

The City Council of Willard City met on October 12, 2023, at 6:30 pm in the Council Chambers of the Willard City offices, located at 80 W 50 S, Willard UT 84340.

Present: Travis Mote, Mayor
John Seamons, Council Member
Mike Braegger, Council Member
Fred Ward, Council Member

Excused: Rod Mund, Council Member
Kaleb Kunzler, Council Member
Chris Davis, City Manager
Bryce Wheelwright, City Planner

Staff Present: Colt Mund, City Attorney
Jordan Harper, Police Officer
Susan K O Bray, City Recorder
Payden Vine, Public Works Director

Others present: Shannon Wixom, Ken and Ruth Ormond, Diana Baker, Rew Wiley, Jordan Hulsey, Chad Braegger, Doug Younger, Lynn Murphy

1. Call to Order

- a. Mayor Travis Mote called the meeting to order
- b. Invocation offered by Councilman Ward
- c. Pledge of Allegiance led by Mayor Mote
- d. Conflict of Interest Declaration

2. Open Comment Period

- a. Lynn Murphy, 180 W 100 S

"I am a long time resident of Willard. Willard Canyon has been one of Willard's main attractions since the pioneers first settled here, and probably long before that. At the last council meeting when the canyon issue was brought up, most of the city council seemed to think the denial to the canyon was a done deal and not worth the fight anymore. The only ones who seemed to think there was any point to continue in the fight were Councilman Kunzler and Mayor Mote. I don't know how many of you used to hike the canyon and foothills regularly, or if you have family that did, but many families that have moved to Willard came here with the view of having easy access to hiking trails. That was a big motivator for me to move back to Willard several years ago. I found it interesting that with the announcement of a fence across the hiking trails, you seemed to think that was the end of the story and that we wouldn't be able to hike there anymore. I can tell you that for anyone growing up on a farm, a barbed wire fence isn't much of a deterrent. I took a hike in the canyon a couple of weeks ago and I didn't even have to bother with the fence, I simply went through the gate. And I know I wasn't

the only one. Judging by the footprints in the newly bulldozed trail, I could tell several others had been there recently. Putting up a fence isn't going to stop people from visiting the canyon. If safety is truly the issue, as the signs say, perhaps they should find a safer way to allow people into the canyon. In the meantime, I plan to continue my hikes and I'm pretty sure I won't be alone. With the historic value of our canyon and the recreational draw, it saddens me that so many of our Councilmen do not feel it is worth fighting for. Everyone laughed at David when he went up against Goliath, but he didn't let that stop him. I plan to do all I can to continue the fight for canyon access. I encourage everyone who cares about this to write to Governor Cox, Representative Tom Peterson, Congressman Blake Moore, Senator Scott Sandall, our County Commissioners Lee Perry, Boyd Bingham, Stan Summers, and anyone else that might have any influence. Thank you for letting me express my views."

b. Gordon Sleeman, 475 N Main

"So it's interesting to me that the lady who just spoke, that's kind of the mentality that I'm seeing as people respond to both Facebook and information going around. Fact of the matter is, as I've gone back and read through some of the minutes of prior meetings, the issue with access to the canyon, as much as it's a safety issue for the mining operation and for the Wells' family, the fact of the matter is, it's private property and has been since, as the Mayor mentioned, the late 1800s. So anybody who is going through the fence or through the gate or whatever you're doing to access the canyon, you literally are trespassing, and you're putting yourself and whoever is with you at a safety risk from rocks or debris that comes off the mine site, or other issues. It's not responsible to trespass on somebody's property and expect to have access to the canyon."

3. Planning Commission Report

Diana Baker gave an update from the Planning Commission meeting. The first item discussed consideration of the preliminary plot for Kapp subdivision at 620 N 200 W. The only consideration the PC had was the reciprocal agreement to do with the driveway since the driveway will be shared. The Planning Commission wants an agreement in writing that the driveway will be accessible for both parties.

The recommendation regarding the amendment to the emergency access requirement for the Rod Braegger subdivision located at 100 S 400 W was discussed. Initially the plan was to put an emergency access on the south side of the property, but they now want to move it to the Hansen property. 250 W will be extended South then make a 90 degree turn to the Braegger subdivision crossing north of the Hansen property; it will cross in front of the McIntyre property. The subdivision wanted to know if this was possible, and the Fire Department will need to approve the change. Mr. Hansen was not present to give his input. This issue was tabled until more information is available. The

Mayor stated that they cannot build anymore until there is an emergency access because of the amount of houses on Center St.

The conditional use permit for Kenny Braegger was also reviewed. His home is a home-contractor occupation business, and he would like to leave it as a conditional use permit.

4. Action Items/New Business

- a. Discussion regarding UDOT with Shannon Wixom, Horrock Engineering.

Shannon Wixom and her associates were present to present information regarding an easement request for a construction easement near the old Pioneer cemetery on 300 N.

Representatives used maps to indicate to the Council the plans. 300 North is not a plotted road. Part of the UDOT project is changing the grade, adding 5 foot shoulders, and reconnecting 300 North. UDOT is asking for a temporary construction easement which will allow them to rent the property and complete the construction. Councilman Braegger asked how far into the cemetery the right-of-way will go. There have been graves accidentally exposed in the past, so the Council would like to ensure the cemetery will not be disturbed. The representative guaranteed they will not be disturbing the cemetery. Councilman Braegger told them to use caution and be aware because flooding and construction have shifted graves. Mayor Mote said it would be wise to put a note in for the construction crew about potentially finding graves.

Councilman Braegger asked about the box culvert underneath the road being replaced. UDOT is not planning on replacing the culvert, but they will be installing a new storm drain system. Storm water will be routed to the existing culvert. Councilman Seamons asked if the face of the dike would be disturbed at all, they responded no. They will design it so water will be able to drain off the side of the road before flowing down to the culvert. Additionally, a manhole cover will be replaced with a grate to catch water.

Mayor Mote asked if the surface of the highway will drop, and it was said it will only be a "couple inches." The UDOT representative said, "We are trying to fix the cross-level of the road. So we are trying to match the existing elevation on the center of the road. On the sides it may fluctuate a little bit." In some sections, curbs and gutters will be placed to collect water. A concrete barrier will also be replaced.

The UDOT representative also mentioned the property on Saddleback Ridge that they will be asking for an easement for in the future. The county map shows that the city owns a piece of land that UDOT will be working within during this future project.

Councilman Seamons asked why they are doing curb and gutter for some parts of the highway, but not only the entire highway. A representative from UDOT said, "One of the

purposes of this project, the drainage mainly on the east side of the highways ponds a lot, and it is seeping into the subgrade of the road and deteriorating the integrity of the road. The curb and gutter is to protect the road on the east side where it's ponding to get all that water into a storm drain to get it out, also so it doesn't harm the road or residents." Where the curb and gutters are to be placed is determined by "infiltration analysis." "There are some cases where there is enough buffer between the highway and properties where water would just continue to do what it does now." Councilman Seamons questioned the evaluation because the curb and gutter will stop "in the middle of the hill." The representative said, "In this case, the curb and gutter ends here because it becomes more rural with more fields and stuff so it is able to just disperse, versus needing to capture so it doesn't affect those homes." Mayor Mote said it will actually hit the irrigation ditch and not disperse. The representative said, "This goes into a UDOT ditch, there is a connection here."

Shannon Wixom will follow up with Bryce on the offer and get signatures.

b. 2023 Road Maintenance

Zach Burke gave an update at Chris Davis' request. They have had a goal of doing annual road maintenance using Class C funds. The annual budget was about \$370,000. He used a powerpoint presentation. He explained that much of the city is red on the map indicating all the new asphalt, and the initial plan was to reseal these roads, and the estimated cost was about \$260,000. After the large rain storm, their focus changed to 200 S and 600 S and the initial plan was scrapped. Both roads are part of a larger UDOT project. Mr. Burke confirmed Class C funds can be used to help with roadway drainage.

Mr. Burke provided project estimates for three projects: 600 S (short section) (\$324,070.00), 600 S (long section) (\$372,485.00), and 200 S (Hwy 89 to 100 E) (\$293,303.45). On 200 S, from 100 E to 300 E to repair the road would be about \$80,000. To fix the draining issues from 100 E to the Highway would be \$293,303.45. It is up to the Council to determine which project should be undertaken first. He showed pictures of the damage caused by the rainstorm along 600 S and 200 E. The presented plans will help funnel the water into a permeable, less erodible surface. Mr. Burke assured the Council that their goal is to prevent future flooding events and control the flow of the water to help protect private property.

The 600 S plan will involve changing many resident's driveway approaches, which could change the way the frontage is used. Payden Vine, public works director, said they are spending the majority of their time patching 600 S. The corner where 200 E turns into 600 S will be fixed to help reduce flooding. A new Pressure Reduction Valve (PRV) will be installed before repaving.

See packet for estimated costs breakdown, maps, and more details about each project.

Councilman Braegger mentioned it might be possible to work with Flood Control to share the cost of these projects, potentially saving the city money. He also asked Payden Vine which of these two projects is most critical. Mr. Vine said 600 S is the most critical and where Public Works is spending the most time. On 200 S, citizens could still get out of their driveways and access the road, but on 600 S people were stuck.

Mr. Burke is looking for direction for which design to finish so they can begin work. Councilman Ward voted for 200 S to be completed first. The others gave priority to 600 S. The Council decided to abstain from voting on this issue to prevent a draw.

- c. Discussion and approval of Ordinance 2023-10 regarding an application from Chris Marx to amend the 2017 Future Land Use Map of the Willard City General Plan (12-000) by changing the future land designation for approx. 10.84 acres at approx. 297 W 380 N from A-3 to R ½ and to approve a rezone petition with Parcel No. 02-044-0008, 02-046-0011, and 02-046-0012.

Councilman Ward motioned to approve Ordinance 2023-10, Councilman Seamons seconded the motion. Roll call vote, all in favor. Motion carries.

- d. Discussion and approval of Ordinance 2023-11 approving an application from Neldon Kapp to rezone 9.15 acres located at approx. 620 N 200 W from A-5 to R ½ (Parcel 02-046-0005).

Councilman Braegger motioned to approve Ordinance 2023-11, Councilman Seamons seconded the motion. Roll call vote, all in favor. Motion carries.

- e. Discussion and approval of Resolution 2023-09 declaring vehicles owned by Willard City as surplus property and allowing them to be sold.

Ford Explorer used to belong to Bryce Wheelwright, the fire department's old 1990 1-ton 4x4 with utility bed, and a 2007 Chevy truck. These vehicles are no longer in service and no longer needed by Willard City.

Councilman Seamons motioned to approve Resolution 2023-09, Councilman Ward seconded the motion. Roll call vote, all in favor. Motion carries.

- f. Follow-up on pipe at 200 W.

Will follow up with Bryce Wheelwright next meeting.

- g. Follow-up on open manholes.

Will follow up with Bryce Wheelwright next meeting.

h. Follow-up on stop signs (100 N.)

Theron Fielding, Chief of Police, has recommended stop signs be put on all the through streets on 200 W, with 100 N being the most critical, due to increased traffic in the area. Colt Mund, city attorney, mentioned they may need to do a traffic study. He is unsure at this time if it is necessary in this situation.

Councilman Seamons mentioned that two years ago, the decision was that the Council could vote for a change and it was done. Colt Mund said the Council can make a recommendation tonight and they can see what needs to be done to move forward.

100 N, 100 S, and 200 S should have stop signs on the side streets coming onto 200 W in Councilman Braegger's opinion. As the Orchard subdivision is completed, there will be more traffic at 200 S/200 W intersection. Center St and 200 N are both currently four-way stop intersections.

Councilman Braegger would like to save money and not pursue a traffic study if it is not necessary.

Councilman Braegger motioned to direct the staff to proceed to move forward on the process of putting stop signs at 200 S, 100 S, and 100 N facing 200 W. Councilman Seamons seconded the motion. All in favor. Motion carries.

i. Follow-up on 600 S east of Hwy 89.

Will follow up with Bryce Wheelwright next meeting.

5. Minutes

a. Approval of the September 14, 2023 City Council minutes.

Councilman Seamons mentioned a couple typos that needed to be corrected. Mayor Mote asked that the conversation with Brad Sweet about moving soil with backhoes to the pit side of the canyon be included in the minutes.

Councilman Ward motioned to approve the minutes from September 14, 2023 based on previously listed amendments. Seconded by Councilman Braegger. All in favor. Motion carries.

6. Financial

a. Warrants, Vouchers, and Reports

7. Department Reports

a. Public Works

The two 550 trucks with dump beds are about two weeks out. The flat bed will be done this week and be delivered. It is expected to have all three trucks by the end of October.

b. Police Department

Officer Jordan Harper filled in for Chief Fielding and presented the monthly report to the Council. The Police Department has started utilizing their Facebook page to be in better communication with the community. Mayor Mote asked Susan to advertise the Police Department's Facebook page. Officer Harper said, "We are trying to make more of a presence out there. We are out there later which has helped with crime going down late at night." In order to have 24/7 patrol, the city would need to hire three more patrol officers. Currently, they are out from 8 am to 4 am. Councilman Braegger asked if the commercial trucks that are stopped on the highway could be reported on the monthly report separately.

c. Fire Department

Mayor Mote mentioned that the Trunk or Treat will take place on October 31, 2023, and he is wondering if the fire department can move their trucks to help with the activity. The Fire Department Open House had more people in attendance than in years past.

8. Council Member Reports

a. Mike Braegger

He has been getting feedback on the canyon. "I guess from my standpoint, I would just like to go on record as saying, I don't appreciate the fence but it's necessary for them. I understand that. I will say this, as a young man, and for a lot of years, I spent a lot of time up there in that canyon. I know it's a beautiful place and I can appreciate what you're talking about. It is a wonderful place to be, but it is pretty risky up there... All I'm saying is it's an unfortunate circumstance that we are all involved in. I don't know what the path forward is. We are still working on that and I'd like to say that it's not over until it's over."

He asked if Susan Obray would let Chris Davis and Bryce Wheelwright know that Flood Control is looking for the survey from Hansen and Associates.

b. Rod Mund

Absent.

- c. Fred Ward

Nothing to report.

- d. John Seamons

Would like a report on Jake Break.

"I got chunked under the bus on Facebook, and I went over and talked to a lot of people about it. I think our real issue is that the real issues and problems aren't out there. The whole issue is a little more complex than just access to the canyon. If you're patient, we've said all along, and I think somewhere along there access to the canyon will be reinstated. Maybe we will buy it from them, maybe they will get to the point where the mining is done... I don't know... To be expecting something to change when it's private property and there is a severe mining hazard that affects a large company that is not ever going to allow itself to put itself at risk if they mine above the heads of people walking on the trails. That complicated issue doesn't get expressed very well."

- e. Kaleb Kunzler

Absent

9. Next agenda items (October 26, 2023).

- a. Vote to accept an offer from UDOT regarding temporary construction easement on 300 N.
- b. Vote on which road project should be completed first (200 S or 600 S).
- c. Follow up on 600 S, 200 W, and open manholes.
- d. Chris Davis report on signs

10. Mayor's General Correspondence and Information

Mayor Mote mentioned that the city has donated about \$500 in the past to the Halloween Trunk or Treat. He asked if the Council would like to contribute this amount to the event. The Council agreed.

Mayor Mote has asked Susan O Bray to schedule a meeting room in city hall on October 23, 2023 at 7 pm for a town hall meeting to discuss everything known about the canyon project. He summarized the last closed meeting discussion in a document, and he asked if the council would like to read it before it is presented to the public. He wants the information to go forward to the public. Councilman Braegger would like to review what the Mayor has written.

Mayor Mote said, "I think our citizens need information on both sides. I am going to be as unbiased as I possibly can be, which I know is difficult, but I just want this to be fact finding."

Gordon Sleeman asked, "How do you legally discuss in public a closed session?" The Mayor said, "The reason behind a closed session is so that we can negotiate land exchanges and that without laying out our hand necessarily. I think we are past that... We don't necessarily want that individual that we are negotiating with to have that in a public record."

It was mentioned By Colt Mund that the Council doesn't have to enter into a closed session, and nothing can be voted on or decided in a closed session. Mayor said they have had many closed sessions lately and would just like the information to be "aired out" to the public. Councilman Braegger said they have worked on this issue for a long time and thinks the Council is right where they need to be. Mayor Mote asked the Council to read through the presentation he has prepared and contact him if they have concerns.

11. City Manager's Report

a. Economic Development Planning

Absent.

12. Consideration of Motion to enter a closed session if necessary.

13. Adjournment.

Motion to close the October 12, 2023 City Council meeting, Councilman Ward seconded the motion. All in favor. Motion carries. Meeting adjourned.