

Willard City Council Meeting

Willard City Council Meeting
October 10, 2024, 6:30 p.m.
Willard City Council Chambers
80 West 50 South Willard Utah 84340

Officials Present:

Mayor Travis Mote
Council Member Mike Braegger
Council Member Jordan Hulsey
Council Member Rod Mund
Council Member Rex Christensen

City Staff:

Colt Mund, City Attorney
Jeremy Kimpton, City Manager
Susan K O Bray, City Recorder
Chief Theron Fielding
Madison Brown, City Planner-Electronic Meeting
Payden Vine, Public Works Director

Others Present:

Chad Call
Daniel Danzi, Attorney
Lynn Murphy
Chad Braegger
Doug & Mary Younger
Ken & Ruth Ormond

Call to Order & Public Hearings

Invocation

The meeting began with an invocation offered by Council Member Christensen.

Pledge of Allegiance

Council Member Bodily led attendees in the Pledge of Allegiance.

Conflict of Interest Declaration

The council was asked if there were any conflicts of interest to be declared, to which there was no immediate response, allowing the meeting to proceed.

1 **Public Hearing: Ordinance 2024-14 - Annexation of Valley View Estates**

2 A public hearing was opened regarding Ordinance 2024-14 concerning the annexation of
3 Valley View Estates, a 35.5-acre property at 7150 South 3 00 East, with Brian and Nathan
4 Rose named as applicants. Nathan Rose provided an outline of the intended development and
5 explained how technology had facilitated his return to buy land with a vision to retire there.
6 He acknowledged needing to annex the land to receive building permits and to potentially
7 work out a state agreement for a higher-placed water tank to meet fire flow requirements.
8 Nathan detailed the infrastructure plans, including connections to sewer and requirements for
9 culinary and secondary water, as well as discussions with engineering personnel regarding
10 compliance.

11 Public comments were invited but none were noted. Following this, a motion to close the
12 public hearing was made.

13 Motion to close the public hearing. Made by Council Member Mund, seconded by Council
14 Member Bodily. Motion carried.

15 **Public Hearing: Resolution 2024-14 - Fee Schedule and Policy Adoption**

16 Motion to open a public hearing regarding Resolution 2024-14 made by Council Member
17 Bodily, seconded by Council Member Christensen. Motion carried.

18 A public hearing was conducted regarding Resolution 2024-14 aimed to update the fee
19 schedule for development, planning, business licenses, among others. Staff presented that this
20 adjustment is intended to capture costs involved with development, matching with prior
21 administrative practices. The public was invited to comment, but no comments were
22 recorded. A motion to close was then facilitated.

23 Motion to close the public hearing. Made by Council Member Mund, seconded by Council
24 Member Christensen. Motion carried.

25 **Public Hearing: Waiver of Water Rights for Bay View Estates-Chad Call**

26 The hearing considered a waiver request for water rights concerning Bay View Estates. Dan
27 Danzi, representing the property owner Chad Call, traced the history of the property
28 acquisition, which included no water right transition from the city to Chad Call. Attorney
29 Danzi said the subdivision is located approximately 300 south and 300 east. In connection
30 with discussion with the city, there was a discussion of the water requirement. He said there
31 is no doubt under the city code there is a provision in the water dedication section that
32 indicates that the circumstances are inequitable, unreasonable, or unlawful, that the applicant
33 can request a waiver for a modification of the dedication requirement. Mr. Danzi argued that
34 in fact, inequitable, unreasonable, unlawful for at least two reasons he wanted to discuss. He
35 said in the paperwork that Mr. Call submitted. It is a unique situation of this particular
36 property. The property was purchased by Mr. Call in 2022. Prior to this the property was
37 owned by the city. He commented as far as able to determine when the city had that parcel
38 and a lot of other parcels, property in federal government, all water rights associated with or
39 pertinent to the property were retained by the city. The city has already had the benefit of
40 whatever water rights were pertinent to the city. The Mayor asked if he could tell him about
41 the right number for that parcel of water. Mr. Danzi replied there were no water rights
42 transferred to Mr. Call. When the city took the water, it predated any sort of water right
43 number. The Mayor replied when it is transferred it is a common statement that any water
44 may be associated with second ground, but there had been no water developed on that
45 property ever. It was never appointed a number for that property. Mr. Danzi stated it is very
46 possible there is not one. Mr. Call obviously did not receive any transfer of water rights. His
47 point was simply that any water rights that were pertinent to the property existed with the

1 city, or with the property that was retained by the city. The second reason why he thinks the
2 circumstances of this situation demonstrates that it's appropriate to grant a waiver. It is
3 apparent that the city has excess water capacity. It has been acknowledged both in public and
4 meetings in this forum and in direct meetings with the SLUA. Mr. Danzi has been told there
5 is even a public meeting scheduled to discuss what the city intends to do and how it is
6 intended to handle excess water rates. He said the council is aware of the state law, the city is
7 prohibited from, requiring an exaction, of water more than what is necessary to meet the
8 anticipated needs of the public user. Mr. Danzi said the council is already under discussion
9 about the extra water rates. He commented that it was not appropriate for the city to request
10 additional contributions into the system that already has a surplus. Mr. Call is asking for a
11 waiver.

12 Motion to close the public hearing. Made by Council Member Mund, seconded by Council
13 Member Christensen. Motion carried.

14 **Open Comment Period**

15 The city council opened the floor for public comments. No responses were recorded.

16 **Planning Commission Report**

17 Chad Braegger, representing the Planning Commission, stated they had a work session
18 discussing proposed amendments to the table of uses. The Willard City Zoning Ordinances
19 were able to get through all of them. They reviewed the Granite Ridge Subdivision. Working
20 on some alignments, maps, and some zoning along Hwy 89.

21 New Business

22 **Ordinance 2024-14: Approval - Annexation of Valley View Estates**

23 This agenda segment involved lengthy discussions weighing how to cover legal water use
24 assurances with Nathan Rose amid annexation requirements, underscoring unresolved service
25 commitments needed pre-approval. Attendees discussed whether foregoing pre-established
26 agreements warranted jeopardy for city liability. Colt Mund Willard City Attorney suggested
27 an agreement between parties would be helpful. He stated this is a large subdivision and
28 should have a pre-annexation development agreement, and if the city accepts it then the
29 annexation goes through. Colt Mund said Under State Code the city must annex with the
30 intent of providing services. So, the city must do this with the intent of providing water.
31 Nathan Rose stated the paperwork is put together by his Attorney stating he will be part of
32 Lew Swain's water tank project. There is 20-acre feet of excess water that could be used by
33 their subdivision.

34 Motion to table the annexation of Valley View Estates until the next item is discussed. Made
35 by Council Member Mund, seconded by Council Member Hulsey. Motion carried.

36 **Resolution 2024-14: Approval - Fee Schedule Adoption**

37 A resolution updating the fee schedule was presented. This was in a previous meeting for
38 discussion. The motion action was passed.

39 Motion to adopt Resolution 2024-14, regarding the fee schedule and policy for development.
40 Motion made by Council Member Mund, seconded by Council Member Bodily. Motion
41 carried with a roll call vote:

42 Council Member Bodily: Yes, Council Member Braegger: Yes

43 Council Member Mund: Yes, Council Member Christensen: Yes

1 Council Member Hulsey: Yes

2 **Waiver of Water Rights: Bay View Estates**

3 Mayor Mote stated Chad asked for a waiver on the property the city sold him as a little bit of
4 history, the city put this property up for sale, we got bids from several people, then we started
5 discussing the water and the city cannot sell water rights once they own water rights by the
6 state constitution, so there's no way we could provide water. Whereas no indication that
7 property ever had any developed water, just because the property was transferred with all
8 rights with it does not mean it is just like if it was transferred with mineral rights and there is
9 no oil under it, there is the mineral right it doesn't mean much. Mister Call was informed that,
10 and all the bidders were informed that there was no water, they would have to provide water,
11 The City allowed all the bids to be rebid by those bidders. Mister Call won the bidding
12 process, accepted the provisions of the sale, and purchased the property. The property bidding
13 closed with no water, and the expectation that the applicant would provide water.

14 The Mayor stated we have recently taken an inventory of our water rights, the city, and
15 through our engineering process and work sessions they made a draft of how we are going to
16 allocate that a couple of meetings ago. We asked the city staff to have something to review
17 for that allocation by November 1st. We are working through that process. Hopefully, we will
18 have an allocation across the city, by January aye into our code, would be my expectation.
19 My feeling is that if we start granting waivers, we will have a whole series of folks up for
20 waivers, and that they should wait the process through just like everybody else.

21 The city is trying to allocate the water that we have in an equitable way. The Mayor felt that
22 the city should not grant waivers. The Mayor said in his opinion that is why the city should
23 not treat Mr. Call any differently than we have treated everybody else. We have made good
24 headway. We're just about to the end. There is no reason to provide him with a waiver when
25 we have not provided anybody else with a waiver. That is just my opinion.

26 Motion to table the waiver for water rights for Bay View Estates until the first meeting in
27 December. Made by Council Member Mund, seconded by Council Member Bodily. Motion
28 carried.

29 **Ordinance 2024-14: Approval - Annexation of Valley View Estate-Continued:**

30 Motion to approve the annexation contingent upon a pre-annexation agreement, which
31 includes that Rose's will provide all necessary water; indoor and outdoor hookup to the sewer
32 and follow up on all other Willard City building and subdivision requirements. Motion made
33 by Council Member Mund and seconded by Council Member Bodily. Motion carried.

34 **Mund Willard Annexation**

35 This item, slated for discussion, was postponed.

36 **Approval of September 26, 2024, Minutes**

37 Motion to approve the minutes of September 26, 2024, with amendments. Made by Council
38 Member Mund, seconded by Council Member Bodily. Motion carried.

39 **Department Reports**

40 **Public Works**

41 Decision authorizing for improvements to city crosswalks, specifically referencing designs
42 presented positively towards ADA compliance expansions, when submitting
43 recommendations.

1 **Police Department**

2 Two police vehicles were ordered. Ordered so things with the grant they received.

3 **Fire Department**

4 Nothing to report.

5 **Council Member Reports**

6 **Jacob Bodily**

7 Reported no news.

8 **Rod Mund**

9 Reported no news.

10 **Mike Braegger**

11 Reported no news.

12 **Rex Christensen**

13 Reported no news.

14 **Jordan Hulsey**

15 Shared her appreciation upon attending community open house for the fire department.

16 Expressed how much her kids enjoyed it every year.

17 **Next Agenda Items - October 24, 2024**

18 **Mayor's General Correspondence and Information**

19 The Mayor discussed upcoming invitations to the public-symposium geological interest of
20 the Willard mountains. The Mayor would like to set up a work session on Annexations. He
21 asked Jeremy to put guidelines together for annexations for discussion at the work session.

22 **City Manager's Report**

23 The City Manager talked about annexations and the discussion he had with the Mayor. Mr.
24 Kimpton stated there is some unique situations with the annexations that I think it's
25 advantageous for the council to have a little more clarity and a little more surety of where
26 things are. Everybody is on the same page, developer, city council, and staff. I just think that
27 we just needs to have a little more surety there. Jeremy said he would never advocate that the
28 staff intentionally build up projects that may be difficult. The staff works hard to try to
29 expedite and streamline as much as we can to keep things moving forward. The Mayor stated
30 as the city creates processes, and if the process says we want a development agreement with
31 everyone or an annexation agreement with every one of them, that annexation agreement
32 allows flexibility for the differences of the size. He said the problem is we do not have a
33 process, and we are going to end up treating everyone differently and putting the city in
34 jeopardy.

35 Jeremy reported Chad Call brought up the water that runs along his property. I sat down with
36 the engineers and verified that it was within the easement that was there. That was all
37 engineered. The hydrant may or may not be in the middle of a road at some point in the
38 future. That is an easy fix. We will see it. He was not sure why that was not brought up, but it
39 was not. We did some homework on that just to make sure the line is where it is supposed to
40 be. Jeremy asked Maddie to reach out to the power company again to see where they are.

1 He said some of the ADA ramp stuff that was brought up, I talked with our engineers on that.
2 Everywhere that the ADA is required by ADA standards, those ADA ramps are in. He always
3 assumed every intersection should have an ADA ramp, but if there is not a good crossing or
4 sidewalk a pathway to cross to, they discourage an ADA ramp to be put in. It is better to keep
5 them on the sidewalk on that side of the road than to have a crossing where we do not know
6 where they are going to go. So as far as Granite Ridge a concerned, where the city council
7 requires the sidewalks there is an allowance given or waiver given not to require at some of
8 the Granite Ridge phases. Where it was required, those sidewalks are in or going in and the
9 ADA maps are in and are in place. As far as the pipe coming out of the gutter, he got a legal
10 perspective and it is perfectly legal and legit to go ahead and discharge that into the existing
11 storm drain system.

12 City Planner's Report

13 Madison Brown, City Planner, was on her computer for the meeting. She said on the
14 construction plans Deer Run cannot do a basement. They must stay three feet above the water
15 table, and they have a dewatering system. She was not sure if the Heritage or Orchard were
16 the same. Mayor Mote was concerned about the resident or the developer drilling a hole in
17 the curb and putting a pipe to drain storm water. Maddie stated it was the property owner. He
18 called her when his basement started flooding and asked her what he was supposed to do. She
19 said she did not know, and it was his house. It was right after that he drilled the hole and put
20 the pipe in.

21 City Attorney Report

22 Nothing to report.

23 Consideration of Motion to Enter a Closed Session

24 No closed session.

25 Adjourn

26 A motion to adjourn the meeting was presented:

27 Motion to adjourn made by Council Member Bodily seconded by Council Member Mund.

28 Motion carried.