The City Council of Willard City met on September 14, 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

Rod Mund, Council Member

Kaleb Kunzler, Council Member

**Excused**: Fred Ward, Council Member

**Staff Present:** Chris Davis, City Manager

Bryce Wheelwright, City Planner

Theron Fielding, Police Chief

Colt Mund, City Attorney

Jordan Harper, Police Officer

Susan K Obray, City Recorder

Maddie Brown, Administrative Assistant

**Others present:** Jim and Irene Wells, BJ Wells, Diana Baker, Jim Flint, Ruth and Kenneth Ormond, Chad Braegger, Jeff and Laura Wells, Larry Holmes, Jordan Hulsey, Lynn Beard, Brad Sweet.

1. **Call to Order**

Meeting called to order by Mayor Travis Mote. Councilman Braegger gave the invocation and Councilman Seamons led the Pledge of Allegiance.

1. **Open Comments**

BJ Wells, 7535 S 475 W

“I’m here to represent the Wells’ property at the mouth of the canyon and deal with the questions of the fence that we put up for life safety. I’m going to kind of start the meeting by going through a little blurb that Granite, the Wells’, and some city officials went through that was going to be posted on the website or Facebook, that never did, that will help clarify a few things.

“‘Willard City, Granite Construction, and Wells’ Properties have coordinated a focused mine plan for Willard Canyon Materials Facility. Therefore, private property fencing will be placed at the mouth of the canyon. It will be placed accordingly to identify private property. Willard City Utilities, Fire Protection, Police, and Willard Irrigation Company will have access as required. This is necessary to control security of the Willard City Watershed, Fire Protection, Mine Safety. We appreciate your understanding. ‘No trespassing’ signs have been placed to identify the private property boundary as well as educate about the active mining. We appreciate your help in keeping this property safe and secure.’

“With that said, I want to clarify, Willard City does not own anything East of that fence that was put up, until you get above the Wells’ property. We own the canyon from one side of the pit to the other. It’s a life safety issue with us and Granite with the mine. We’ve now hit that edge of the canyon and have to mine that on our way up. To do that, we have to keep people safe. We thought we’d put some signs up. Well, we put the signs up, and the one day I was up there walking around, I about got hit by two four-wheelers that were blazing up the road, up there screwing around, about hit another hiker. So, we put the fence up. We’ve discussed this fence for a year, and we had to do that. For the record, the fence is on the Wells’ property, all the way down. I went and walked it today, it’s about a foot on the property line, plus or minus. It does not encroach on Willard City’s land. So that clearly identifies that.

“The water line easement that runs up the canyon is exactly that. It’s a water line easement that’s allowed for Willard City employees or whoever needs to excavate the land, or work on the piping, handle whatever maintenance, do whatever they have to do. It is not public access. This land has been in the Wells’ name since the late 1800’s, and as far as I know there has never been a public dedication or authorization for public access use of this easement, since day one. People will say there is the old CC trail and a few things that they used. I believe that was verbally given through grandparents to access when Willard had bad floods and they had to go up and terrace the other side. That once again falls into what our blurb was of Watershed and protecting Willard, right? So that was access that was given for a specific reason.

“We’re going to be mining by that water line within about a year or so. This is here to give notice that Willard City has got to do something about the water line once we get there. That is part of the easement that Willard City has to move that water line and we have to mine that area.

“In closing, there are these six items up there on the board. For the record, the Wells’ have never said, ‘resident access to the canyon.’ There’s nothing we can do with that, because we’re not going to split our property in half with an easement going down through the center for public access. That’s what I have to say. Thank you.”

Brad Sweet of Granite Construction; Ogden, Utah

“I’m here in coordination with the Wells’ family and Willard City. It feels important for me to remind everybody kind of how we got here. We’ve had a lot of coordination on tank property, easements, future plans for secondary reservoirs, expansion ideas. A whole array of, I think, very productive infrastructure plans. When it comes to the fence, Granite Construction company is basically carrying all the risk. By law, we have to do what's defined as ‘secure the mine site.’ That security can be done in a lot of different ways. This fence, after a lot of debate on where to put a fence, how to put a fence, when to put a fence. We visited that site together and determined this is where we should put it. I’m sure people will trespass. They’ll be doing it against the signs and against the fence, that will happen I suspect.

“We just want to have everybody remember the history here. It’s been a lot of work and a lot of years to get to where we are. I think we’ve upheld our end of the bargain. I know one of the biggest things in the past has been dust. I think we’ve done a much better job. I would defer to the people that were bothered by it most. We’ve had some conversations with them, and they’ve complimented us on the improvement. It will be up to us to maintain that behavior, and keep that dust down and continue to improve it.

“With that being said, I think it’s real important for the city representatives to understand that I’ve been very close to all these dealings for quite a few years, and we’ve not waivered or backed away from what we’ve committed to. I feel like they are very generous, very complete, thoughtful, inclusive of the tanks and tank property. I think we could get some support and representation from the city on what we’re all trying to work on here. Help the citizens understand that it’s not just a greedy contractor or affluent people. No, this is happening for a reason. I think it would be helpful if we could get some clarification on that, so we’re not left defenseless.”

The City Council thanked Mr. Wells and Mr. Sweet for their comments, then asked about the storm water plan during their mining efforts. Mr. Sweet assured the City Council that they do not anticipate any issues. They will keep the berm and vegetation in place to prevent future flooding. Mayor Mote asked for reassurance that no sediment will go into the creek. He said if we have a rainstorm like we had a couple weeks ago the sediment will spill off that side. This is where the erosion happens the second the vegetation is covered. He asked Granite that as they mine the side that no vegetation is pulled away, so the vegetation is not disturbed and affecting the creek. Brad Sweet stated the first order of business would be to focus on working from the water line to the pit. That is pulling everything into the berm. The importance of all that is to keep anything from going over the creek side and into the creek, it is an absolute concern of ours and isn’t going to happen, whether it is berm, or fencing. Granite Construction has done the proper research for the proper equipment and process for the project.

1. **Planning Commission Report**

Diana Baker gave the update.

* Public hearing regarding Chris Marx rezone 10.84 had no public comments. Passed onto City Council to amend the General Plan to allow his property at 297 W 380 N from A-3 to R1/2. Vote passed 1 to 4.
* Set public hearing for Neldon Kapp rezone 9 acres at 620 N 200 W from A-5 to R1/2 for September 21, 2023.
* Lot line adjustment for Norris Hubbard at 1094 S. Main St. was passed by the Planning Commission. Lot lines were corrected due to the lines going through the house.
* Tabled Josh Braegger’s conditional use permit due to his absence.

1. **Action Items/New Business**
   1. Ordinance 2023-10 Approve recommendations from the Planning Commission regarding a proposal from Chris Marx to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 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.

The Council referred to the provided maps. Property belonged to Roger Wells prior to Chris Marx. Narrow piece of land located at bottom of 300 North and west of 200 West. Mr. Marx would like to continue the existing subdivision with 6 or 8 half-acre lots, with the final 5 acres reserved for his personal home. Marx is asking for an amendment to the General Plan to create the half-acre lots and his 5-acre property. UTA wants a piece of the property for their right-of-way, and Marx has agreed to that.

Colt Mund mentioned that the City Council is required to hold a public hearing on any amendment to the General Plan. The Planning Commission held a public hearing, but the City Council must do the same. This item will need to be tabled. The Council wanted to ask Mr. Marx questions while he was present.

Mr. Marx arrived later in the meeting at about 7:00. Councilman Seamons asked for clarification about which plan Mr. Marx will be going with. He confirmed there will be a five acre lot at the end of the property for his own home and use. The plan is titled “Option 5” in the packet. He also mentioned the drawing may not be the most accurate because the sewer line needs to be installed, he has been working with Chad Braegger. Mr. Marx explained that a couple of the lots will be for his adult children, and the other lots will be sold. Mayor Mote wanted Mr. Marx to be aware that he will be responsible for the cost of the infrastructure development.

Colt Mund clarified that Willard City’s ordinance requires two public hearings for a general map rezone, which is contrary to the state law that states only one public hearing is required. The Planning Commission has already held a public hearing on this matter.

**Motion: Councilman Kunzler motioned to schedule a public hearing for September 24, 2023 regarding a proposal from Chris Marx to amend the 2017 Future Land Use Map of the Willard City General Plan (Chapter 12-000) Councilman Seamons seconded the motion. All in favor. Motion carried.**

* 1. Ordinance 2023-11 Approve recommendations from the Planning Commission regarding a petition from Chris Marx to rezone approx. 10.84 acres located at approx. 297 W 380 N from a-5 to R ½ (Parcel Nos. 02-044-0008, 02-246-0010, 02-046-0011, and 02-046-0012) (Continued from June 1 and August 17, 2023).

(Chris Marx rezone and future land use map amendment will be combined into one Ordinance 2023-10)

* 1. Approving Ordinance 2023-07 Amending Tittle 12-102-18 regarding curbs, gutters, and sidewalks and adopting Title 12-400-10 storm water retention and pedestrian travel.

The ordinance was previously approved by the City Council. It was placed on the agenda to assign it an ordinance number.

**Motion: Councilman John Seamons motioned to approve Ordinance 2023-11 in order to assign it a number. Councilman Kaleb Kunzler seconded the motion. All in favor. Motion carries.**

* 1. Discussion on the active Transportation Plan.

Bryce Wheelwright provided a map of the active Transportation Plan for the plan. An active transportation plan should be included in the General Plan. Natalie Tippets asked the City Council to complete this task. Councilman Seamons asked about the trail off of 750 and 200 W. Mr. Wheelwright said it is a proposed trail. Seamons pointed out the legend didn’t match with it being a proposed trail, and changes need to be made. Councilman Seamons also asked about the walking trail on the North end of the map to the West of Hargis Hill Rd. Mayor Mote clarified this will be part of the open space from the Kunzler subdivision. The map doesn’t indicate any Perry trails. The proposed trail map needs to pass on its own before being added to the General Plan.

Mayor Mote mentioned the trail out to Willard Bay. A new Golden Spike monument is being built in Brigham City to commemorate the railroad. The park will be adjacent to the bird refuge. Commissioner Summers indicated they want a trail coming from the new park in Brigham City to Willard Bay. He asked if it would be worth putting a proposed trail on the Transportation Map. There is an existing frontage road that goes most of the way to Brigham City, but no walking path. Councilman Seamons agreed that a proposed trail should be added to the map.

Amendments to be made to Active Transportation Plan:

* Correct trail on Beard Property
* Identify Box Elder County trail between Willard Bay and Bird Refuge within Willard City limits.
* 750 N connection to Willard Bay and BE County Trail.

**Motion: Seamons motioned to approve the Active Transportation Plan per the map provided, subject to the changes discussed, to later be incorporated into the General Plan. Braegger seconded the motion. All in favor. Motion carried.**

* 1. Discussion/Action on petition to rezone. Applicant: Lynn Beard.

The Council referred to the map provided. Colt Mund explained parcel one, two, and three are part of the Future Land Use General Plan map. In March, the Planning Commission recommended for approval to rezone lots one, two, and three was contingent upon Dr. Beard provided a conservation easement agreement, while lot six was contingent upon subdivision application approval. Dr. Beard said he doesn’t want to do the rezone for parcel six at this time.

Dr. Beard is requesting that parcel one, two, and three be rezoned to commercial general, which is within the future land use map. Parcel one will have townhomes built. Parcel six is not on the future land use map yet, and the planning commission has not sent any recommendations to the City Council yet regarding that parcel.

Mayor Mote explained that parcel two and three will hopefully be rezoned as retail commercial. Dr. Beard is asking for parcel one to be rezoned so he can begin building. Mayor Mote prefers to rezone parcel one for now and wait until the Future Land Use map is finished before rezoning parcels two and three to commercial-retail. He wants to ensure the city can get the tax benefits out of that area. A ‘commercial-retail’ section will need to be added to the map. Dr. Beard argued that this hasn’t been done on any other property or rezone. He stated he isn’t planning on developing parcels two and three during his lifetime, but wants to give them to his kids. If his kids are offered enough money for the land, they might agree to sell in the future. Rod Mund would like to add the commercial-retail to the General Land Use Map Legend and rezone these parcels to commercial-retail. Chris Davis stated, “If you do it tonight, okay it’s zoned commercial, the master plan when you adopt that will override… You’ll be able to put that in under the new master plan as a commercial retail.” Colt Mund agreed. The Council will be able to put their preferences on those lots in the new master plan to secure the desired use for parcel two and three.

Dr. Beard would like to have parcel two and three zoned commercial. Chris Davis explained to Dr. Beard that the City Council wants to confirm that those two parcels will be used for commercial property and not turn into multi-family housing. Mayor would like to avoid 750 N to become all multi-family housing when they are intending it to be commercial. Colt Mund explained that multi-family housing can be built on commercial property. Councilman Rod Mund asked, “If we go ahead and grab that as commercial tonight, and then we adopt the new master plan next week or in two weeks, can’t we overlay that with ‘commercial-retail’?” Chris Davis explained there is no application for parcel two and three as of yet.

Councilman Kunzler asked if the multi-family housing could be removed from the permitted use of commercial property. Colt Mund said the Planning Commission would need to take care of that, and Councilman Kunzler agreed it should happen. Chris Davis suggested the Council rezone parcel one and table parcel two and three until the master plan is finished and adopted. Dr. Beard would prefer to do them all now so he doesn’t have to keep coming back. He said he is tired of the hassle and just wants to move forward. Councilman Mund said they have the plan in place, so Dr. Beard shouldn’t need to come back. They just have to wait for the new master plan to be finished which will have the section titled “commercial-retail” which parcel two and three will fall under.

Councilman John Seamons said he is concerned that Dr. Beard says he won’t do anything with parcel two and three, but could then go and do something the council is not planning on doing. Chris Davis said you could do a moratorium between now and when the master plan is adopted to prevent misuse of the land, but it’s not required.

Colt Mund summarized. “I think there are a couple of issues here. If you rezone parcels one, two and three, most likely there won’t be an issue. But it does open a window that parcel two and three could be developed so long as it’s consistent with our conditional use tables and our code. Which means they may not be available for retail when we update our general plan. That would be a risk. Dr. Beard says he doesn’t plan on doing anything with it, but things could change. The second option is to table it, rezone parcel one so he could move forward on his townhomes. Parcel two and three would be tabled and we would want to set a deadline, maybe 90 days. I don’t know if that would give the council sufficient time to update and approve the new general plan. At that point you could revisit this rezone request and likely approve it to be commercial-retail. Option three is rezone parcel one, and then impose a moratorium, citywide, on any rezone requests.”

Councilman Mund mentioned he wants to help expedite the process when citizen’s want to rezone their properties. He feels like Dr. Beard has been going around and around and hasn’t been able to make any progress. Chris Davis explained why this entire process has taken so long. The rezone approval was subject to a review of the conservation easement. Dr. Beard was told he wouldn’t receive his tax benefit, which is why he has requested to dissolve the requirement for the easement.

**Motion: Councilman Mund motioned to amend Ordinance 2023-3 to rezone parcel 02-046-0110 to commercial while removing all other parcels. Councilman Braegger seconded the motion. All in favor. Motion carries.**

1. **Minutes**

Seamons mentioned that the minutes stated pictures were taken before construction began on the walking trail, when in fact pictures *should* have been taken. Page 1, line 34.

**Motion: Councilman Seamons motioned to approve the City Council Meeting Minutes from the meeting on August 24, 2023 per the above change. Councilman Kunzler seconded the motion. All in favor. Motion carries.**

1. **Financial**
   1. Warrants, Vouchers, Reports
2. **Department Reports**
3. Public Works

Chris Davis gave an update. There have been a couple bids on replacing the water lines at the baseball park. One bid came in at over $190,000. The second was $50,000. They are going to confirm that bid amount and also get one more bid.

Two of the 550’s have been received. One is being outfitted with a plow and salter.

Councilman Braegger mentioned that several residents have expressed that the garbage situation is being handled better. Mr. Davis spoke with the representative at Republic Services and the situation has been resolved. Residents are much happier.

Councilman Rod Mund asked about the replacement of the water meters. Mr. Davis said they have started to replace them but still have a lot to go. Both new employees, Kaidan and Parker, are doing excellent work and picking up very quickly. Chris Davis thanked Marc Hamson for his help. They plan to finish the water meters by this fall. They also have plans to finish preparing the Children’s Park to receive rocks.

1. Police Department

Chief Fielding gave an update. Stacy Younger has all the parts for the new trucks. Jordan Harper will be the first to receive a new truck. A monthly report was provided to the Council and Jordan Harper gave an update. There were a total of 169 cases with 29 of those being agency assists, so there were a total of 140 cases in Willard City during the month of August. It was determined that about 25% of cases the police work on are outside of Willard City. Traffic citations were not included in the report unless it escalated to an arrest.

c. Fire Department

Van Mund was not present. Councilman Rod Mund gave an update. LifeFlight came and performed some training with the Firefighters on September 12, 2023. Several were able to ride in the helicopter.

**8. Council Member Reports**

1. Mike Braegger

Councilman Braegger brought up 200 S between 100 E and Main St. The road is in bad shape after the flood. “We were working with Flood Control a little bit to see what they could do as far as helping the city out to do the same thing with that down below that they’ve done two blocks above. With the concrete shoulder with the California curb.” Councilman Braegger would like to suggest looking into this more with the Class C funds.

Mayor Mote mentioned Payden Vine, head of Public Works, has a list of streets, including 200 S, for road projects for this year. The same thing is happening on 600 S. Chad Braegger spoke up and said the gutter in front of John Riley’s property is a flood zone. There is no drain and nowhere for the water to go.

Councilman Braegger also brought up Hargis Hill Rd. Steve Anderson and Matt Robertson with Jones and Associates are working together and working on putting in a small retention basin in the area.

1. Rod Mund

Mund asked about the generator and secondary power supply for the city buildings. Chris Davis has spoken with Kent Davis, who has received a scope of work. The cost will be about $4,500. When Chris Davis receives more info, he will set the repairs in motion.

1. Fred Ward

Absent.

1. John Seamons

Economic Development Contracts. Chris Davis said he has spoken with Jason Burningham (Lewis Young Robertson and Burningham) and Lincoln Schwartz, lobbyist. Jason is putting together the plan for the economic development contracts. The contract will be compliant with State purchasing provisions. We have used LRB in the past for financial advising and will continue to do so. Currently, the window should open October 2, 2023. Jason is in the process of completing the pre-application.

HOP Trail. Chris Davis said an appraisal is required. The appraisal on our property is more difficult because of the many different parcels. It will cost $7500. The same appraiser is doing the Perry project, but Perry’s will be cheaper because their property is mostly open fields. Ken Mitchell, the appraiser, said to plan for 6 weeks from September 12, 2023.

200 W. Councilman Seamons asked, “Is there anything we can do to make that, not paved necessarily, but make that an all-season road so that it isn’t what it is right at the moment?” Mayor Mote mentioned they have “touched up” from Deer Run to 600 S. Some material has been laid to smooth out the road. Councilman Seamons is concerned about access to all the homes on 200 W and 200 S. He predicts there will be issues during the winter. “Ultimately, is there any way we can get some access off of that and provide more access for the 200 W people on 200 S?” Bryce Wheelwright suggested asking the developers to improve 600 S. Councilman Seamons said, “Bryce, I’d like to ask you to do that. See if you can’t spend a little time down there and figure out what accesses would be acceptable to the contractor.” Mayor Mote is concerned about the open man-holes that need to be covered. Councilman Seamons would like to re-address this issue in the next City Council meeting.

1. Kaleb Kunzler

None

1. **Next Agenda items (September 28, 2023)**
2. **Mayor’s General Correspondence and Information**

Reminder of the Day of Service at the Nature Park. The goal is to prepare the dike for another major flood. Payden has Round-Up and pruners. The tree blocking the northern ‘Welcome to Willard’ sign should be removed and signs will be touched up.

On September 11, Chris Davis, Colt Mund, and Mayor Mote met with the Commissioner Perry and Scott Lyons and discussed what and if an annexation is beneficial for South Willard. Councilman John Seamons’ notes from the annexation meeting were used. The county will investigate the tax effects for South Willard and Willard (there will probably be none for Willard). They are going to look into the process and how to offer the annexation to South Willard. He will speak with the Department of Water Quality Testing to work out the questions about connecting the sewer lines. Mayor Mote would like to have a large community meeting where the pros and cons of the South Willard annexation into Willard are discussed in depth with residents. When the initial study was done, at the time, they did not have a municipal services tax on South Willard residents. They now have that tax in place, so there wouldn’t be a huge tax increase for residents. Commissioner Perry said that based on fire uses, that amount may need to be raised. Mayor Mote said Willard cannot keep providing fire services to South Willard at the current rate.

1. **City Manager’s Report**
2. Economic Development Planning
3. **Adjournment**

**Motion: Councilman Rod Mund motioned to adjourn the September 14, 2023 Willard City Council Meeting. Councilman Kaleb Kunzler seconded the motion. All in favor. Motion carries, meeting adjourned.**