The City Council of Willard City met on August 24, 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

Rod Mund, Council Member

Fred Ward, Council Member

Kaleb Kunzler, Council Member

**Excused**: Bryce Wheelwright, City Planner

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

Theron Fielding, Police Chief

Colt Mund, City Attorney

Susan K Obray, City Recorder

**Others present:** Diana Baker, Ruth and Kenneth Ormond, Larry Holmes, Chad Braegger, Rew Wiley, Terry Wells, Jim and Sherrie Wells, Travis Wells, Lindsay Wells, Mike Bastian, Jim Flint.

1. **Call to Order**

Meeting called to order by Mayor Mote. Council Mayor Mote gave the invocation and Council Member Kunzler led the Pledge of Allegiance.

1. **Open Comments**

Chad Braegger of 3790 S 1200 W Perry:

“I had some more calls about the trail and what is going on there. They came in and tried to cut out some sections. Some of them are only a foot wide. We are going to have some issues on that trail. But there are a lot of residents here that are just wondering what we are going to accept on that. I know John said the other day that we are not going to get what we want on the repairs, which I do not understand that. I mean if it is our trail, I think we should get…”

Council member Seamons mentioned that pictures should have been taken before work began to document any pre-existing damage on the trail. Mayor Mote explained that this will be addressed further with Bryce Wheelwright.

Chad Braegger: “I can tell you that there are a handful of people who walk that trail every day, religiously. And they can tell you that it has not been there. They are taking the road base and pushing backwards, and it is flaking off the edge. My other worry is hopefully they will warranty it for a year with that trench settlement. I am afraid the edge of it is going to continue to flake off, but hopefully in a year, if things are not up to snuff, we can have them come back and make it right.”

Chris Davis gave an update that he spoke with Craig Bruederer (regional director of Rocky Mountain Power), who has contacted Black and McDonald, and suggested they get a group together and walk the trail to see the issues. Bruederer said B&M had taken pictures of the trail. There are B&M cones on the trail that indicate where they believe there are issues, they are responsible for.

Chad Braegger mentioned getting out of your vehicle and walking the trail will show teeth marks and gouges on the trail left by the construction company. Council member Mund rode his bike down the trail and saw many issues as well. Mr. Braegger mentioned the trail is damaged on the Christensen property as well. The rainstorm did cause more damage to the trail as mentioned by Councilman Ward near his property. Mr. Braegger would like to see the construction company repair any damage they have caused. Mr. Davis will keep the council updated and informed.

Diana Baker of 376 W Center St.: Planning Commission is still reviewing the General Plan. They want to ensure there is commercial property available along Hwy 89. This issue should be considered when completing the annexation policy.

1. **Planning Commission Report**

None

1. **Action Items/New Business**
   1. Mike Christensen- Mann, Hadfield, and Thorne proposal for City Attorney pay increase.

The Agreement for Legal Services contract between Willard City and Mann, Hadfield, and Thorne was provided to the Council. The contract is two years in length with auto renewal. Mike Christensen explained Mann, Hadfield, and Thorne have over 26 years of municipality experience. They believe in putting the interests of the city first and providing high quality work. He thinks this is a “modest increase” in comparison to attorneys in the surrounding area. They are interested in extending the same contract to prosecution services, which is a legislative act that the city can choose to do. The new hourly rate would be more competitive than the current rate. If the Council would like to consider adding prosecution services to the contract, Chief Fielding would need to provide more information. The hourly rate is comparable to the public defender’s current rate.

Council member Seamons asked which other cities are using Mann, Hadfield, and Thorne’s services. Mr. Christensen mentioned that Brigham City and Deweyville have both hired them. They have provided prosecution for Brigham City for over 30 years.

**Motion: Councilman Kunzler motioned to approve the contract for Legal Services. Council member Seamons seconded the motion. Council Member Ward, Seamons, Braegger, and Kunzler in favor. Council member Mund abstained. Motion carried.**

* 1. Consideration for an application of annexation for The Orchard. Applicant: Mike Bastian. Approx 8470 S Hwy 89 S. Acreage: 81.050.

The property is located south of stake center on Hwy 89 on the west side of the highway. Property extends from stake center to trailer park. Property owners have been to Box Elder County commission to receive the petition for annexation. Mr. Bastian was present to answer any questions. The strip of land west of the railroad will be used for stormwater/floodway. Council member Seamons asked if a “Welcome to Willard” sign will be built on the property, to which Mr. Bastian said yes.

Council Member Mund asked about the sewage for the subdivision. Mr. Bastian explained they will connect to the lift station two miles away. Property is part of the municipal district created for the sewer several years back. They have been paying their portion of the taxes. Council Member Ward asked about the storm drains. Mr. Bastian is working with the Railroad. Two 36” pipes will be installed to control stormwater flow. There is a contract in place with Bear River Conservancy Water for culinary water. Secondary water is provided from a 12” pipe about one block away from the property, which will be connected to the property for pressurized irrigation. Council Member Seamons mentioned some residents have complained there is not enough water already, but Mr. Bastian explained that engineers have told him it will work and there will be enough water. If it does not work, they will investigate other options for a secondary water system.

Council Member Seamons also mentioned that the new sewer line will be built along a pre-existing trail. He would like to see some coordination between the engineers and the city to ensure the trail is not damaged during construction. Mr. Bastian agreed that all precautions will be taken to avoid damage to the trail.

Council Member Ward asked Mr. Davis about the agreement about the sewer regarding this property. Mr. Davis explained there is an application that has been approved by the UTA and everything is in order for the sewer system. This application was approved over a year ago. The easements are in place. UTA and UDOT are both on board.

The issue of not having enough water in the area was addressed again by Mr. Davis. Bear River Water Conservancy has water. Carl Mackley worked with Mayor Braegger about three years ago about whether or not Willard City would be allowed to wholesale water from BRWC. They invested millions of dollars to extend water down to this property. Mr. Bastian explained that they have been paying for the water since it was brought over so that it can be used at this new property.

Council Member Braegger mentioned that future developments of the elk farm on the South end of the property would result in a larger storm drainpipe being necessary. He expressed concern and suggested it be kept in mind for the future. Mr. Bastian agreed.

**Motion: Council Member Seamons motioned to consider the annexation petition for The Orchard subdivision. Council Member Braegger seconded the motion. All in favor. Motion carries.**

* 1. Consideration from the City Council to approve a proposed amendment to the Willard City Zoning Ordinance by adding outdoor lighting (dark sky) regulations.

Council member Seamons noted that in section 12-177-6 A., “low pressure sodium lamps are encouraged” is stated. He stated that technology is not very current. Mr. Colt Mund stated the commissioner would like to remove that entire provision. Council member Seamons said the commissioner wants “the latest technology.” Mr. Mund agreed to make the change.

Council Member Seamons felt there was quite a bit of overreach in this ordinance. Many things are difficult to enforce and quite unrealistic. Mayor Mote explained that this will apply to new buildings and homes and that no one will be asked to go move or adjust any existing lights.

Referring to section 12-117-5 D., Council Member Seamons expressed confusion over the statement that says lamps underneath eves still have to be shielded. In section E, it states only 100,000 lumen per acre, which also seems concerning to Council Member Seamons because that is very dim. Council member Kunzler also expressed concern over the term “essential lighting” on businesses (paragraph H). Council Member Seamons posed the question: How does this affect crime? Chief Fielding has mentioned that crime will increase with less lights. The biggest issue is containing the fugitive light.

Council member Mund explained that the Council can go back and amend as needed in the future. It was agreed that an ordinance is needed, but there will be adjustments made in the future. Mayor Mote would like the ordinance to be passed to set guidelines for new constructions. Council Member Ward agreed with Councilman Seamons to control the overreach. Council member Kunzler would like to see a little bit more fine tuning before it is passed. The City Planner and SLUA have authority to adjust, as necessary.

**Motion: Councilman Braegger motioned to adopt Ordinance 2023-08. Council member Mund seconded the motion. Council Member Ward, Mund, Braegger, Seamons in favor. Council member Kunzler was against. Motion carries.**

* 1. Consideration from the City Council to approve a proposed amendment to Chapter 12-101 to allow for alternate Planning Commission members and to grant alternate members voting rights.

Colt Mund gave an update. During the public hearing, there was no negative feedback. This ordinance has been recommended for approval by the planning commission. Two other slight modifications. 1) Conditional use permits, and 2) the planning commission ordinance was updated to state they use appeal officers rather than a board of adjusters. This ordinance states that an alternate member can join the quorum if a member is missing. Mr. Mund explained that there is not a way to determine who would step in. He mentioned adding designated substitutes.

**Motion: Councilman Kunzler motioned to adopt Ordinance 2023-09 amending Chapter 12-101 to allow for alternate planning commission and to grant alternate member voting rights with alternate members being at the selection of the chairperson on a rotating basis, with the alternate person being used anytime any member of the planning commission is missing. Council member Mund seconded the motion. Council member Kunzler, Mund, Seamons, and Braegger all for. Council Member Ward against. Motion carries.**

* 1. Discussion on the contingency for the conservation easement for Dr. Beards property.

The rezone request was approved based on the contingency that Mr. Mund would review the easement to make sure there was a maintenance agreement within the easement that did not bind the city in any way. Dr. Beard reached out to Mayor Mote this week to explain the process is still ongoing. Dr. Beard is asking the Council to remove this contingency. He is unable to begin any construction due to this contingency.

Jim Flint was present to represent Dr. Beard, who was unable to attend. Mr. Flint explained some of the difficulties they are experiencing during the easement process.

Mr. Mund suggested a development agreement that suggests if the conservation easement fails, there is a backup plan in place. Removing the contingency could put the city in a difficult position where the conservation easement would not be required. Mr. Flint mentioned Dr. Beard would like to begin construction as soon as possible. If possible, Mr. Flint suggested the city hold the easement until it can be transferred to Utah Lands. This would not result in the proper tax benefits Dr. Beard is looking for.

The Council is concerned about keeping the city safe and in line regarding this issue. Mr. Flint suggested that this should be discussed further with Dr. Beard. Mayor Mote directed the staff to work with Dr. Beard to get a development agreement completed that ensures the city remains protected and allows Dr. Beard to progress with the development of the property.

**Motion: Councilman Seamons motioned to table this issue. Council member Kunzler seconded the motion. All in favor. Motion carries.**

* 1. Consideration from the City Council to set a work session including the Planning Commission and City Council regarding the general plan.

The planning commission had a great discussion on the general plan, and they have asked the City Council to set up a joint work session regarding the general plan. Council member Mund would like to have the meeting minutes from the previous three meetings regarding the General Plan to be caught up on the issue. Mayor Mote suggested the Council be present at the Planning Commission meeting on September 7, 2023.

* 1. Discussion on 2023 Road Projects

Mr. Davis and Susan Obray have a meeting scheduled with Cami with Child Richards to discuss finances. Mr. Davis investigated the damaged roads on the east side of town to determine where the most work is needed. The bid will be made soon but the work will not be done until Spring 2024. On 300 East, they have discussed adding a curb or retention basin to prevent future flooding. Discussion on the Wetzel’s property berm took place. Plans are being made to repair the undercut of the road and discussions are being made on how to prevent further issues. Council Member Braegger requested a survey of the city owned land in the area. The issue needs to be addressed in order to protect the homes on 300 East and 200 North.

* 1. Discussion of Rocky Mountain Power line trail rehab.

Follow up meeting will take place with Chris Davis next week.

* 1. Discussion on the Annexation plan.

Mayor Mote said it needs to be determined if annexation of South Willard would be good for Willard City. Several residents have sent the mayor comments with varying opinions. The Council has 30 days to certify the annexation plan. Plans were made to have further discussion before certifying at the City Council meeting on September 28. Council Member Ward expressed concern over the water rights for the South Willard area. Council member Mund expressed concern about the sewer lines and who would receive the impact fee and who would be responsible for funding the expansion. He reminded the Council of the loss that occurred when the Port of Entry was annexed into Willard City, and he would like to see precautions taken to prevent further loss. Council member Mund would like to review the studies that were completed by the county commission before making a final decision. Council member Seamons agreed it needs to be investigated further before finalizing any decisions. Mayor Mote requested Colt Mund reach out to Scott Lyons to receive the information from the studies.

Mayor Mote is concerned that if South Willard is annexed, it needs to be done correctly so that there are not many small islands of Willard City for public works to maintain. Council It was brought up that the city offices receive quite a few calls from South Willard residents for maintenance requests, and our Public Works is not able to help at present. Council member Kunzler believes a work session would be beneficial to update the annexation plan to make it more current.

Mayor Mote would like to schedule a Work Session on August 31 at 4:30 pm to discuss and update the annexation plan.

* 1. Approve to move forward with the signing of the annexation affidavit.

**Motion: Councilman Seamons motioned to approve the signing of the annexation affidavit by Councilman Mike Braegger. Council member Mund seconded the motion. All in favor. Motion carries.**

1. **Minutes**

**Motion: Councilman Ward motioned to approve the City Council Meeting Minutes from the meeting on August 10, 2023. Council member Seamons seconded the motion. All in favor. Motion carries.**

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

Candidate Jacob Bodily works for UDOT and purchases trucks. It was recommended that Willard City purchase a 10-wheel dump truck. Payden suggested they could use another 550 for snow plowing. A new 550 to replace the wrecked one has been acquired. A second truck will be coming soon which will have a flatbed and snowplow. The dump truck cost approximately $277,000 and the 550s were approximately $80,000. Payden Vine confirmed that two of the trucks will have hauling beds and one will be a flatbed.

Chris Davis had Payden Vine on the phone to answer questions about the big toy equipment for the children’s park. September 22 and 23, excavation will take place at the Children’s Park, including removal of sand and placement of rocks. The Fire Department will then install the big toy playground. Council member Seamons mentioned that residents have asked if they can help. Mayor Mote noted that if the FD wants help, people could help, but it needs to be concerned with Van Mund.

Mayor Mote brought up a resident who requested a Pickleball practice wall in the tennis courts. He asked if this would be possible. It was decided that this idea should be considered due to the growing popularity of the sport. Council Member Ward mentioned he had discussed this with Willard Elementary about a year ago, who expressed interest in the idea of putting in a pickleball court in Central Park. The Council agreed they would like to start the discussion of allocating funds for this type of park update.

Mayor Mote asked Mr. Davis if Kelly Gilmore’s and Kelly Barton’s property had been deeded correctly. Mr. Davis informed him that there is a meeting scheduled for the following Tuesday.

1. Police Department

Chief Fielding updated the Council that Chaos has delivered the new equipment and they are implementing it. Lisa Clark put in for a JAG grant that has been awarded to the Police Department for $4,000 this year. It has been preliminary awarded so they have to wait until the money is officially awarded before they can purchase the equipment.

1. Fire Department

Council member Mund mentioned that Van Mund has some pricing for a side by side, around $30,000. He is currently working on getting a state bid for the machine. He is also investigating what they will do on a state contract. The County is undergoing their Fire Report Survey which Van Mund is also working on responding to.

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

Council member Braegger spoke of how he had received some complaints about the garbage cans being tipped over after they are emptied. He observed the truck for a while and noticed the truck bumps the can away from the tires, so it does not get run over. Mayor Mote also mentioned there have many multiple complaints about the treatment of the garbage cans. There are a lot of lids now falling off cans that were not falling off with Econo Waste. Council member Mund agreed that the issue has worsened in the last month or so. Council Member Ward mentioned that he had talked with one of the new garbage men and asked if they could slow down when putting the cans down. He responded that they could. Susan Obray also reported that she called Republic to report the many complaints coming in, and she was assured that the drivers would be spoken to.

Council member Braegger also mentioned there is quite a bit of excess fill in the retention basin by the Nature Park that will need to be removed. Mayor Mote mentioned that he has spoken with Josh Braegger about this project. They are hoping to find a person or company that could use the material. Josh has received many questions such as, “Did Flood Control do their job during the flood?” Mayor Mote said, “If you look at all the debris that was deposited above the homes, we would have lost houses if Flood Control had not done their job.” Council member Braegger mentioned nearly $30,000 had been spent to build up the berm along Cook’s Canyon, Granite Ridge, and 300 South.

1. Rod Mund

Council member Mund requested an update on the Native American artifacts. Mayor Mote explained they would like to have verbiage on the plaque that discusses the historic migration route. Mayor Mote will forward the information to the Council. The next step will be to build the plaque and prepare the site. Mr. Davis mentioned that Mayor Bott of Brigham City might be able to assist. Council member Mund said the Stevenson’s might be able to help also.

Council member Mund would like to keep driving forward with road repairs and flood prevention after the large storm.

1. Fred Ward

Council Member Ward addressed the staff with a question: Is the truss company on 750 S a wholesale company? Do we receive tax revenue from them? Mr. Davis said Cami will be able to answer that question. Council Member Ward also asked if the city reaps tax benefits from the large storage units. He discussed that the city would benefit from commercial properties coming in, but not so much from a wholesaler. Mayor Mote asked if the Council could receive a list of where the city’s sales tax comes from over the last several months.

1. John Seamons

Council member Seamons stated that there is a traffic issue on 200 West at about 200 South. Everybody is having to funnel out of that area to Hwy 89, and there is no other road connecting Deer Run to the highway. He questioned what will be done to fix the traffic problem. Mayor Mote mentioned that several pieces of property in the area are for sale. Mayor Mote mentioned that Deer Run is supposed to have two access roads, but there is only one as of today. The dirt road that is there is not very passable, and certainly not during the winter months. Council member Braegger said Deer Run should be contacted to see about paving the road from 200 W to 600 W. Mayor Mote said Deer Run will not get another phase signed off on until all these issues are resolved. Council member Seamons requested to elevate the priority of this issue.

Council member Seamons requested to know how many .5 acre lots are “weed patches” in Old Town Willard. Council member Kunzler would also like to know the actual density of the whole town zone. Council member Mund is on the same page as Councilman Seamons.

Council member Seamons mentioned that many people don’t read the newsletter, hence why turnout for Meet the Candidates night was very low. Council member Kunzler mentioned he does not receive the newsletter because his water bill is sent to him electronically. He suggested an email blast that sends out the newsletter. Council member Seamons would like to “think outside the box” to get the word out to the community.

1. Kaleb Kunzler

None

1. **Next Agenda items (September 14, 2023)**
2. **Mayor’s General Correspondence and Information**

Constitution week September 11-16.

Utah Local Government Trust awarded Willard City $2,003 in recognition of implementing a successful team recognition program. This resulted in a discount for the worker’s comp premium.

1. **City Manager’s Report**

Payden Vine purchased trail cameras to help prevent graffiti and table-stacking at the Nature Park. September 16 is the Day of Service. The Nature Park area will be cleaned up, specifically in the water way. Trees will be cut and sprayed with Roundup. The Welcome to Willard signs will also be re-stained.

1. Economic Development Planning

Chris Davis will meet with Lincoln next week to find out what steps need to be taken.

1. **Adjourn**

**Motion: Councilman Kunzler motioned to adjourn the August 24, 2023, Willard City Council Meeting. Council member Seamons seconded the motion. All in favor. Motion carries, meeting adjourned.**