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2 The City Council of Willard City met on January 25, 2024, at 6:30 pm in the Council Chambers
3 of the Willard City offices, located at 80 W 50 S, Willard UT 84340.

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5 Present: Travis Mote, Mayor
6 Mike Braegger, Council Member
7 Rod Mund, Council Member
8 Jacob Bodily, Council Member
9 Jordan Hulseley, Council Member
10 Rex Christensen, Council Member

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12 Excused:

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14 Staff Present: Colt Mund, City Attorney
15 Jeremy Kimpton, City Manager
16 Bryce Wheelwright, City Planner
17 Susan K. Obray, City Recorder
18 Payden Vine, Public Works Director

19

20 Others present: Ruth Ormond, Ken Ormond, Chad Braegger, Mark Murphy, Lynn Murphy, Alex
21 Dubovik, Diana Baker, Lew Swain, Steve Nelson

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23 **1. Call to Order**

- 24 a. Mayor Travis Mote called the meeting to order at 6:30 pm.
25 b. Invocation offered by Mayor Mote.
26 c. Pledge of Allegiance led by Council Member Christensen.
27 d. Conflict of Interest Declaration.
28 i. None.

29 **2. Open Comment Period**

30 Chad Braegger, 3790 S 1200 W Perry

31 "I'm just a little concerned about the trail up there. It's been about a week since we had a
32 snowstorm and I know the guys have been busy. I talked to Payden. I was kind of
33 helping take care of things, they said they had it handled. I've just seen some people
34 walking up and down the road, the road's wet, and it's a little bit of a hazard. I just
35 wonder if we can get the trail cleaned off... I'm glad to help if I can, all it takes is a phone
36 call."

37 **3. Planning Commission Report**

38 Diana Baker stated the meeting was canceled on January 4, 2024.

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4. Presentations and New Business

a. Presentation by Family Support Center.

The representative called to reschedule this presentation.

b. Presentation by the Willard Canyon Group.

Mark Murphy (180 W 100 S) gave the presentation:

“I’m here to report to the city that since the last council meeting, a number of concerned residents and people from the surrounding communities have come together to form what is known as the Willard Canyon Access Coalition. The mission of our organization is threefold. We want the fence taken down. Second, we want the trail and trailhead improved, and third, we want a recorded easement for access into the canyon. We are going to achieve this mission. Our hope is that this mission will be achieved in collaboration with the city and those with property rights on the land of issue. However, if we do not feel like we are making progress in that area, we will eventually turn to other remedies available to us. They are legal remedies. We are currently reviewing which proposals we would like to put in front of the city. And over the next couple of weeks, we will engage with City officials to help us be clear on how you would like to see our proposals before you. This is a short report. We know you have a lot of other items to cover tonight, but we just wanted to introduce ourselves and put this information in the record. If you have any questions, please feel free to reach out to me or any of the others affiliated with our coalition, please do and we will respond as soon as possible. Again, it is with sincere desire to collaborate with any who would like to engage with us and with any other parties of interest. We invite you to reach out to us. Thank you.”

Rex asked for contact information of members of the coalition. It was stated that emails shared with individual council members will be shared with the entire council unless confidentiality is requested.

c. Open Meetings Law Training-Colt Mund.

Colt Mund, City Attorney, gave training on the Open and Public Meetings Act.

d. Consideration/Recommendation from the Planning Commission to amend Chapter 12-100 of the Willard City Zoning Ordinance by adopting the General Plan Draft.

Bryce Wheelwright stated that the Planning commission motioned to move the General Plan to the City Council with the recommendation that the overall Land Use Map be modified to include R ½ zoning throughout. Alex Dubovik (349 S 300 E) came up to the podium to present more information. It was decided that the R1/2 would be assigned across the city and allow the MPC Ordinance to dictate how they applied specific plans to each one of the parcels.

1 Mayor Mote confirmed some information with Mr. Dubovik. He said he felt like the
2 Planning Commission felt that the density was locked at the half acre density in
3 the MPC. He said it could be applied to any zone because it gives the city
4 enough discretion with the MPC ordinance to make those decisions based on
5 what's in the best interest of the city. His opinion was that they didn't need to a
6 blanket rezone of the entire city to R ½ because there was not that limitation
7 within the MPC ordinance. The MPC ordinance doesn't require a one-half acre
8 density. Mr. Dubovik said in the absence of the perceived limitations of the MPC
9 ordinance, the desired option would be to not do a blanket R1/2. Diana Baker
10 also spoke up and said it was agreed to do the half acre lots and to go back and
11 review the MPC zones. There was some concern about how the MPC zone
12 would apply.

13 Council Member Braegger said he also read the minutes and was concerned
14 about whether the rezone was for the entire city or just the portions identified as
15 residential. Mr. Dubovik confirmed that the recommendation would be to rezone
16 the entire city to R1/2 minus the commercial zoned properties. He said rezoning
17 the entire city to R1/2 would be enticing for contractors, but he would like to see a
18 solution that allows the city to be able to renew every plan and make qualitative
19 assessments.

20 Mayor Mote said in section 12.106.5 it states, "The density shall be consistent
21 with the policies of the General Plan." Variety is still possible, and lots don't have
22 to ONLY be half acre, but the area will be limited to that DENSITY.

23 Council Member Mund mentioned this was discussed at the work session. He
24 suggested leaving more open spaces. He said the idea of keeping the density
25 accomplishes what the city wants. There was discussion on mixed lot sizes to
26 maintain the density. It was discussed how SLUA can incentivize developers to
27 come up with plans with mixed lot sizes. Mayor Mote said there are three existing
28 subdivisions, plus a couple that have been annexed, that provide small lots,
29 Granite Ridge, Deer Run, Willard Land, and the South Willard development.
30 Council Member Mund said the point is there needs to be a choice for
31 developers.

32 Mr. Dubovik asked, "Does the general plan have to change to make a grid ½
33 acre across the whole community, or is it as simple as addressing any ambiguity
34 in the MPC?" Mayor Mote asked, "What is the point of a 5 acre zone if we can
35 change it to anything we want?" Mr. Dubovik said that provides more leverage to
36 the city for the MPC zone because now there is more incentive. Developers can
37 request to change the zone from A5 to R1/2 and it will be considered for approval
38 by the city if they provide a great MPC plan with varying lot sizes of houses and
39 densities.

40 Council Member Braegger mentioned that the new map indicates all land to the
41 east of highway 89 is listed as ½ acre. The only piece of Willard that is zoned as

1 Agricultural would be the land north of 750 N. He suggested making all lots within
2 the center of town ½ acre.

3 Mayor Mote was concerned there is no tie between the MPC and the underlying
4 zone. If the MPC should be bound by the general plan in some fashion, he thinks
5 the zone indications give an idea of what Willard is looking for. Mayor Mote said
6 the General Plan and the MPC should support one another.

7 Mayor Mote read the following from the MPC section of the General Plan:
8 “Recommended use or density. A variety of residential uses and housing types
9 are allowed. Density should be determined in conjunction with the project
10 neighborhood, the city benefits voluntarily provided, and comply with the intensity
11 standards of the city ordinances as adopted.” He said density is tied to the
12 General Plan, but the only thing that has a density in the General Plan is the
13 map. He says the density is being tied back to the map, which probably needs to
14 be clarified.

15 Mayor Mote said he is concerned about SLUA and how SLUA needs to respond
16 to developers who want to rezone pieces of land. A discussion was held about
17 SLUA meetings and who attends. Colt Mund said there would need to be an
18 amendment made to the SLUA Board (2021) if changes were to be made.

19 Mayor Mote suggested to approve the General Plan as is and add a statement
20 above the Land Use Section that says, “When the density is referenced in the
21 General Plan and the city’s Land Use Ordinance, it is in reference to the Future
22 Land Use Map.” A code will need to be written for the Commercial Retail zone.
23 He also said he would like to include an amendment to include South Willard. “If
24 we blanket it half acre and then preserve from the county line on the east side of
25 the highway, all that open ground on the elk farm, and to Pettingill’s, all that
26 would be commercial retail. Just include this in our general plan so that these
27 questions are answered.”

28 Mayor Mote directed city staff to work with the Planning Commission to create a
29 zoning map for South Willard.

30 **Motion: Council Member Mund motioned to table this item until all the**
31 **information can be gathered together with the added amendments and the**
32 **completed map. Council Member Hulseby seconded the motion. All in favor.**
33 **Item tabled.**

- 34 e. Ratify the approval of the Contract for Jeremy Kimpton for City Manager.

35 **Motion: Council Member Braegger motioned to ratify the approval of the**
36 **employment contract for Jeremy Kimpton for City Manager. Council**
37 **Member Christensen seconded the motion. All in favor.**

- 38 f. Discussion regarding unknown location of water meters and if residents are
39 responsible to pay large utility bills.

1 A resident's water meter went unread for several years due to Public Works not
2 knowing the location of the meter. When they located the meter and finally read
3 it, the resident was left with a large balance.

4 Council Member Mund said if there is a limit set for what they need to pay, he
5 wants to see a meter read once the meters are located, to make sure there are
6 no leaks. If there is a leak, the resident will be responsible.

7 Mayor Mote said there are two situations: 1. when we find them, what is our
8 action, and 2. We've got 20 of them that are still lost, and landowners are not
9 actively trying to locate them.

10 Chad Braegger asked if it's the resident's responsibility to find the meters or the
11 city's. He said they are the city's meters, and the city installs them, so finding
12 them should be the city's responsibility. Council Member Christensen brought up
13 that residents are responsible for keeping the meter clear from debris or
14 landscaping.

15 Discussion was had about when people move out, they have to report where the
16 water meter is on their property before the account will be removed from their
17 name. It was also discussed that this issue needs to be taken to the public so
18 residents are aware that if the location of their water meter is unknown, they
19 need to locate it or the city will do so.

20 Colt Mund said this will require a Resolution. Mayor Mote said the city is probably
21 responsible for locating them. Council Member Braegger suggested informing
22 residents that the city will come to find it, but they will be responsible for the cost,
23 or they could go find it themselves. Mayor Mote suggested giving them about 30
24 days to find it on their own, and if it hasn't been located, the city will start digging
25 to find it, and the resident will be charged for the cost.

26 Council Member Braegger said the issue of the residents with large balances
27 remains. Council Member Mund said the city has a certain amount of
28 responsibility because if there were overages or a leak, the resident would have
29 no way of knowing. Council Member Braegger suggested forgiving the large
30 balances because this is the responsibility of the city and not the homeowners.
31 Mayor Mote said he likes Council Member Mund's idea that once the meter is
32 found, it is monitored for 30 days, if a leak is found, the homeowner is
33 responsible for fixing the leak before they can be forgiven of their bill balance.

34 Council Member Braegger directed the staff to write a Resolution on this issue.

- 35 g. Approve changes to the Development Agreement and Water Line
36 Reimbursement Agreement and authorize the Mayor to execute the agreements
37 for Willard Land LLC.

38 Mayor Mote read off the changes that have been made by Colt Mund:

1. Updated the agreement to show the annexation that has already occurred.
2. The property has already been zoned and UDOT has already approved the new accesses.
3. Updated the agreement to reflect the current status of discussions with the Department of Water Resources regarding the trail.
4. Added legal descriptions for Willard Land's parcel east of Hwy 89 as part of the developer's land.
5. Water Line Development Agreement: The property owned by South Willard; the former adjoining owner of the property was purchased by Granite Construction.
6. Removed South Willard from being a co-participant in the Water Line Agreement. We anticipate the new owner, or its successor may want to participate in the agreement in the future. Therefore, we formed Willard Partners LLC and added it to the agreement. This new LLC is wholly owned by our client, Willard Land. Any future co-participants can be added as members to Willard Partners without having to amend this agreement.
7. Made updates based on the city having obtained the UTA license, that is for the sewer line going out to South Willard.
8. Added a legal description, for a Willard Land parcel east of Hwy 89 as part of the developer's land.

Mayor Mote said Willard Land has written a check for \$15,000 to Willard City. He wanted to discuss where that value came from and what the contingencies on the money are.

Lew Swain spoke briefly with the Council. Discussion was had that properties whose developments have been previously approved are not subject to reimbursement. Mr. Swain also explained that a 55' strip of land has been proposed to be sold to the Department of Water Resources for the installation of a water conduit. The strip will be considered 'open space.' Further details will be determined with time and development.

There was further discussion about the secondary water system for the subdivision. Water must be provided through the secondary system by the developer.

Motion: Council Member Braegger motioned to approve the agreement with the discussed changes. Council Member Mund seconded the motion. All in favor. Motion carried.

- h. Set a date for a work session to discuss the water plan.

A work session was scheduled for Tuesday, February 1, 2024, at 4:30 pm.

- i. Confirm Planning Commission recommendations from the Mayor.

1 Blake Harrop and Zack Hulsey offered to step down from the Planning
2 Commission. Chad Braegger and Brian Gilbert have been asked to fill their
3 permanent seats. Blake Harrop has taken one alternate seat.

4 **Motion: Council Member Christensen motioned to confirm Mayor's**
5 **selections for Planning Commission. Council Member Bodily seconded the**
6 **motion. All in favor.**

7 j. Motion to approve funds for the Tribes plaques on rocks.

8 Discussion on the plaque was had and costs were evaluated. The bid from Bott
9 Monument was \$7,600. The Council has a limited amount of time to confirm to
10 lock in this price with Bott. Further discussion was also had about what the
11 plaque will be mounted on and the expense of that as well. The Council agreed
12 to move forward with this project and expressed confidence that they can receive
13 donations and help to complete the project.

14 **Motion: Council Member Braegger motioned to set aside \$10,000 in**
15 **discretionary funds to complete this project. Council Member Mund**
16 **seconded the motion. All in favor. Motion carried.**

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18 **5. Minutes & Information**

- 19 a. Approval of the December 14, 2023, City Council Meeting minutes.
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21 **Motion: Council Member Braegger motioned to approve the December 14,**
22 **2023, City Council meeting minutes. Council Member Bodily seconded the**
23 **motion. All in favor. Minutes approved.**

- 24 b. Approval of the January 11, 2024, City Council Minutes.

25 Moved for approval at the February 8, 2024 City Council meeting.

26 **6. Financial**

- 27 a. Warrants, Vouchers, Reports

28 **7. Department Reports**

- 29 a. Public Works

- 30 b. Police Department

31 The annual report was provided to the Council for review. Having four full-time
32 officers has increased the number of cases handled in Willard City.

- 33 c. Fire Department

34 Lights were installed on the side-by-side vehicle. Stacy Younger is interested in
35 one of the surplus vehicles in exchange for his work on the lights. Colt Mund will
36 investigate this and determine how this exchange can take place.

1 **8. Council Member Reports**

2 a. Jacob Bodily

3 No comment.

4 b. Rod Mund

5 No comment.

6 c. Mike Braegger

7 Discussion was had on the name of the South Willard subdivision. Mike Bastien
8 has changed the name of the subdivision to Suncrest Grove to avoid confusion.

9 Phil Barlow spoke with Mike and said he is the president of the Willard Historic
10 Society and has renewed the charter every year. Sue Anderson approached the
11 mayor about collecting historical information. It was recommended that Phil
12 Barlow be connected to Sue Anderson so they can work together.

13 The county rezoning permit on the Willard property in the canyon was brought
14 up. This item was tabled at the previous county commission meeting and will be
15 brought up when Willard City asks it to be on the agenda again.

16 Mike addressed the many comments regarding the canyon and mining within. He
17 wants the public to know that the gravel that Willard City wants to sell is not in the
18 canyon, but on the face of the mountain. He asked if the trail could go up the
19 south side of the canyon as a compromise. He wanted it to be clear that the
20 mining will not take place up the canyon, but it is a safety concern, hence the
21 fence.

22 A closed session was recommended to discuss the negotiations about the
23 canyon and mining. It was decided there will be a closed work session on
24 February 13, 2024, at 4:00 pm.

25 d. Rex Christensen

26 Rex requested getting information as early as possible and getting everyone's
27 contact information. There was discussion about the Willard City Facebook page
28 and how it is no longer used. Any updates are posted to the Willard Resident's
29 page and willardcity.com.

30 Rex encouraged a youth council to be set up and utilized in Willard.

31 e. Jordan Hulsey

32 Hulsey brought up the unsafe nature of walking to the elementary school. She is
33 worried about the children's safety. She was asked to put together a proposal
34 and work with Chief Fielding.

35 **9. Next agenda items (February 8, 2024)**

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10. Mayor’s General Correspondence and Information

Mayor Mote mentioned he would like to amend the City Code so that developers are responsible for reimbursing the city for legal fees the city accrues. The Council agreed. This will need to be added to the Subdivision Code and reviewed.

It was stated that nothing can be done to prohibit ice fishing on the fishing pond at the Nature Park without creating an ordinance banning it. Payden Vine was directed to get a “No Ice Fishing” sign, and it was suggested it also be written in the newsletter.

11. City Manager’s Report

No comment.

12. Consideration of Motion to Enter a Closed Session (if necessary)

13. Adjourn

Motion: Council Member Mund motioned to adjourn the January 25, 2024, City Council meeting. Council Member Bodily seconded the motion. All in favor. Meeting adjourned.

