

Willard City Council Meeting
November 30, 2023
Willard City Council Chambers

The City Council of Willard City met on November 30, 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
Mike Braegger, Council Member
Rod Mund, Council Member
Kaleb Kunzler, Council Member
Fred Ward, Council Member

Excused: John Seamons, Council Member

Staff Present: Chris Davis, City Manager
Bryce Wheelwright, City Planner
Theron Fielding, Police Chief
Colt Mund, City Attorney
Tyler Bell, Police Officer
Susan K O Bray, City Recorder
Van Mund, Fire Chief

Others present: Diana Baker, Bob Davis, Ken Ormond, Brad Sweet, Kass Wallin, Travis Wells, Lindsey Wells, Mark Murphy, Lynn Murphy, Nicole Tubbs, Jordan Hulse, Chad Braegger, Jacob Bodily, Jeff Wells, Laura Wells, Sherrie Wells, Mr. Wells, BJ Wells, Brody Wells, Peggy Barker, Gordon Sleeman.

1. Call to Order

- a. Mayor Travis Mote called the November 30, 2023, City Council meeting to order.
- b. Invocation offered by Council Member
- c. Pledge of Allegiance led by Council Member
- d. Conflict of Interest Declaration
None.

2. Open Comment Period

Fred Ward/for Clyde Westley (221 East 100 South, Willard):

Trying to seal this deal you have been working on for a year and a half when there are three council members at the end of term is not for the benefit of the Willard citizens. At best, it is only serving some personal satisfaction to a few. Another project this council has been working on for over a year and a half is the General Plan. The Master Planned Community Zone has been passed for over a year, yet in a previous meeting this City Council seemed unanimous that the MPC should not be passed until the General Plan was finalized. If you want to do something to bring benefit to Willard citizens, finish the General Plan. Let the next council put fresh eyes and ideas on the gravel deal, rather than the other way around.

Willard being offered market price of gravel for their material in the Wells pit is no compensation for the cost of Willard citizens living with an additional 35 years of dust and gravel truck traffic. This council ignored the 2021 Survey of Willard residents and has scoffed at me and the survey. One member noting he witnessed one individual vote on paper five times. This survey was conducted by Dr. Bruce Parker of Planning and Development Services (PDS), a company recommended by our City Manager and approved by the City Council. Dr. Parker did not question the possibility that some individuals could have filled out more than one questionnaire, but they (PDS) reviewed for such likelihoods, and threw out any suspicions. As Dr. Parker told me, "It is easy to dispute the results of any survey. However, it is very difficult to substantiate any disputes with the results of a survey. I can say that the one we conducted was done the best we could, no bias." We had a public hearing on the survey, there was never any dispute or question brought to Dr. Parker's attention. If individuals had concerns and voiced those concerns at a public hearing (and were ignored) I can sympathize with that, but was there fact-based evidence to ignore it? The original discussions on this gravel deal were, one dollar per ton for 150 million tons, legal and safe access to Willard Canyon, moving the water line free, property and easements for water to the north Willard water tank(s) for storage. Now after all these months, let's separate the water deal and gravel deal, (I can't accurately do that myself) I have been told they are separate. As a group they seem to have been presented as something larger than they are. Split them up and strip them down, show the Willard citizens exactly what they are benefiting. Thank you all for your time and service.

John Seamons/Peggy Braegger (55 S 100 E):

Dear Council, I am unable to attend the council meeting on Thursday because I have another commitment but would like to let you know that I am for the lease agreement with Granite and the Wells Family. I think it would benefit the city and would help us be prepared for the future. As has been stated that there is “a development already approved for the north end of town and the city has to deliver water to the area. In order to get water north the city needs at least 1 or 2 more water tanks. The proposed sites for the tank are on Granite Property.” And not to mention if we want to get any commercial in here, we need the waterline down 750 north. If this is not a go for the city, what is the solution? The citizens would have to pay for the tank and water line, not to mention the waterlines that would have to be moved for the Wells pit not once but twice. The citizens were unhappy about the garbage rate going up when the mayor raised it to a rounded number, so what is going to be the backlash if they have to pay for the tank? There are a handful of people that are against it, but I think the majority are for it. This has been going on for over 2 years and I don’t think it is a rushed decision. They could still pass if you agree with the changes that Granite and Wells have made. You could pass it at your council meeting with the contingency that the county comes through on their end. Thank you for taking the time to serve our community. It is appreciated. Peggy Braegger.

3. Discussion/Action regarding the lease agreement with Granite Construction.

Council Member Ward stated in the lease agreement *Section 2.5 Option to Terminate*. He looks at this as if Granite could just get up and leave and say they are done. He would like to see something in the contract that makes it so Granite Construction cannot just back out at any moment without Willard City having time to re-lease the land. Council Member Ward would like to see verbiage in the agreement that supports this. Another item is on the royalty in *Section 4.1* he is concerned about the material. He explained, Willard City’s material being mixed with other material, how is Willard going to be compensated? He stated it will get mixed and would like to see some verbiage that supports how they would determine what is Willard City’s.

Mayor Mote inquired about the measurement issue and that it will be measured with a drone. He asked if the GPS is survey grade. Brad Sweet nodded yes. Mayor Mote would like to add a line saying it is survey grade GPS.

Mayor Mote brought up the provision provides exclusive use. He told Colt Mund, City Attorney he would provide these comments to him. He said there have not been any title searches or anything else on the property, and no one knows what other easements. He is unsure if the city can guarantee exclusive use. He would like to have the title work done.

Mike Braegger asked if Brad Sweet could explain how the royalty process works. He said, "Every three years, we sit down with the Wells', and we negotiate the royalty for a three-year block. That's how we do it. We have a conversation on the market, what the economy is doing, and what they're being paid, and we come to terms." It was confirmed that Willard City will be paid the same rate as the Wells' family.

John Seamons questioned how they know which party the extracted material belongs to, Willard City or the Wells family. Brad Sweet said the drone survey is necessary to determine that. The lease currently says it will be done annually.

He asked, "Right now, it's for 1.5 million tons, right?" Brad Sweet said no, they get paid for the tonnage as it goes out. There is no pre-payment. He said they know there is at least 1.5 million tons, and possibly more. A royalty will be sent each month with a breakdown of how much material was removed.

Colt Mund said he will need to further discuss with Councilman Ward his concerns about the Option to Terminate. Councilman Ward thinks there should be some monetary exchange for ending the lease early. Willard City will then have to find another contractor to lease the land and finish the project. Mayor Mote agreed this would put the city at a disadvantage.

Mayor Mote asked about the Options for Renewal. The lease currently says both parties would have to agree to a renewal. It states, "The city will not unreasonably withhold that renewal." He asked for clarification about what 'unreasonable' means. Colt Munt explained, "It would be a breach. If there was a breach, that would be a basis for the city not to allow an extension. Otherwise, the city would have to provide an extension." Two ten-year extensions to the thirty-year contract would equal a total of fifty years. If Granite is in compliance, there would be no real reason or ability to change it.

Mike Braegger asked, "From what I understand, you guys are basically mining to the level of the canal, that's where you're not going down anymore. Is that what your permit states?" Brad Sweet said the theory is to never undermine a canal. He stated there is no anticipation of mining below the canal grade. The pit floor will slope back from the canal, but there will not be a hole below the canal.

Mayor Mote said these agreements all need to come together in his opinion. He believes the lease agreement looks pretty solid. He would like Colt Mund to look at the items discussed.

John Seamons motioned to table this item, and Fred Ward seconded the motion. All in favor. Item tabled.

4. Minutes and Information

- a. Approval of the November 9, 2023 City Council Minutes

Moved to next meeting.

- b. City Council and Planning Commission Notice for 2024.

5. Financial

- a. Warrants, Vouchers, Reports

6. Council Member Reports

- a. **Mike Braegger**

No comment.

- b. **Rod Mund**

Absent.

- c. **Fred Ward**

No comment.

- d. **John Seamons**

No comment.

e. Kaleb Kunzler

No comment.

7. Next Agenda Items (December 14, 2023)

- a. Approval of the November 9, 2023, City Council Minutes.

8. Reminder on December 5, 2023, 6:00 pm Canvass of the November 21, 2023 General Election.

Mayor Mote reminded everyone there is a Canvass meeting to canvass the votes. Nothing can be done about the tie until after the Canvass meeting. Susan Obray explained that the law states that lots must be drawn, which can be done with a new deck of cards. The method is up to the two tied candidates. One of the candidates must ask for a recount as well. Chad Braegger and Jacob Bodily agreed they will ask for a recount after the Canvass meeting. If it is still tied, they will draw lots at the next City Council meeting on December 14, 2023.

9. Mayor's General Correspondence and Information

Mayor Mote spoke with Jeff Rasmussen about the Willard Bay access. They are currently deciding which instrument they will use to provide Willard City access. It is still in the works.

He is considering taking the Native American plaque to a place in Tremonton since he hasn't received an estimate yet from Bott Monument.

10. City Manager's Report

The Public Works department has their three plow/salt trucks, and the Fire Department received their side-by-side.

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

12. Adjourn

Councilman Ward motioned to close the meeting; Councilman Kunzler seconded the motion. All in favor. Meeting adjourned.