drains that might occur.

Mayor Mote went to the County public hearing. There was a discussion about water. And felt with the constraints within the county on water, we're probably going to have some of the same discussions in our town. He stated he would like to go back to the signature page on subdivisions and have a place where the flood control signs off on it.

Council Member Braegger commented on there are street signs in the city that have fallen. He wanted Chris to be aware of this to let the public works know.

#### **Council Member Mund**

Council Member Mund stated he has had a few people interested in donating money for the plaque for the rock.

Mayor Mote reported the Northwest band will be at the next council meeting.



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**Council Member Seamons**

Council Member Seamons asked Bryce Wheelwright if he was going to talk about trails. Bryce said he would discuss trails. He stated we have a work session coming up on the Master Plan and asked what they needed to bring to be prepared.

**Council Member Kunzler**

Council Member Kunzler stated he had a minor update on fiber optics. He said they are working on it. They are having an issue with their backhaul. He reported they were planning to do a trade with UDOT for some fiber to get from where they are into town. Council Member Kunzler stated the deal is not going to work. Now they are backtracking to figure out how to run their own fiber from Farr West, into Willard. This is just a minor delay for a couple of months.

**10. Mayor's General Correspondence and Information**

Mayor Mote stated we have a draft of the proposed master plan that has been developed by Bruce Parker. He asked the council members to read it and any issues they have with it, identify them in advance and we can discuss them in the work session. He asked them to look carefully at the maps and discuss if you agree with how the maps turned out. He has a couple of spots he questions around Willard Bay and how traffic can work down there, it is probably not going to work as a commercial industrial area, but may have some value as far as other retail or places that might support the bay.

Mayor Mote said he did not want to go back to Bruce Parker, there will be a public hearing at the planning commission level for the master plan. Mayor Mote stated what it really needs to get down to is the maps and, and there's some wording in there that needs to be fixed. He felt they put their intentions into what they thought would be the city's intentions.

Council Member Braegger made a challenge to the council members to read the master plan excluding the maps and get it down to 10 pages and then add the maps.

It was decided to have Mitch Zundel attend a separate meeting, instead of attending the Master Plan meeting.

Mayor Mote reminded the ones attending the fire meeting with Mayor Bott on February 13<sup>th</sup> at noon. Susan Obray told the Mayor that she did an RSVP for Council Members Seamon, Braegger, and Kunzler, also, Chief Van Mund and Chris Davis.

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Council Member Seamons said he would like an update on the Granite, Wells easement issue. Chris Davis, City Manager, said we are working on an easement. He talked with Chris Breinholdt and the easement is in draft form as of now there is no need to talk about it. He said once we have those, we can pass them on to Staker Parsons. He continued Granite's agreement is about ready to bring back to the city council. He continues to have conversations with Brad Sweet.

Mayor Mote called and talked with Jeff Rasmussen from Willard Bay. Regarding the road that wraps around they have no intent of keeping the city or the Wells out of that road. It will just stay open like it currently is, it is a prescriptive easement. Mayor Mote felt it would be more the easier path if they got an easement or an interlocal agreement. Mayor Mote read part of an email he received. It says they are willing to work with us and gives the city 2 options interlocal agreement or an easement. HE sent the e-mail to Chris Davis and said it would like to have Colt in this discussion on the legalities of what is happening.

Council Member Kunzler stated we may want to reach out to Perry City because they have a vested interest in access to the sewer plant.

Council Member Mund stated he would talk to them at the sewer board meeting on the 21<sup>st</sup> of February.

#### **Bryce Wheelwright, City Planner**

Bryce Wheelright stated he had a meeting with the Box Elder planners, and they have been working with County grant money out in Penrose, and local areas to get the high-speed internet out to them. They have run into some snags with irrigation companies out there and the roadway easements. They are at the point where they are going to pull off there and go with Beehive Internet east of the freeway. He said it could come this summer. Bryce said the grant money the county has, they are putting it in all rural locations. He continued to talk about the trails and the meeting he had with UDOT. The meeting was concerning the matching portion that Willard city is required to come up with work, teaming up with the county on that. And we have the county attorney drafting a contract with us and the county for necessary funds to do that matching part of that grant. Willard City is covered but they are also doing a licensing agreement, where we need to define who's going to maintain the trail all the way from 750 south to the county line. We are going to need to decide whether the city wants to participate in that and do some of that maintenance. The county would need to reimburse us for that labor. Things are up in the air, but they're coming down the pipe.

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### **11. City Managers Report**

Chris Davis, City Manager stated he had a meeting with the Mayor, Bryce Wheelwright, Chris Breinholdt, and himself with the developers that want to come over from Perry on the sewer. The developer had an amended kind of proposal and they're going to work on it some more but there was some more beneficial information that came out of that they're going to come back with a modified proposal that they've got so which would amend which would enhance availability to the sewer and city to some that was worthwhile meeting. He explained the legislature still in session Senator Scott Sandall's bill is still up not any action taken. Chris just looked at the Utah league they've taken a position opposing it. He thought part of that is on how sales tax is distributed. There is a specific thing in there that they want to have an additional amount given to cities with gravel pits, there's two parts one that says point of sale and there's another one that says cities that have gravel pits on it, get more of a percentage, people were opposed to the point of sale as much as they were on the additional percentage.

### **12. Closed Session**

There was no closed session.

### **13. Adjournment**

Council Member Mund moved to adjourn the meeting. Council Member Seamons seconded the motion. Motion carried.