The City Council of Willard City met on September 28, 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

Fred Ward, Council Member

**Excused**:

**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

**Others present:** Chris Marx, Colton Kapp, Kamryn Kapp, Nelson Kapp, Diana Baker, Rew Wiley, Andy Powell, Lynn Murphy, Chad Braegger, and Gordon Sleeman.

1. **Call to Order**
   1. Mayor Travis Mote called the meeting to order.
   2. Invocation offered by Mayor Mote
   3. Pledge of Allegiance led by Councilman Fred Ward
   4. Conflict of Interest Declaration
2. **Open Comment Period**
   1. Gordon Sleeman (475 N Main)

“In my opinion, Willard City is at one of the most critical junctions in its history. The expansion of Willard City is moving forward at an unprecedented pace. Regardless of your opinion as to whether the city should remain in its rural state or move to a more densely populated area, growth to Willard City is going to come, and in fact, is already coming. With no regard to the city of Willard or its inhabitants, Box Elder County Commission has placed Willard in a position to take on the growth the county has no inclination to take care of themselves by enacting the ordinance that requires all developments in the south part of Box Elder County to come first to Willard City, has placed the city in a position to annex those who wish to develop in Willard City.

“Over the years, I’ve responded for about 28 years now, and it seems like every few years whenever there is any talk about expansion or any development in the city, one of the city’s immediate responses is to send out a survey to all the citizens of the city and find out what the citizens want. I cannot recall the number of times I responded to a survey with regards to that growth. But I am quite sure that annexing sizable portions of ground in South Willard is not going to allow Willard to keep its rural atmosphere that many of the citizens have come to know and love. My feeling is that by doing that and by annexing those large portions, we are ultimately going to lose our rural atmosphere and have hoisted on us densely populated developments and subdivisions that the city’s plan over the last few years until this new MPC zone was created have not been large developments, small lot sizes, large units of multi-family buildings. We need to be cautious as we look at these annexations and make sure we are doing what’s right for the city and its citizens and not just looking at the economic feasibility of our economic impacts that those developments might have. Thank you.”

1. **Planning Commission Report**
   1. Diana Baker reported the Planning Commission held a public hearing about Neldon Kapp’s rezone request, no comments were made. The consideration was for rezone only. There were concerns about the driveway, which will be a joint driveway. The Planning Commission approved the rezone and is passing it up to the City Council.

The General Plan was discussed. Zach Hulsey and Alex Dabovic are going to send a report with new wording to the City Council about the ½ acre lots from the work session. This item was tabled.

Josh Braegger was issued a conditional use permit. When Josh Braegger put in his basement apartment, there was no ADU ordinance, but there is now that ordinance in place. Josh would like the ADU ordinance, but the Planning Commission would like to have something written that relinquishes the conditional use permit. Once that is done, they will move forward with the ADU.

1. **Public hearing to receive public input regarding the proposal of Chris Marx to change the future land use map on the Willard general plan.** 
   1. **Councilman Mund motioned to open the public hearing, seconded by Councilman Ward. All in favor. Public hearing open.**

No public comments.

**Motion: Motion by Councilman Kunzler to close the public hearing, seconded by Councilman Mund. All in favor. Public hearing closed.**

1. **Action Items/New Business**
   1. Discussion and approval of the zone change for Chris Marx to amend the 2017 Future Land Use map of the Willard General Plan (Chapter 12-000) by changing the Future Land Use map on the Willard General Plan. Changing future land designation for approx. 10.84 acres at approx. 297 W 380 N from A-3 to R1/2.

Councilman Seamons asked, “Colt, did you not tell me that we can amend the Land Use Map and when we do that, we don’t have to have a zone change?” Colt confirmed this was incorrect. Colt confirmed that it could be amended to allow the future land use map to be R1/2 in that area, but then a rezone must be completed to allow it to go into effect.

Councilman Mund remembered the previous discussion about 500 West. The only issue is that 500 W will need to go in line with the sewer so it will end up lower than the anticipated 500 W. The west most parcel will be 5 acres; the others will be R1/2. Councilman Kunzler suggested leaving the 5-acre lot at A5, and the east properties can be rezoned to R1/2.

Councilman Ward expressed concern about the water in the subdivision. “How much of that water will be turned over to the city?” Chris Marx assured the Council it would be the minimum required amount, which is one acre/foot per building lot.

Chris Davis, City Manager, mentioned the Planning Commission recommended the entire property be subdivided into R1/2. He asked Delaney to work on the map and language, which she will have ready by the next planning commission meeting.

Councilman Braegger asked why it is proposed that half the property is rezoned to A1/2 while the other half is being left at A5. Councilman Kunzler explained that this is due to the delay in the General Plan Update. Councilman Seamons also questioned why it is being zoned in two separate categories now. Councilman Braegger suggested there is no difference making it R1/2 throughout the entire property versus the east side R1/2 and the west side A5.

**Motion: Councilman Mund motioned to direct city staff to write an ordinance that will amend the general plan from A5 to R1/2 on Chris Marx’s property. Councilman Seamons seconded the motion. Councilmen Mund, Braegger, Seamons, and Ward in favor; Councilman Kunzler against.**

* 1. Consideration and Recommendation to the City Council from the Planning Commission regarding a petition from Neldon Kapp to rezone approx. 9.15 acres located at approx. 620 N 200 W from A-5 to R1/2 (Parcel 02-046-0005).

Mayor Mote asked about the pipeline that will be from Main St to 200 W. This pipeline will be for the fire hydrant. There was also concern over it being a flag lot. Colt Mund explained, “The way that the parcels are configured is, right now where it is family, there is going to be a granted right to use the driveway to access the parcels. The concern was that if that went away and the parcels got sold, there would be an issue on where the access would be.”

Colt explained the Planning Commission discussed the idea of dedicating the driveway as an easement that serves both pieces of property. The other main concern is whether there will be sufficient frontage for the back property.

Nelson Kapp mentioned McCormick’s sharing a driveway with their neighbors, as do the Saunders and the Ivys. He was asked to propose a potential driveway location just in case. He does not plan to sell this property and wants to keep the property in the family. He indicated where they plan to build on the map and indicated where the potential driveway could be. Mayor Mote said he prefers an easement or mutual agreement to prevent future issues with a shared driveway. Councilman Ward agreed an easement would be a smart decision.

**Motion: Councilman Braegger motioned to instruct the staff to write the ordinance approving this item. Seconded by Councilman Ward. All in favor.**

* 1. Discussion/Approval of the Agreement for Financial Advisor and Consulting services for Willard City with Lewis, Young, Robertson, and Burningham.

Chris Davis mentioned that Colt has made a couple minor changes, which Jason Burningham agreed with. Changes include a statement saying LYRB provides the city with a breakdown of administrative expenses.

**Motion: Councilman Mund motioned to approve the agreement between Willard City with Lewis, Young, Robertson, and Burningham as amended by Colt Mund. Seconded by Councilman Braegger. All in favor. Motion passes.**

* 1. Action on certification of the Orchard Annexation for Sponsor Mike Bastian. Located at approx. 8470 S Hwy 89.

Last meeting, this item was discussed and moved forward to be certified. Colt Mund explained, “How the process works is you approve it for further consideration and then Susan and I work together to certify the petition to make sure it meets all the requirements under state code. Principally, the affected entities, School District, Box Elder County have been notified of the petition, the landowners have received notice within the vicinity of the annexation… That process is certified by Susan. That is where we are today where she sends notice to this body, the Box Elder County commissioners, and to the sponsor of the annexation. This is formal notice that the annexation petition is certified.

“The next step is within 10 days; the city is required to send out notice to any landowners within a half mile of the proposed area to be annexed. Within 20 days we post notice of the deadline to file a protest, which is 30 days from tonight, and those protests need to be directed to the Box Elder County clerk. After that period is done, then a public hearing, and if no protest has been received, then the city can decide on it.”

Mayor Mote mentioned this piece of property was zoned as MPC zone in the county before the MPC zone was done away with. He would like the public to be able to see what the county has done and what the plan is for this property. He would like to see what has been guaranteed in their functions with the county, and if that is applicable if the land is annexed. Colt Mund explained that once the land is annexed, it is now subject to the jurisdiction of the city of Willard. The Mayor wanted more information and said, “I want it open. What is already approved and are we obligated to move forward with what the county has approved or not?” Colt explained that the county’s ordinance will not undermine Willard City’s zoning map if the land is annexed.

Chris Davis explained that certifying this item indicates it is ready for the next step. Mayor Mote would like to make sure the public has all the correct information and will be allowed to comment on this item. Colt explained that a public hearing must be held, but a decision does not have to be made at the same time.

**Motion: Councilman Braegger motioned to proceed with the certification of the Orchard Annexation. Seconded by Councilman Seamons. All in favor. Motion carries.**

* 1. Action on the certification and further direction from the City Council for the Willard Annexation.

Colt explained this item is acceptance or denial by the City Council on Willard’s City petition for annexation. If the Council approves it, then it goes through the process of certification. If the Council denies it, the city will need to pursue a wide use permit from the county.

Councilman Seamons stopped the council before a vote was cast. He said we are trying to get the county to grant a conditional use permit to harvest gravel off the annexed land. “If we pursue annexation of this, we do not have an ordinance that allows gravel rights.” It was discussed that if the council turns it down, it will go to the county, and they will decide about the conditional use permit. Mayor Mote explained that this issue was discussed during the work session.

Councilman Kunzler said, “We own property that is right on the border of our existing city, and it is our property. I do not see why we should not annex it in. Whether we do the gravel or not is a whole other question. But I think we should annex it in. That gives us complete control of our property. And we can pass ordinances to allow or not allow whatever we need to do, or whatever the Council decides. In my mind, it is wise for us to annex in the property that is adjacent to the existing border of the city.”

Mayor Mote asked Colt if annexation happened and gravel pits came into the city, would the city have to have a gravel ordinance? Colt was unsure, and Chris Davis said there would have to be pre-existing conditions to annex the land.

Mayor Mote said this has happened in the past, where the decision has been sent to the county so there is nothing the city can do about the conditional use permits. Annexing this land will give the Council more say in the conditional use permits and what happens on the land. Councilman Mund is interested in this issue so that the city will have some say and standing on how the land is used and how it is left for future generations.

Councilman Ward said he agrees with Councilman Seamons about kicking this back to the county to let them decide whether they want to do the conditional use permit. He believes the county will eventually create a conditional use permit to mine into Willard City property.

Gordon Sleeman asked for clarification from Councilman Mund about a reclamation bond. Councilman Mund explained the gravel reclamation has nothing to do with the annexation. Councilman Mund mentioned there was a public hearing on this issue. Granite construction agreed to meet the city’s requirements if they were allowed to mine gravel. At the hearing, there were people present that were for and against the gravel pits in Willard City. The problem comes down to access to the canyon, which has become a big subject recently.

Councilman Seamons explained a meeting took place on March 4th with the Wells family, at which they said that access to the canyon was never going to happen. Mayor Mote disagreed and said that is not what happened. Councilman Seamons referred to his notes from the earlier meeting. Councilman Seamons motioned to reject this application for annexation by Willard City and direct the staff to proceed with all haste to complete the items on the board. Councilman Ward seconded this motion, but the Mayor said he would like to continue discussion.

Mayor Mote said he did not hear BJ say anything about access to the canyon being denied. He continued, “If it was my property, and it was private property, I totally support their ability to fence that off. What I am saying as a resident of Willard and knowing Willard residents use that canyon extensively… A negotiation point that we discussed, and frankly John, you are the one that turned me on this because we had a meeting and you said, ‘I think we can get it all. I think we can get access up there.’ That is what turned me on the whole thing anyway. The other items are good, but I was still not on board until that item came… If it were my property, I would want to control access and that is their ability. I understand Granite’s, they are reporting to their shareholders and everything else, that is fine. As the Mayor of Willard and thinking what is in the best interest of my community, access to that canyon, which has been happening since the 1860s, and I can show documentation of that, has been happening. Brad Sweet asked us to let him be the intermediary. And I talked to Brad on multiple occasions, and Brad kept leading this forward, even at the meeting we had when they were showing us where the fence would go. Brad told me, ‘Well I would like someday to see barrier things up here and an access for the citizens up here.’ Then he told me at the same meeting, ‘Our attorney has sent your attorney something.’ So, I came back and contacted Colt, and Colt reiterated what was in that email, and at that point I knew he had no intention, at all, of ever letting anybody up that canyon. At the very next meeting is when I said, ‘Ok I can’t support this anymore.’ I will push back against it. There are some serious environmental concerns going on up there, and we will get into that in a closed meeting… I absolutely support private properties, but as the Mayor of Willard, I am looking out for the residents and what I think is best, and I will do that vigorously. The number of talks I have had this week and residents calling me… is we need to take this back to the public. I plan to hold an open house and stating where we are with these items and at what points can citizens who oppose this go and provide public comment. I think, if you want to go forward, own it, and let them come here and talk to us. But if they must go to the county that is fine. They just need to be aware of what has and what has not been agreed to, what will happen and will not happen with an agreement.” He then explained that the public will be allowed to provide public comment to the county at that point.

Councilman Mund asked if the Mayor would pursue legal action to ensure access to the canyon. The Mayor said no and said the gravel in the canyon is the ‘bargaining chip’ which will only become more valuable with time. Councilman Mund said that access to the canyon is more important than other items on the list. Councilman Braegger said there is probably some compromise that will need to be made.

**Motion: Councilman Seamons motioned to reject this application and send it back to the county for approval. Seconded by Councilman Ward. Councilman Mund, Braegger in favor. Councilman Kunzler opposed. Motion passed.**

* 1. Follow up on the pipe at 200 West.

Improvements were made, then rain and trucks made the issues worse. Councilman Seamons mentioned that residents have reached out to him about how they are supposed to get out of the area with no secondary access. Chris Davis has a meeting scheduled with UTA and said he will be in contact with Kirk Young about the issue. He explained that the construction companies have been very reasonable so far.

* 1. Follow up on open manholes.

Payden Vine has spoken with Kenneth Braegger about exposed manholes. They are going to be addressed.

1. **Minutes**
   1. Approval of the September 14, 2023, City Council minutes.

Pushed to the next meeting.

1. **Financial**
   1. Warrants, Vouchers, and Reports

Warrants approved and report signed by Mayor and Council Members.

1. **Department Reports**
   1. Public Works

One of the large dump trucks has a fuel leak. Payden is happy with the two new employees, Parker Haws, and Kaidan Vaughn. They are working on the Children’s Park and replacing water meters. There are hundreds that need to be replaced.

Mayor Mote and Payden drove around and looked at the location the tribe would like to place their monument. Mayor will follow up with the tribe on the plaque.

Payden has said that 200 S is a road they have to fix the least. 600 S is the worst, and they are putting the most time into 600 S. 300 S is the next as far as the amount of time they are spending on fixing and maintaining. Councilman Seamons suggested stop barriers that restrict the flow of water on the side of the road. Councilman Braegger also mentioned swails were installed in Fairbanks Estates, and they have been functioning well for many years. The Mayor also suggested riprap being placed to reduce the velocity of water flow. Mayor Mote has also been discussing these problems with Zach Burke with Jones and Associates.

Payden is concerned about the dead tree on the dike. Councilman Braegger spoke with Payden about the dead tree between Hwy 89 and 200 W. Flood control needs to hire a tree company to remove these trees. It will be safer and better to hire a professional.

* 1. Police Department

Yield signs along 200 W might need to be changed to stop signs due to the road becoming a main thoroughfare. Citizens are concerned about their kids, and Chief Fielding recommends changing every intersection on 200 W be changed to stop signs. Colt asked if a traffic study needs to be done, Fielding said the City Council just needs to pass it. Chief Fielding will provide more information for the City Council to review to consider before making these changes.

* 1. Fire Department

Van Mund, fire chief, told Councilman Mund they are hoping to have the bid on the side-by-side by the next City Council meeting.

1. **Council Member Reports**
   1. Mike Braegger

Asked about any regulations about the Nature Park. He is concerned about the maintenance of the park and things that need to be done to maintain the beauty of the park.

He would like to direct the Fire Department about burning all the brush piles. There are a couple piles on the north side of the dike that need to be taken care of. Lindsey Wells will take the message to Chief Mund.

* 1. Rod Mund

Asked about the irrigation system at the ballpark. Payden would like to add some decorative rock in places where the grass is difficult to grow at the baseball and Nature Park. Mayor asked him to make a list to be considered by the City Council. Councilman Mund requested to see the bids at the next meeting.

* 1. Fred Ward

“What kind of revenue does the city get from the storage units? What kind of revenue does the city get from the truss company on 750 N?” Chris Davis said the city gets sales tax from the truss company, and he will check on the storage units. There is property tax, but he is unsure about sales tax. The truss company has the highest amount of sales tax in the city.

Councilman Ward thinks the agendas are being presented too late. He would like to propose that whatever items need to be on the agenda be given to Susan no later than Friday, so the agenda can be completed and given to the Council members by the Monday before City Council meetings.

* 1. John Seamons

He mentioned the Planning Commission reads rules of order at public hearings at the beginning of all public hearings. He would like that to be considered and done at City Council meetings as well. Mayor Mote agreed this be implemented.

Subdivision to the north of Granite Ridge, Willard Peak Ranch Subdivision, has an HOA that is not functioning very well. He has had some questions about what can be done from residents, and in the past, he told them he could not help at the time. It is up to the residents of the HOA. He asked if there is anything the city can do to help this subdivision. He reported the shared areas are in rough shape, which reflects on the city. He thinks they should offer help if they would like it. Colt mentioned a nuisance ordinance that could enforce property upkeep. Councilman Seamons would like to investigate and see what can be done for Willard Peak Subdivision.

He has gotten several calls about fiber optics. Mayor Mote cornered Senator Brown, the State Senator, to get some answers and was told they are waiting on UDOT crossing easements. Councilman Kunzler had the same conversation a week or so ago.

* 1. Kaleb Kunzler

None.

1. **Next agenda items (October 12, 2023).**
   1. Yield signs and stop signs information from Chief Fielding.
   2. Bids on the irrigation system at the baseball park.
   3. 200 W and manholes update
   4. Has Zach Burke been able to look at 600 S?
2. **Mayor’s General Correspondence and Information**
3. **City Manager’s Report**
   1. Economic Development Planning- the portal opens next week. Colt will provide a revised copy to the Mayor to sign.
4. **Consideration of Motion to enter a closed session.**

**Motion: Councilman Rod Mund motioned to enter a closed session regarding a UDOT request for an easement and personnel issues. Councilman Kaleb Kunzler seconded the motion. Roll call vote, all in favor. Closed session opened.**

**Motion: Councilman Seamons moved to close the closed session. Councilman Kunzler seconded the motion. All in favor.**

**Motion: Councilman Braegger moved to close the regular city council meeting. Councilman Ward seconded the motion. All in favor.**