

The City Council of Willard City met on April 13, 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  
Fred Ward, Council Member  
Caleb Kunzler, Council Member

**Staff Present:** Chris Davis, City Manager  
Theron Fielding, Police Chief  
Bryce Wheelwright, City Planner  
Van Mund, Fire Chief  
Susan K O Bray, City Recorder

**Others Present:** Larry Holmes, Laralee Darley, and Chad Braegger.

### **1. CALL TO ORDER**

Meeting called to order by Mayor Mote. Prayer given by Councilman Braegger; Pledge of Allegiance given by Council Member Kunzler.

### **2. OPEN COMMENT PERIOD:**

Laralee Darley 200 West. She said the Mayor brought to her attention that the HOPS trail is going in front of her house. She said if she knew the trail was coming in front of her house, she would not have bought the property. Ms. Darley stated she has been to a lot of cities and has never seen a walking, running trail through someone's backyard. There are also fire hydrants and new trees have been planted.

Mayor Mote stated there are several new homes on his road and he has been informing them about the trail that they might want to wait on the landscaping until after the trail goes in. He thought the trail plan was pretty much final, it is just the most economical place for the city to put it in. Mayor Mote said the trail is planned to be on the sidewalk, the engineering has not been finalized.

Council Member Seamons stated it is not final and gives a lot of room to look at some of these things that have been addressed.

### **3. PLANNING COMMISSION REPORT:**

Diana Baker stated the planning commission had one agenda item for their meeting. Palmer Barn (Morgan Palmer) and her conditional use permit. They talked about her landscaping plan she submitted a plan, but it has never been fulfilled. With the drought this year she is doing zero landscaping for her design. They asked her to bring in an updated plan and show the commission the landscaping plan and fencing. She has not put a fence on the south side. According to the permit the fence needs to be all around the perimeter of the property so other people are not wandering in somebody else's property. The other item was the noise. She told her she was being watched. The next item was she had a jumper on her water connection, and she was just using the one jumper for both business and her home. This item has been taken care of. The planning Commission gave her three months to comply. Diana

stated that one commissioner was a little hesitant to give her three months to update everything, she felt the commission was very lenient.

#### **4a. Representative Matt Gwynn regarding the 2023 Legislative session**

Representative Gwynn approached the Mayor and Council Members. He gave an update on the 2023 legislative session. He said they talked about stewardship and the \$500 million in funding regarding water projects, the saving of water, addressing waterways, addressing how to manage water shortages in the future, regulating groundwater use and landscape requirements. He said they talked about water conservation. They talked about some of the negotiations regarding the Great Salt Lake. They negotiated with several water districts, and they have been releasing additional water. Representative Gwynn said Optimal agriculture optimization was 200 million for that 50 million for water reuse desalination. 30 million for infrastructure projects and 15 million to fund secondary water meters. The evidence suggests that if a user's getting their water metered, even if they're not paid, or even if they're not paying for how much they're using the mere fact that it's being metered, they're more conscious of the amount of water that they're using. He continued with Energy renewable energy security amendments statewide energy policy amendments. He said they pushed back against the federal government regulatory overreach that threatens our ability to provide power to the state. They created a statewide energy plan to develop and implement Utah's energy policies and goals as it related to renewable and no renewable energy sources. He said the feds are going to come and try and shut down the power plants, and we will fight back.

He continued they discussed land management, wages, increased organization funding, and cooperation. for State Recreation projects, we hate to grow the size of government, but at the same time Utah's a beautiful state. If we are going to complain about the way the Feds manage the lands, then we need to be stepping in and managing those lands ourselves. Some of the ways we've done that is by creating new state parks. We did that through a bill that a Representative listed last year. But we're also concerned about infrastructure in our state parks, failing restrooms, plumbing, stuff like that, affordability. This is the one that everyone wants to hear about right. 20 basis point reduction in the income tax largest income tax in the state of Utah. Total income tax reduction for Utah residents totals about 150 million. There was a Social Security tax credit. There was a double dependent exception, there's a current income tax credit that's increased from 15 to 20% of the federal tax credit, and the big one is the sales tax on food. He said the interesting thing about the sales tax on food is several years ago, there was a constitutional amendment, that earmarked state, income tax for Education, Health and Human Services, those kinds of things. And everything else that the government does must be funded by the general fund. That general fund is always constantly in flux. The conversation has now been, can we do a better job of taking care of Education, Health, and Human Services, if we had a greater ability to manage all our funds a different way? If we look at sales tax revenue, if we stop sales tax revenue, that really alleviates our ability to use discretionary spending. We can better address education, health, human services, and general fund expenditures, if none of that money is mark, and that's really what the ballot question is going to be.

Representative Gwynn stated the other thing is some states are investing pensions. You have employees that you pay. I see these police officers, right and the city must pay a portion of their salary to Utah Retirement Systems. It prohibits Utah Retirement Systems from reinvesting that money in ways that would violate the fiduciary duty of URS so in other words, and I will name them out loud BlackRock, right. URS would not be allowed to invest the money that you pay on behalf of your employee's

pensions, they will not be able to invest that money into BlackRock, because BlackRock, in theory, are violating their fiduciary responsibility. To answer that question, Education. The voucher bill finally got through the room. There are more options for parents. School districts don't have the option to provide full day kindergarten, teachers are going to receive a \$6,000 salary increase, they'll receive an inflation adjustment, They are going to get an additional 32 hours of paid training per school year. We walked back some of the juvenile justice modifications that were made several years ago. It has really made it difficult for law enforcement and schools to combat crimes that are actually being committed on the campuses, it has been difficult for school districts to address truancy, and teeth that were removed several years ago under the Juvenile Justice Reinvestment Initiative have actually been put back into the code and it will it'll allow our school administrators and our police officers a greater ability to step in and get involved. The total budget this year came out to about \$29 billion. We budgeted for this year 1.6 billion for UDOT enhancements, 200 million for commuter rail projects, 108 million for pointing them out and a point 5 million for highway improvements. \$0 million for rural country roads. He said he supported HB260 and that was the local option and transportation tax.

Mayor Mote stated the city has been working on a issue with Willard Bay. They are putting in a new access road. They are building the parking lot and some other things that basically they're taking a road that the city uses to get to its sewer plant, and we have the Wells family down there who has property and some other families that have property down there. When we initially started working on this process at one point, they just told us over again, to deed the road over to the city and the city would maintain it and we preliminarily agreed to that. More recently, they told us they weren't interested in giving us permanent access to that road. I've pushed back and I've talked to Mr. Rasmussen with the state parks he was very cordial very good to work with and say, we don't want to keep you out of there we can work on something potentially sell you an easement or we could do an interlocal agreement. We're working that path right now. He said he had a meeting on Monday with Commissioner Perry. They had a little bit of discussion, discussion on this Perry City and potentially Brigham. They would like to see that frontage road go someday or at least have the ability for that frontage road to connect all the way through that area. Willard Bay isn't really fond of us just having free rein to do what they want with the property and there's a lot of wetlands down there. They would like and this will go on sideways. They basically want to see things down there that we'll be comfortable with, will obey and fit into that environment I think as a city, we're kind of in that same realm, we'd like to see some retail or other things that would fit in with the assessor in there. They've given us some pushback on how that road will become ours or at least give us and our citizens full access to use that road to access these properties that are owned by the city and owned by private individuals. Representative Gwynn asked if they could set up a site visit at Willard Bay. It was agreed to set up a site visit.

Council Member Seamons stated his concern is secondary water. He said the city spends in the summer months 30 times as much as we do in the winter months to water lawns. He said we don't have the money or a plan to get beyond where we are right now. He asked who he could talk to about funds. Mayor asked if water optimization funds will help the cities. Representative Gwynn replied it was supposed to combat both the agricultural issues and the city. I don't know what the city needs to do to qualify. They passed the bill that it's going to be up to Mr. Ferry's department to determine all of the parameters that are going to have to be met who's going to qualify them, one of the things that I'm learning is when they create these grants is, the amount of money that's going to be available to the general public is purely going to be dependent on how many people put in, the hope is we get a lot of people to put in and more people you have to put in to less as available for everybody else. Whether

they would do it on an individual basis, whether they would do it for a municipality. I don't have those details yet. They're still going to have some time to work through those before July 1st gets here, I can reach out to Mr. Ferry and see what his thoughts are.

Council Member Braegger stated he was concerned about if the city does not get legal permanent access, we could potentially be landlocked.

Chief Fielding asked Representative Gwynn about P25 radio systems that are coming. He said he had heard there was ARPA money for smaller cities. He stated the car radios are going to be around \$7,000 and the city has five cars and eight handheld radios that are \$2,000 to \$3,000 apiece. Chief Mund said the fire department has six fire trucks and about 18-20 handhelds. Representative Gwynn stated he would check on the money for the upcoming radio system.

#### **4b. Discussion on the Willard City Vehicle Policy.**

Council Member Mund moved to table this until the next meeting. He said the reason for tabling is in adopting a vehicle policy. He said we need to make sure the police are included in which it may be completely different than what the maintenance requirements are. He felt something needed to be written so that we have something written in case there is an issue down the road for the city's protection. Council Member Ward commented you're talking oranges and apples with the use of vehicles with a police department versus a maintenance department. Mayor Mote stated one of the public works workers was given this as a benefit to have so he could get here and service the city timely.

#### **4c. Discussion/Approval of Ordinance 2023-03 prohibiting the Use of Dynamic braking devices in Willard City.**

Council Member Ward said he looked at the Ordinance and thought it worked fine. Council Member Seamons felt it was a little over the top. He said in the ordinance it has one place with a little leeway where it says except to avoid an imminent danger. How do you determine imminent danger? Council member Mund stated coming off the hill is a safety issue. He felt it needs to be a little more specific those points coming off the hill. He said they may not have jake brakes they may have straight pipes on those trucks. Chief Fielding said they must have some kind of noise damping device.

The mayor said the advantage of passing an ordinance is that the city can put signs out. He said what if we pass it for Highway 89. The gravel pits have signs regarding jake brakes. Council Member Mund stated we prefer they don't use their jake brake but if it becomes a safety issue then they need to use it. There have been a few complaints about it. Colt Mund, Willard City Attorney stated the police officers have discretion all the time. We have a city prosecutor that sits through whether a use of the jake brake on Hwy 89 was to avoid imminent danger. He said this is typical of most codes throughout the state. He felt it was appropriate to have an exception for reasonable danger. Our police officers and the city prosecutor make those determination in deciding on what constitutes a violation or criminal act.

Council Member Mund stated there are a lot of cities that don't allow engine brakes at all. Council Member Braegger stated in his business they tell their truck drivers to use them. It is a safety thing going down Hwy 89. He continues to say you take one of his freight liners they are stock, and you cannot tell he is using his jake brake. Council Member Braegger said if the council passes this, we are restricting it other than imminent danger, which would allow them to use them on the hills. If you have a truck, that's a particular violator that's rolling through town with a big stack that's noisy coming off the

hill. He said our officers should top them and make them aware they have a vehicle that is making a lot of noise with his jake brake and they are not allowed only in certain areas. Council Member Mund stated he would be in favor of passing this ordinance other than he has a problem with the enforcement he felt it would not be possible.

**Motion:** Council Member Mund moved to approve Ordinance 2023-03 Prohibiting the use of Dynamic Braking Devices in Willard City with the caveat the question marks are filled in. Council Member Seamons seconded the motion. Roll call. Aye: Council Member Kunzler, Council Member Mund, Council Member Braegger, Council Member Seamons, Council Member Ward. Motion carried.

#### **4d. Discussion/Approval of the Willard City Prosecutor Contract.**

Blair Wardle approached the Mayor and Council members to discuss his prosecutor contract. Mr. Wardle is asking for a \$200 increase from \$900 to \$1,100. Chris Davis, City Manager stated that he has talked with the Chief Fielding and the Chief is very happy with the job that Blair does. He said he is very approachable and very accessible for the police department. Council Member Ward stated he has read the contract and felt the council should reduce the contract by a \$100 increase. Council Member Kunzler stated that the city is well below comparable with what we pay him. He said we get a lot of bang for our buck than surrounding cities. He had no issues with what he was asking for. Council Member Seamons stated we have new police officers and lots of activity going on and was on board with the contract. Mr. Wardle stated he had some trepidation about it, he would compare his contract to that of any other prosecution around the state and he has found it to be 50-75% less than most. He said he enjoys his job and the people he works with.

**Motion:** Council Member Seamons moved to approve the contract for Blair Wardle. Council Member Kunzler seconded the motion. Motion carried.

#### **4e. Consideration/Action to repeal the UTA quarter cent sales tax on the ballot.**

Mayor Mote attended a meeting at Box Elder County regarding part of the new road tax. It is a quarter of a one cent sales tax. The County feels uncomfortable doing that and raising the taxes of the community. The resolution is to repeal the UTA tax for Brigham City and Perry they have that on their agenda. He said what he wants to do is put it on the agenda and allow the Willard citizens to vote whether to keep the tax or not keep that tax in this coming election. If they choose to keep if they will end up with a tax increase. The County is going to roll that tax and it will allow it to distribute taxes more broadly for roads which is around \$100,000. The caveat is the state set aside 40 million to start the fund, before the taxes come in. Counties must adopt it to get any of that money. It is a one-year money. After that the revenue will come from this tax. Mayor Mote stated he believes it is allocated on how many vehicles are registered in each city. Mayor Mote stated that Commissioner Perry talked with UTA, and they don't believe we are getting the services this tax should entail and there are two other taxes that we already pay. This will be on the ballot for this election year.

**Motion:** Council Member Mund moved to approve Resolution 2023-04 Repeal Willard City's one-quarter of one percent mass transit sales and use tax for real property purchases for the Utah transit Authority frontrunner project. Council Member Kunzler seconded the motion. Motion carried.

## **5. Approval of Minutes**

**Motion:** Council Member Ward moved to approve the March 23, 2023, City Council minutes. Council Member Seamons seconded the motion. Motion carried.

## **6. Financial**

There was no financial report to sign. It will be on the next agenda.

## **7. Department Reports**

### **a. Public Works**

The public works department has put out garbage cans and sandbags. Chris Davis, City Manager stated they have put up the plastic thing around the fence. That was a big job. HE said we have lost one public works person; Dallin Jensen received a new job offer and took the job. Mayor Mote stated they were going to re do the ball diamond this year for baseball season but because of the lateness of the year, and baseball is getting ready to start they are going to tear those ball diamonds out and reset all the bases. The Mayor talked to them about cleaning out some of the flood control structures that have been filled with mud. He thought they had got that done. Council Member Mund stated the city has some grates that are full of leaves and the grates are plugged. He asked if there is something they can do to suck up those leaves and get them cleaned up. Council Member Ward said he talked with Payden and he commented that the city has many sandbags that are palletized at the shop. There might be some senior citizens that might need some sandbags.

### **b. Police Department**

Norma is at the end of her training and now is on her own. Chief Fielding stated there is still JAG Grant and Alcohol Grant money left and he is going to buy two laptops. He has two laptops that don't have very much battery life left so these new ones will replace these. The Mayor asked what is done with the old laptops. Chief Fielding said he has every laptop they have ever had, and they need to start going through the hard drive and getting rid of them. The Mayor asked if they could recycle them and have the city officials use them. He said they are going to try and use the grant money for the laptops. The trucks have been built and just waiting for them to be shipped which could be a couple of weeks.

### **c. Fire Department**

Chief Mund stated they are doing an ISO audit for what the insurance decides to charge you for fire insurance. The department was last rated in 2015 a 5.5. He said they have dropped from a 6.9 to a 5.

He did not anticipate they would have much more. It will probably stay at that but there are a few things that need to be replaced. Chief Mund stated to replace trucks to come back into compliance they are reviewing the water system. There is some data that our engineers need to compile but also the other water system South Willard, Bear River Water Conservancy District. All of these districts fall into audit because we cover those districts. They look at training records, and all of our input. Chief Mund said they need to do a pump test on the trucks which is required and have the ladders tested.

Chief Mund reported there is going to be built in so a map of the town like what Sunrise we had from them, they will have some or they'll have the hydrants and all the new ones that are updated ones on there and some flow data by each one. We will probably be going out next week and following some

hydrants to retrieve some data that they're going to need to be able to calculate the other hydrants and also on our businesses that are our high risk or our biggest businesses will have to go and do some manual flow tests there for some of the data for the data also. Lisa and I are starting into another audit for FEMA on the air packs we received from the money we got from the grant. He said they have used their new extraction equipment a couple of weeks ago and it worked really well.

Mayor Mote stated the Brigham City's is going to meet on Monday at six in Garland to look at the three proposals. The Mayor has told Mayor Bott he didn't think that Willard City would participate.

The Mayor asked Chief Mund to attend he didn't know if would be able to attend. Council Member Mund stated he could attend the meeting. HE said we still have a few budget items to purchase this year lights for the old squad and gas detectors. For the ISO we are probably looking at around \$3,000.

## **8. Council Member Reports**

### **a. Mike Braegger**

He reported on the flood control. He said things are going well. Bryce went up and worked with Lynx Construction and repaired the channel to direct the water over to the catch basin. The reason the situation exists is because those three or four homes are right in the path of that where the water would go down to the basin. The design was approved last night. He continued the flood control contracted with Nate Rose, and PR services and he's flying a drone for us. He's been flying over these canyons and kind of seeing what we got coming up above. We are going to try to get him to fly Willard Canyon. The problem is he's line of sight. so he can fly up to a mile high. He can get pretty high and go to the canyon the drone will have some real good resolution. We were hoping we can get some good picture from back in around the curve. The mayor and council continued to discuss the various places in town that have potential flooding and where sandbags could be placed. He said he has his flood control board members monitoring different parts of town. He also thanked Chad Braegger for the help with his equipment.

### **b. Rod Mund**

Council Member Mund talked about the Waste Water Board Meeting. He discussed that the budget this year will be around \$140,000. If they needed to purchase a new transfer switch it would be around \$190,000. He continued the switching gear that Jeff is trying to get, which he hasn't even got yet because the companies have all been taken over by other companies. It's we're going through that whole react automation business. The bottom line is if we have an issue there, we will have to come up with extra money to replace the switch. The last quote, or the last information we got is that switching gear would be at least 52 weeks out. It's not something that is sitting on the shelf. He wanted the council to know what would happen if the switch went out. When you look at that sewer budget, there is a little caveat in there that we need to be thinking about in case we have a problem.

### **c. Fred Ward**

Council Member Ward stated he wanted to talk a little about the conditional use permits. His understanding is the authority has been turned over to the planning commission. Mayor Mote replied under the Willard code they approve those. Council Member Ward said they have full authority to move forward with them, approve them, disapprove them. Attorney Clot Mund stated the State code says the land use review authority oversees the conditional use permits. Willard has had this in code for

a long time. Council Member Mund said we need to have the communication and Diane does a good job keeping the Council informed.

**d. John Seamons**

Council Member Seamons asked Bryce if he had anything he wanted to say regarding the HOPS trail. Bryce Wheelwright, City Planner said the city has been trying to do this agreement with Box Elder County Willard city on the matching part of the grant that we've been awarded for that off trail, part of the agreement was that he was going to let us use value of their corridor, or that matching grant, UTA is kind of backed up on that a little bit. So being able to use the whole 60 foot right away as matching draft really going to allow us to use 16. And that does not equate to the 20% match to your card to come up with. It's going to put a cog in the wheel. There are other ways around that matching part we can use Willard city property that will be used for the trail, we can use the value of that property is matching part to fail, we can still get to 20% match. But the contract will be a little slow coming.

Council Member Seamons asked the engineers when they could start talking to people about the up and down the street so that we have got some visibility. They told him to hold off a bit. Bryce stated when the contracts are in place we can move forward. Council Member Seamons asked about the water line easement. Chris Davis, City Manager, said we are making progress. We have got a response back from Granite and the Wells family has been submitted to them. They have come back, and we have the various 3 or 4 legal entities. He said he will follow up with Staker Parsons.

**e. Kaleb Kunzler**

Nothing to report.

**9. Next Agenda April 27, 2023**

**(1) Vehicle Policy**

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

The Mayor would like to get the flag up on the mountain for the 4<sup>th</sup> of July. He said the city council has been asked to do another skit for the fourth. He asked if there had been any progress made on the fire contract. Chief Mund replied he has not had any time to discuss it with him. Mayor Mote reported there is another set of mining roads that is affecting the flood control structure on 100 West. He said where it comes off and meets the pavement it is getting filled with sediment. He said he didn't know how much the structure could handle the sand coming off there. If that is undercutting the concrete or the road when it comes off there, we need to have a plan to fix it. Council Member Braegger said he would take this to the flood control and suggest the engineer give them some ideas on how to solve this issue.

**11. City Manager's Report**

Chris Davis, City Manager stated the council needs to hold a budget work session sometime in May. After some discussion it was decided to hold the work meeting on May 9<sup>th</sup> at 4:30 p.m.

**12. Closed Session**

There was no closed session.



### **13. Adjournment**

**Motion:** Council Member Kunzler moved to adjourn. Council Member Mund seconded the motion.  
Motion carried.