



Willard City Corporation

435-734-9061
80 W 50 S
PO Box 593
Willard, Utah 84340
www.willardcityut.gov

Mayor:
Travis McCollo
City Council Members:
J. Hulsey
P. Christensen
M. Broegger
R. Mund
S. Bodily

Amended

The Willard City Council of Willard City Corporation will hold a Council meeting on Thursday, January 22, 2026, at Willard City Offices, 80 West 50 South. The meeting will begin promptly at 6:30 p.m. The agenda will be as follows:

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Conflict of interest declaration

2. Public Presentation: Resident(s) attending this meeting will be allotted three (3) minutes to express a concern or ask a question about any issue that IS NOT ON THE AGENDA. No action can or will be taken on any issue(s) presented during this meeting. If required, items may be referred to department heads for resolution. Items requiring action by the City Council will be placed on the agenda for a future meeting.

3. Planning Commission Report

4. Items Tabled from January 8, 2026, meeting:

- a. Discussion and possible approval of Ordinance 2026-01. An ordinance of Willard City, Utah, approving a municipal boundary adjustment with Perry City pursuant to Utah Code Ann. §10-2-419, adopting the Boundary Adjustment Plat (Exhibit C), and authorizing the Mayor and City staff to execute all necessary documents to complete the boundary adjustment. (continued from January 8, 2026)
- b. Discussion with Republic Garbage representatives Ashlee Crawley and Austin Jenkins regarding damaged cans and complaints. (continued from January 8, 2026)
- c. Discussion regarding ownership of garbage can and proposed Ordinance Amendments. (continued from January 8, 2026,)

5. New Business

- a. Re-appointment of Sewer Board Members Councilmen Mund and Christensen
- b. Annual Open and Public Meetings Act Training - Amy Hugie City Attorney

6. Next Meeting Agenda – February 5, 2026

7. Upcoming events:

8. Minutes

- a. Approval of December 11, 2025, minutes
- b. Approval of January 8, 2026, minutes

10. Staff Reports

- a. Public Works
- b. Police Department
- c. Fire Department
- d. City Manager
- e. City Planner
- f. City Attorney
- g. City Recorder

11. Council Member Reports

- a. Jacob Bodily
- b. Rod Mund
- c. Mike Braegger
- d. Rex Christensen
- e. Jordan Hulsey

12. Mayor's General Correspondence and Information**13. Consideration of Motion to Enter a Closed Session** (if necessary) pursuant to UCA §52-4-205 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.**14. Adjourn**

Posted: I, the undersigned duly appointed and Interim City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website

<https://www.utah.gov/pmn/index.html>, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 20th day of January, 2026.

/s/ Diana Mund
Interim City Recorder

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.

ITEM 5A

**WILLARD CITY
ORDINANCE 2026—**

**AN ORDINANCE OF WILLARD CITY, UTAH, ADJUSTING A COMMON
BOUNDARY BETWEEN PERRY CITY AND WILLARD CITY.**

WHEREAS, Willard City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Perry City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-2-903, 1953 as amended, provides a procedure for two or more municipalities to adjust a common boundary;

WHEREAS, *Utah Code Annotated* §10-2-903(2)(a) requires each municipality intending to adjust its common boundaries to adopt a resolution indicating its intent to adjust boundaries;

WHEREAS, Perry City adopted Resolution 2025-20 as set forth in Exhibit “A” hereto indicating intent to adjust a common border with Willard City and held the required public hearing on December 22, 2025, after publication of the required notice;

WHEREAS, Willard City adopted Resolution 2025 – 16B as set forth in Exhibit “B” attached hereto indicating intent to adjust a common border with Perry City and held the required public hearing on January 8, 2026, after publication of the required notice for the same;

WHEREAS, a written protest to this boundary adjustment from an affected property owner (Fred Barker – Parcel #02-035-0036) has been filed with the City Recorder;

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare are at issue in this matter and requires action by the City as noted above;

NOW, THEREFORE, be it ordained by the City Council of Willard City, Utah, as follows:

Section 1: **Adoption.** In accordance *Utah Code Annotated* §10-2-903, the common boundary with Perry City is hereby approved as set forth in the attached Boundary Adjustment Plat in Exhibit “C” attached hereto and incorporated herein by this reference. The area within this boundary adjustment shall be removed from the Willard City boundaries and from its Zoning Map and General Plan Map.

Section 2: **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 3: **Severability.** If a court of competent jurisdiction determines that any part of this

Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: **Effective date.** This Ordinance adopted becomes effective when each of the two cities involved in the boundary adjustment has adopted an ordinance under *Utah Code Annotated* §10-2-903(7). The effective date of a boundary adjustment under this *Utah Code Annotated* §10-2-903 is governed by *Utah Code Annotated* §10-2-813.

PASSED AND ADOPTED this _____ day of January 2026.

	AYE	NAY	ABSENT	ABSTAIN
Jacob Bodily	_____	_____	_____	_____
Rod Mund	_____	_____	_____	_____
Mike Braegger	_____	_____	_____	_____
Rex Christensen	_____	_____	_____	_____
Jordon Husley	_____	_____	_____	_____

WILLARD CITY

Travis Mote
Willard City Mayor

ATTEST:

Willard City Recorder

RECORDED this _____ day of _____ 2026.
PUBLISHED OR POSTED this _____ day of _____ 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

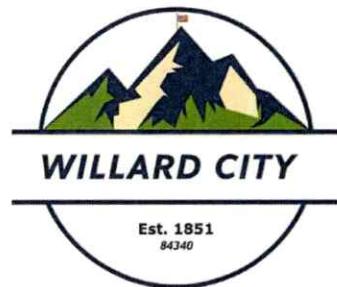
In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of Willard City, hereby certify that the foregoing Ordinance was duly passed and published as required by State Law.

City Recorder DATE: _____

Staff Review Memo

1/21/2026

Amy F. Hugie, City Attorney



Boundary Adjustment

Request: Adjust Northern Municipal Boundary between Willard and Perry
Property Location: 3630 S 1200 W (200 W)
Property Zone: A-5
Property Size: 53.854 acres
Applicant: Pat Burns (Lync), Chad Braegger (Resident), Perry City, Willard City

Governing Document(s): Boundary Adjustment
Decision Type: Legislative
Staff Recommendation:

I. BACKGROUND

Late 2025 – A municipal boundary adjustment was proposed. Reeve and Associates prepared a parcel adjustment plat transferring all property south of Chad Braegger's property and north into Perry City (listed below). A small parcel would transfer to Willard to give it proper frontage and a Willard address.

October 9, 2025 – The City Council approved Resolution 2025-16B, indicating Perry City's intent to adjust the common municipal boundary. A public hearing was scheduled for January 8, 2026. Public notices were mailed to affected parties (see below) and posted at the Willard City Office, on the Utah Public Notice website, Willard City's website, and at the Post Office on **November 12, 2025**.

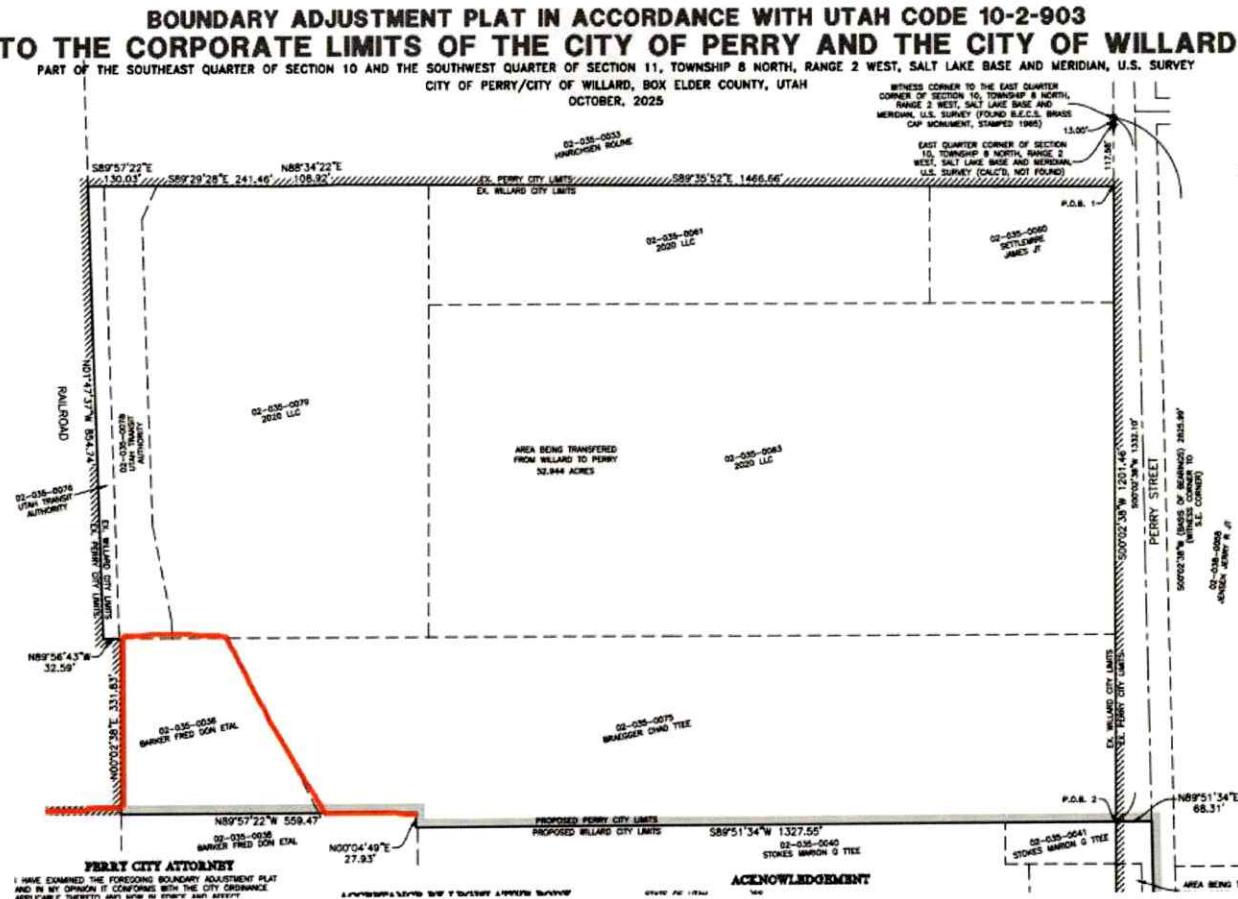
Affected parties:

- James Settlemire (02-035-0060)
- Chad Braegger (02-035-0075)
- 2020 LLC – Pat Burns/Lync Development (02-035-0063, 02-035-0079)
- Fred Barker (02-035-0036)
- Eleanor Wells (02-035-0042)
- Marion Wells c/o Larry Holmes (02-035-0041)

- Utah Transit Authority (02-035-0078)

After notices were sent, Debra Barker contacted the City and expressed concern about the boundary adjustment, noting that they want their parcel to remain in Willard City. Because their property will still be contiguous with Willard's boundaries, the plat and legal descriptions can be revised to keep the Barker parcel within Willard City limits. Fred Barker also submitted a written protest regarding the boundary adjustment.

Adjustment (**red**) to keep Barker's parcel within Willard City limits.



The public hearing for this boundary adjustment was held on January 8, 2026. The City Council tabled the matter because there were questions from city council members regarding various issues. There was also a question regarding whether the process needed to start over if Fred Barker's parcel was removed from the boundary adjustment.

II. **LEGAL ANALYSIS**

The Utah Code section numbering has changed regarding this issue, but the language has not. According to Utah Code Section 10-2-903(4),

“...written protest to the adjustment is filed by:

(i) an owner of private real property that:

- (A) is located within the area proposed for adjustment;**
- (B) covers at least 25% of the total private land area within the area proposed for adjustment; and**
- (C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or**

(ii) a title holder of state-owned real property described in Subsection (3)(b)...”

While Mr. Barker does own private real property in the proposed boundary adjustment area, his property does not cover at least 25% of the total private land area proposed for adjustment and it does not equal a value of at least 15% of the value of all private real property within the area proposed to be adjusted. His property is also not state-owned.

The City can decide to move forward with the current boundary adjustment which includes Mr. Barker’s property, even with his written protest filed.

As for whether the City would have to start over if the City Council decided to remove Mr. Barker’s property, the Utah Code does not explicitly state that Willard would need to start over. The Utah Code is in fact silent regarding that issue. It just speaks to making sure that there is sufficient public notice and a public hearing of the boundary adjustment. It does not specifically state that Willard City would need to start over if the City Council removed a property from the boundary adjustment. How to proceed would be a policy decision that the City Council needs to decide.

The City Council’s options are:

- 1. Start over by voting to deny this current boundary adjustment. Then at the next meeting pass a new Resolution with a new boundary description and a new map showing Mr. Barker’s property excluded, notice up another public hearing, hold the new public hearing, and then vote on the ordinance regarding the amended boundary adjustment.**
- 2. Vote to approve this current boundary adjustment without removing Mr. Barker’s property.**
- 3. Vote to amend the current boundary adjustment to remove Mr. Barker’s property. The City Council can take this action because there has been a public notice regarding all of the property including Mr. Barker’s property so the public has had a chance to respond. The City would not need to start over.**

I cannot speak for what Perry City would need to do if Willard removed Mr. Barker’s property, since Perry City voted to approve the current boundary adjustment on December 22, 2025. I

left a message today for Bill Morris, Perry City's Attorney, to discuss the and will hopefully have that answer by Thursday, January 22, 2026.



Figure 1 Boundary Adjustment Plat

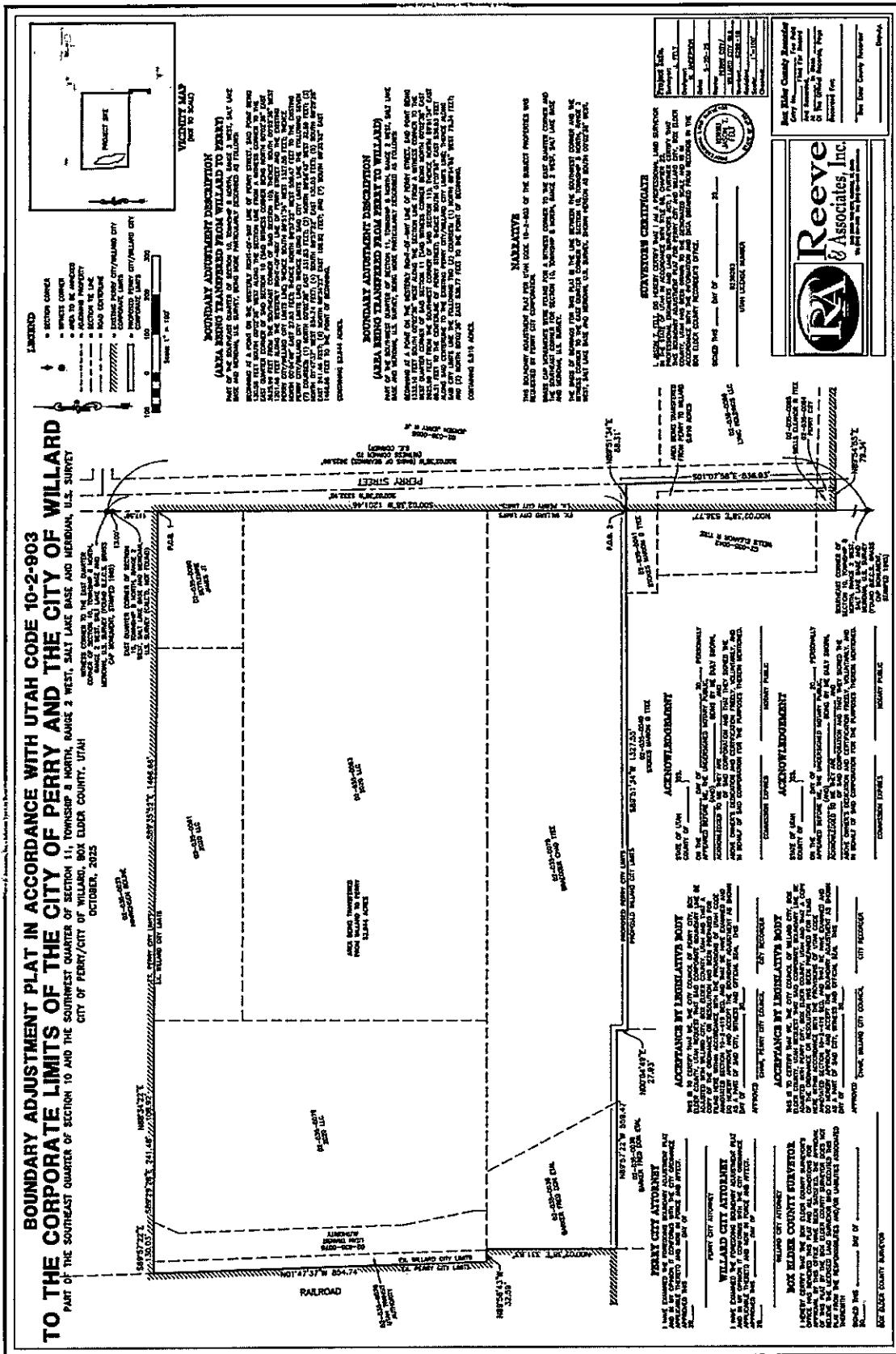


Figure 1 Resolution 2025-16B

WILLARD CITY
RESOLUTION NO. 16 *B*

BOUNDARY ADJUSTMENT WITH PERRY CITY

A RESOLUTION OF WILLARD CITY, UTAH, INDICATING THE INTENT OF
PERRY CITY TO ADJUST A COMMON BOUNDARY WITH WILLARD CITY.

WHEREAS, Willard City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Perry City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-2-903, 1953 as amended, provides a procedure for two or more municipalities to adjust a common boundary;

WHEREAS, Utah Code Annotated §10-2-903 (2) requires each municipality intending to adjust its common boundaries to adopt a resolution indicating its intent to adjust boundaries;

WHEREAS, Willard City and Perry City seek to comply with state law and intend to adjust a common boundary by adopting this Resolution for this purpose of intent;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willard City that Willard City intends to adjust a common boundary with Perry City in accordance the map set forth in Exhibit "A" attached hereto and incorporated herein by this reference as the area intended for boundary adjustment.

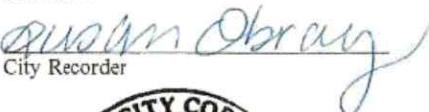
IT IS FURTHER RESOLVED, that the City Council, as required by law, hereby sets a Public Hearing for this matter to be held at its regular meeting on Oct 9, 2025, at 7:00 PM, and directs staff to provide notice of said Public Hearing as provided in Utah Code Annotated §10-2-903 (3) and (4).

PASSED AND ADOPTED by the City Council on this 9 day of October, 2025.

WILLARD CITY:


Mayor

ATTEST:


City Recorder



PERRY CITY
RESOLUTION NO. 2025-20

BOUNDARY ADJUSTMENT WITH WILLARD CITY

**A RESOLUTION OF PERRY CITY, UTAH, INDICATING THE INTENT OF
PERRY CITY TO ADJUST A COMMON BOUNDARY WITH WILLARD CITY.**

WHEREAS, Perry City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Willard City is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-2-903, 1953 as amended, provides a procedure for two or more municipalities to adjust a common boundary;

WHEREAS, Utah Code Annotated §10-2-903 (2) requires each municipality intending to adjust its common boundaries to adopt a resolution indicating its intent to adjust boundaries;

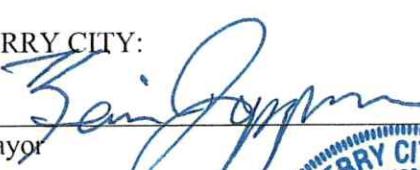
WHEREAS, Perry City and Willard City seek to comply with state law and intend to adjust a common boundary by adopting this Resolution for this purpose of intent;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Perry City that Perry City intends to adjust a common boundary with Willard City in accordance the map set forth in Exhibit "A" attached hereto and incorporated herein by this reference as the area intended for boundary adjustment.

IT IS FURTHER RESOLVED, that the City Council, as required by law, hereby sets a Public Hearing for this matter to be held at its regular meeting on November 13, 2025, at 7:00 PM, and directs staff to provide notice of said Public Hear as provided in Utah Code Annotated §10-2-903 (3) and (4).

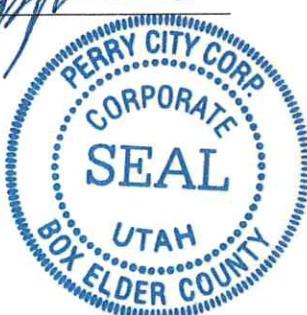
PASSED AND ADOPTED by the City Council on this 9th day of October, 2025.

PERRY CITY:



Mayor

VOTING:



Tueller	Yea X Nay ____
Wright	Yea X Nay ____
Ostler	ABSENT
Walker	Yea X Nay ____
Young	ABSENT

ATTEST:



City Recorder

Figure 2 Public Hearing Notice



Notice of Public Hearing – Boundary Adjustment - CORRECTED

In accordance with Utah Code Section 10-2-903, the Willard City Council adopted a Resolution indicating its intent to adjust a common boundary with Perry City. Willard City Council will hold a Public Hearing on **Thursday, January 8, 2026, at 6:30 p.m.** at the City Office, 80 W 50 S, Willard, Utah, to receive public comments on this proposed boundary adjustment. The City Council will adjust the boundaries unless, at or before this public hearing, written protests are filed by the owners of real property that: 1) are located in the area proposed for adjustment, 2) cover at least 25% of the total private land area within the area proposed for adjustment, and 3) is equal to at least 15% of the value of all private real property within the area proposed for adjustment, or 4) a title holder of state-owned property. The area that is the subject of boundary adjustment will, because of the boundary adjustment, be automatically annexed to or removed from any local district providing fire protection, paramedic, and emergency services as provided in state law, only as may be relevant to this proposed boundary adjustment. The area of the proposed boundary adjustment is legally described as follows:

AREA BEING TRANSFERRED FROM WILLARD TO PERRY:
PART OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET, SAID POINT BEING 130.58 FEET SOUTH 00°02'38" WEST ALONG THE SECTION LINE FROM A WITNESS CORNER TO THE EAST QUARTER CORNER OF SAID SECTION 10 (SAID WITNESS CORNER BEING NORTH 00°02'38" EAST 2625.99 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 10); THENCE SOUTH 00°02'38" WEST 1201.46 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET AND THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE; THENCE SOUTH 89°51'34" WEST 1327.55 FEET; THENCE NORTH 00°04'49" EAST 27.93 FEET; THENCE NORTH 89°57'22" WEST 559.47 FEET TO THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE; THENCE ALONG SAID CITY LIMITS LINE THE FOLLOWING SEVEN (7) COURSES: (1) NORTH 00°02'38" EAST 331.83 FEET; (2) NORTH 89°56'43" WEST 32.59 FEET; (3) NORTH 01°47'37" WEST 854.74 FEET; (4) SOUTH 89°57'22" EAST 130.03 FEET; (5) SOUTH 89°29'28" EAST 241.46 FEET; (6) NORTH 88°34'22" EAST 108.92 FEET; AND (7) SOUTH 89°35'52" EAST 1466.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 52.944 ACRES.

AREA BEING TRANSFERRED FROM PERRY TO WILLARD:



Willard City Corporation

435-734-9881
80 W 50 S
PO Box 593
Willard, Utah 84340
www.willardcityut.gov

Mayor
Travis Mote
City Council Members
J. Hulsey
R. Christensen
M. Braegger
R. Mund
J. Bodily

PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PERRY STREET, SAID POINT BEING 1332.10 FEET SOUTH 00°02'38" WEST ALONG THE SECTION LINE FROM A WITNESS CORNER TO THE WEST QUARTER CORNER OF SAID SECTION 11 (SAID WITNESS CORNER BEING NORTH 00°02'38" EAST 2625.99 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 11); THENCE NORTH 89°51'34" EAST 68.31 FEET TO THE CENTERLINE OF PERRY STREET; THENCE SOUTH 01°07'58" EAST 536.93 FEET ALONG SAID CENTERLINE TO THE EXISTING PERRY CITY/WILLARD CITY LIMITS LINE; THENCE ALONG SAID CITY LIMITS LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 89°54'55" WEST 79.34 FEET; AND (2) NORTH 00°02'38" EAST 536.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.910 ACRES.

CERTIFICATE OF POSTING

I hereby certify that the foregoing Notice was duly posted as required by State Law and posted on the Utah Public Notice Website.

Macville Drago

DATE: 11/10/25

Deputy Recorder

Figure 4 Draft Interlocal Agreement

**INTERLOCAL AGREEMENT
FOR THE PROVISION OF SEWER SERVICES
TO CERTAIN WILLARD CITY PROPERTIES
(DRAFT)**

THIS AGREEMENT, which is effective as of the date of full execution by the Parties, is entered into by and between Willard City and Perry City, both being a body politic and political subdivision of the State of Utah (collectively referred to as the "Parties").

RECITALS

WHEREAS, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, commonly known as the Interlocal Cooperation Act, authorizes public agencies to enter joint agreements for their mutual benefit; and

WHEREAS, the parties hereto are public agencies as defined by the Interlocal Cooperation Act; and

WHEREAS, Willard City and Perry City are neighboring municipalities with a shared boundary on Willard City's north side and Perry City's south side; and

WHEREAS, the Legislative Body for each of the Parties have determined that it is in the best interest of the public for Perry City to provide sewer collection and treatment services to certain properties within Willard City that are near the Willard/Perry city boundaries;

NOW THEREFORE, for the reasons recited above, and in consideration of the mutual covenants and agreements contained herein, County and District, do mutually agree and undertake as follows:

TERM

- A. This Agreement shall be for a period of 50 years, commencing on the effective date of this Agreement, unless otherwise terminated as herein provided.
- B. This Agreement may be extended according to the amendment provisions noted below.

SCOPE OF SEWER SERVICES

- A. Perry City shall provide sewer collection and treatment services to certain properties located within Willard City (the "Properties"), which are described and illustrated in **Exhibit A** of this Agreement.
- B. Perry City sewer standards and regulations shall apply to the Properties. Perry City shall be responsible for inspecting the sewer facilities connecting the Properties to Perry City's sewer system and enforcing all laws and regulations applicable to such sewer facilities as though such Properties and accompanying facilities are located within Perry City boundaries.

COMPENSATION

- A. To compensate for the provision of sewer collection and treatment services, Perry City may charge the owners of the Properties a service fee that is equal to the rate that Perry City charges its own residents.
- B. Additionally, Willard City will pay Perry City [insert proportional amount of other revenue, e.g. property tax], which is the amount that Willard City will receive from these Properties that would have been apportioned to Willard City's sewer facilities/system.

TERMINATION

- A. This agreement may be terminated by mutual agreement of the Parties.
- B. Perry City may terminate this agreement by providing at least a 1-year written notice to Willard City. Prior to the termination date, Perry City shall, at its own expense, disconnect the sewer facilities of the Properties from Perry City's sewer system and shall connect such Properties to Willard City's sewer system in accordance with Willard City's applicable standards and regulations and all other applicable laws. As such, these connections are subject to Willard City's inspection and approval before the Agreement is terminated. If this process takes longer than the 1-year notice provided by Perry City, then the termination date shall be adjusted accordingly until such process is completed.
- C. Willard City may terminate this agreement by providing at least a 1-year written notice to Perry City. Prior to the termination date, Willard City shall, at its own expense, disconnect the sewer facilities of the Properties from Perry City's sewer system and shall connect such Properties to Willard City's sewer system in accordance with Willard City's applicable standards and regulations and all other applicable laws. If this process takes longer than the 1-year notice provided by Perry City, then the termination date shall be adjusted accordingly until such process is completed.
- D. If either party terminates this Agreement in accordance with the provisions above, then both parties shall cooperate in good faith with one another and shall not unreasonably withhold inspections and approvals necessary to effect the change in sewer systems.

[Miscellaneous Provisions to follow... e.g. indemnification, amendment by mutual agreement, government immunity act, choice of law, etc.]

II. **STAFF REVIEW**

Staff's review of the proposed municipal boundary adjustment as it pertains to the requirements of the Willard City Zoning Code and Utah State Municipal Code is as follows:

City Engineer

[Insert comments]

City Planner

Lync Construction has offered several options for providing utility services to this subdivision:

- Extending water and sewer lines from 750 N (approximately 1.4 miles)
- Entering into interlocal agreements with Perry City
- Pursuing a municipal boundary adjustment

At this stage, the City needs to determine which path it supports. Both Lync Construction and Willard City have conducted due diligence on existing utilities and site conditions. Constructing a sewer line could involve significant costs for the developer. While the developer is responsible for funding and installing the utilities needed to serve the subdivision, the City becomes responsible for ongoing operation, maintenance, and repair once those utilities are dedicated to the City. The City should also be reasonable in working with developers when unique situations or site-specific circumstances arise. If an interlocal agreement is not the preferred approach, a boundary adjustment remains a reasonable alternative.

City Manager

[Insert comments]

City Attorney

There are no legal concerns at this time with either adjusting the boundary or entering into an interlocal agreement with Perry. On December 22, 2025, after a public hearing, Perry voted to adjust the boundary.

General Plan Consistency

Land Use Action Table, Objective 1.3B: "To promote efficiencies and to ensure all required services are available at levels sufficient to meet the demands and needs of all proposed developments, the availability of culinary water and sanitary sewer capacities, facilities and services shall be determined and provided concurrent with the anticipated demand for culinary water and sanitary sewer service and at the required capacity."

Finding: Willard City's General Plan places primary responsibility for providing and maintaining utilities—such as water and sewer—on the City itself through its concurrency and capital-improvement policies. The Plan and Public Works Standards emphasize that utility systems are core municipal functions and must be built to City specifications so they can be publicly owned and maintained. While coordination with other entities is allowed, the Plan clearly anticipates City management of its own utility infrastructure. The City Council may still choose to enter an interlocal agreement with Perry City, but a municipal boundary adjustment is also an available option and must follow Utah Code § 10-2-9.

III. RECOMMENDED ACTION

Staff recommends adjusting the boundary between Perry and Willard City, but altering the boundary adjustment plat to accommodate the Barkers' request to remain within Willard City limits. This responsibility lies with the developer and surveyor to make the necessary adjustments. Once these changes are made, staff recommends the City Council approve **Ordinance No. 2026-01**.

IV. POSSIBLE MOTIONS

Deny: "I move that the City Council deny **Ordinance No. 2026-01**, which proposes a municipal boundary adjustment between Willard City and Perry City, based on the Council's determination that the proposed adjustment is not in the best interest of the City at this time, and direct staff to notify Perry City and any affected property owners of the Council's action in accordance with Utah Code § 10-2-419 and related statutory requirements."

Approve: "I move that the City Council approve **Ordinance No. 2026-01**, an ordinance adjusting the municipal boundary between Willard City and Perry City, as presented, and authorize the Mayor and City staff to execute all necessary documents to complete the boundary adjustment in accordance with Utah Code § 10-2-419 and related statutory requirements."

Approve with changes: "I move that the City Council approve **Ordinance No. 2026-01**, an ordinance adjusting the municipal boundary between Willard City and Perry City, with the required revisions to the plat and legal descriptions to exclude parcel 02-035-0036 from being transferred to Perry City, and authorize the Mayor and City staff to execute all necessary documents to complete the boundary adjustment in accordance with Utah Code § 10-2-419 and all related statutory requirements."

DEFRY CTRFF

S00.02'38" W 1332.10'

FERED
PERRY
;

02-035-0063
2020 LLC

02-035-0075
BRAECKER CHAD TTEE

EX. WILLARD CITY LIMITS
EX. PERRY CITY LIMITS

S00.02'38" W 1201.46'

S00.02'38" W 1332.10'

Sources

- Rezone application 1/3/2024
 - [Application for Half Acre Zone 1-3-24.pdf](#)
- SLUA 1/18/2024
 - [1-18-2025 Mins SLUA.pdf](#)
- Planning Commission 2/1/2024
 - [2-1-2024 Mins PC.pdf](#)
- SLUA 4/25/2024
 - [4-25-2024 Mins SLUA.pdf](#)
- Planning Commission 6/6/2025
 - [6-6-2025 Mins PC.pdf](#)
- City Council 6/27/2025
 - [6-27-2025 Mins CC.pdf](#)
- Work Session 7/8/2025
 - [7-8-2024 Work Session Mins CC.pdf](#)
- City Council 7/25/2025
 - [7-25-2024 Mins CC.pdf](#)
- Work Session 8/7/2025
 - [08-05-2025 Work Session.pdf](#)
- City Council October 9, 2025
 - [10-09-2025 Mins CC.pdf](#)
- Resolution 2025-16B
 - [Resolution 2025-16B Intent of Boundary Adjustment.pdf](#)
- Draft Interlocal Agreement
 - [2024.11.05 Draft Interlocal Provisions for Perry and Willard City - Sewer Services.pdf](#)
- Utah State Code 10-2-9
 - [C10-2-P9 2025050720250507.pdf](#)

ITEM 5B

**REPEAL CURRENT WILLARD CODE SECTION 12.20.010 AND REPLACE WITH
THE FOLLOWING LANGUAGE:**

12.20 Garbage and Litter

- 12.20.010 Definitions
- 12.20.011 Contract Authorized
- 12.20.012 Collection, Hauling or Disposal; License Required
- 12.20.013 Disposal of Refuse
- 12.20.014 Collection, Hauling or Disposal; License Required
- 12.20.015 Fees and Charges; Discontinuance of Services
- 12.20.016 Prohibited Acts and Activities
- 12.20.017 Penalty
- 12.20.020 Litter-Handbills

12.20.010 Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

DWELLING: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, condominiums, lodging houses, apartments, group homes, or tourist homes.

DWELLING UNIT: One or more rooms in a dwelling, occupied by one family for living, sleeping, and eating purposes.

REFUSE: Includes and means all animal and vegetable refuse from kitchens of residences, hotels, cafes, restaurants, and places where food is prepared for human consumption, including all animal and vegetable refuse from such kitchens; and also, all condemned or decayed or unsound vegetables, meat, fish, fruit, and all waste and offal therefrom from markets, stores and factories. The term "refuse" shall also include normal household trash, cardboard boxes, grass, leaves, yard trimmings, tree limbs, and shrub trimmings; provided, however, that it shall not include waste from slaughterhouses, hot stove ashes, or coals, dirt, sod, rocks, concrete, flammable materials such as oil, gas or paint, large bulky items such as appliances, furniture, metal objects, construction, remodeling or demolition debris, car parts, mattresses, rolls of carpet, animal carcasses, or hazardous wastes.

STOVE ASHES: Includes the residue of material burned in stoves and in furnaces in private residences but shall not include the residue from furnaces in apartment houses, hotels, business houses, heating, or manufacturing plants. An "apartment house" is defined as a building comprising three (3) or more units designated for separate housekeeping tenements with heat furnished in common.

12.20.011 Contract Authorized

The City Council shall have the power at any time it may deem advisable to contract with any person, firm, or corporation for the hauling and disposal of refuse, rubbish, and similar wastes from residential property.

12.20.012 Collection, Hauling or Disposal; License Required

It shall be unlawful for any person, firm, or corporation to engage in the business of collection, hauling, or disposal of refuse, swill, rubbish, or similar wastes within the corporate limits of the City without first having obtained a license so to do from the City Council.

12.20.013 Disposal of Refuse

- A. ***Container Provided:*** The City shall provide every owner or lessee of a dwelling or dwelling unit within the corporate limits of the City (“resident”), that is not provided by City requirement with other waste hauling services, one 90-gallon automated refuse collection container at no cost other than the rate that is paid for refuse collection and disposal. For those residents generating more refuse than will fit in one 90-gallon automated refuse collection container each week, the city will provide a second ninety (90) gallon automated refuse container for an additional charge to be set by the City Council by resolution, which charge shall be added to the resident's monthly bill. Additional containers shall be provided for a minimum of six (6) months.
- B. ***Ownership of Refuse Collection Containers:*** The City shall own all refuse collection containers that are provided to the residents of the City. If a resident has previously purchased their own refuse collection container and it becomes damaged and needs to be replaced, the City shall provide one 90-gallon automated refuse collection container at no cost other than the rate that is paid for refuse collection and disposal, as outlined in Section 12.20.013(A).
- C. ***Placement in Cans:*** All refuse must be placed in the ninety (90) gallon automated refuse collection containers. Containers shall at all times be kept securely closed and be kept in such place and in such manner as to prevent offense.
- D. ***Set Out for Collection:*** Automated refuse collection containers containing refuse to be hauled away by the person, firm, or corporation contracting with the City for refuse removal, shall be placed at the curbside in the location and position designated by the operator no later than six o'clock (6:00) A.M. on the day of collection. Containers shall be set out for collection on the street at least four feet (4') from other automated containers and obstructions such as trees, mailboxes, or parked vehicles. Containers must be placed in the gutter or, where there is no gutter, within two feet (2') of blacktop with the container handle facing the residence. All empty receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street on the day they are emptied.

12.20.014 Commercial and Industrial Properties

The occupants or owners of all commercial and industrial property, including trailer parks, condominiums, and apartment houses with five (5) or more units, shall arrange and pay for their own refuse collection and disposal in accordance with the provisions of this chapter. The occupants or owners of apartment houses with two (2), three (3) or four (4) units have the option of using the City's refuse collection services or arranging and paying for their own refuse collection service.

12.20.015 Fees and Charges; Discontinuance of Services

- A. *Authority to Charge:* The City Council may, in its discretion and when it shall determine that the public interest shall be best served thereby, arrange for the collection by the City Treasurer, of any charges for collections of refuse by a contractor of the City under the provisions of this chapter, and shall arrange for such collection service and bill for the charge of such service on the regular statement for water service on said premises; provided, that the two (2) charges must be at all times separately listed, and that the proceeds therefrom must at all times be kept separate and apart and not commingled in a single fund or account by the City Treasurer.
- B. *Prompt Payment Required:* In the event that any charges made under the provisions of Subsection (A) of this section are not promptly paid when due, the City may proceed to collect the same as a debt due to the City and may sue therefor in any court of competent jurisdiction.
- C. *Temporary Discontinuance of Services:* Refuse collection services may be discontinued during periods that the premises are vacant and water has been shut off, under the following conditions: the public works department picks up all containers assigned to the premises and no automated containers are found or used on the premises during such periods.

12.20.16 Prohibited Acts and Activities

- A. *Placement Outside of Collection Days:* It shall be unlawful for any person, firm, or corporation to place or deposit in or on any of the public streets, alleys, or parks in the city any refuse except on regular refuse collection days and in automated refuse collection containers.
- B. *Prohibited Materials:* When unapproved or prohibited materials are placed in a container, the public works director may remove or have removed the container or containers and terminate services, in whole or in part. The City Council may, in its discretion, decide to continue service but add a fine as a civil penalty for the placement of the unapproved or prohibited materials; to be set by the City Council by resolution, which charge shall be added to the resident's monthly bill.
- C. *Refusal to Remove Refuse:* It shall be unlawful for any person, firm, or corporation to permit refuse, swill, rubbish, or similar wastes to accumulate or

remain on or about the premises, under the control of such person, for such period of time as to become objectionable or unsanitary; and every person, firm, or corporation is hereby required to remove, or provide for the removal of, such refuse, swill, rubbish, and similar wastes before the same become objectionable or unsanitary.

- D. ***Refuse Falling on Streets:*** It shall be unlawful for any person hauling refuse, rubbish, swill, manure, or matter of any kind to permit or allow any such matter to fall upon and remain in any street, alley, or park within the corporate limits of the city, or to deposit any such matter at any place except a dumping ground or incinerator as authorized by the City Council. It shall be unlawful for any person, firm, or corporation hauling or collecting refuse to conduct such operation in such a manner as to cause any unnecessary noise, damage to refuse containers (City-owned or privately owned), or disturbance.
- E. ***Painting or Defacing Containers:*** Automated containers shall not be painted, marked, or otherwise defaced; provided, that a resident may repaint a container using the original container color in order to cover over the colors of paint, unauthorized markings, or graffiti. If a resident fails to restore a container to its original color and appearance, after being notified by the public works department, the department may provide a replacement container, and the replacement costs shall be paid for by the resident.
- F. ***Vacant Premises:*** When premises are vacant, the property owner is responsible for placing all automated containers in a secure location to protect against theft or vandalism. If the failure to place any containers in a secure location result in container loss, theft, or vandalism, the property owner shall be responsible for the replacement cost of the container.
- G. ***Container Replacement Fee:*** Whenever a resident is required to pay for the cost of replacing any automated container under the provisions of this chapter, the fee for container replacement shall be the current replacement cost of the container. A resident shall be required to pay for the cost of replacing a container when it has been found that they have caused, or allowed to be caused, damage to the container.
- H. ***Accumulation:*** All persons, firms, or corporations having accumulation of refuse and similar wastes, as defined in this chapter, are hereby charged with the responsibility of making proper arrangements for the removal of the same, not inconsistent with the provisions of this chapter; and any person, firm, or corporation failing so to do, and permitting the accumulation of the same, shall be guilty of a class B misdemeanor, and in addition, the City Council may, in its discretion, arrange for the removal of such accumulated refuse and/or rubbish from such premises, and may charge the costs of such removal to the owner or occupant of the premises on which such accumulation was permitted, such charge to be deemed a debt due the city, and the City may proceed to collect

such expenses by legal action in any court of competent jurisdiction if such is not paid promptly on demand.

20.20.17 Penalty

Any person or corporation who violates any of the provisions of this chapter shall be guilty of a class B misdemeanor, and upon conviction, shall be punished with up to a \$1000 fine and up to six (6) months in jail.

ITEM 6B

OPEN AND PUBLIC MEETINGS ACT

Title 52, Chapter 4

1. Statutory Obligation to have yearly training on the requirements of the Open and Public Meetings Act - **§52-4-104**
2. **BASIC PRINCIPLE** – All meetings of a public body must be open to the public, unless an exception is available under the Act allowing the meeting to be closed - **§52-4-201(1)**.
3. **QUORUM** – means simple majority of the membership of a public body - **§52-4-103(11)**
 - (a) Quorum does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.
4. **A PUBLIC MEETING REQUIRES:**
 - (a) **PUBLIC NOTICE** - **§52-4-202**
 - (1) 24 hours' notice: agenda, date, time and place (Exception: emergencies)
 - (2) Agenda: "reasonably specificity of topics"
 - (3) Topic raised by the public – discretion of the chair for discussion but can't take action
 - (4) Notice: Utah Public Notice website and public postings
 - (5) Annual notice of scheduled meetings
 - (b) **ORDERLY CONDUCT – Disruption of meeting** - **§52-4-301**
 - (1) Act not prohibit the removal of any person from the meeting if the person willfully disrupts the meeting to the extent that "orderly conduct is seriously compromised"
5. **ELECTRONIC MEETINGS ALLOWED** - **§52-4-207**
 - (a) Prior formal authorization of the city is required
 - (b) Public notice is required
 - (c) Anchor location
 - (d) Facilities available so all can attend, monitor, participate – give info on how
6. **MINUTES AND RECORDING REQUIRED OF ALL MEETINGS** - **§52-4-203(1)**
 - (a) **WRITTEN MINUTES INCLUDE** (**§52-4-203(2)**):
 - (1) Date, time, and place
 - (2) Names of mayor and city council members present and absent
 - (3) The "substance" of all matters proposed, discussed, or decided
 - (4) Record (by person) of votes – Roll call vote for ordinances, resolutions, and matters where liability is incurred or financial issues
 - (5) Name of each person providing comments and the substance of comments received

- (6) Any other information from meeting that a mayor or city council member requests be included
- (7) Pending minutes – provided within a reasonable time
- (8) Approved minutes – provided 3 business days after approval – is official record
- (9) **PERMANENTLY RETAINED**

(b) RECORDING INCLUDES (§52-4-203(3)):

- (1) "COMPLETE UNEDITED RECORD" of all open portions – from beginning to end
- (2) Properly labeled: date, time, and place
- (3) Available within 3 business days of meeting
- (4) **RETAIN 3 YEARS AFTER APPROVAL OF WRITTEN MINUTES**

7. CLOSED MEETINGS: PURPOSES AND RECORD

(a) CLOSED MEETING - §52-4-204

- (1) Have to have a quorum plus 2/3 vote
- (2) Must meet subject matter requirements - **§52-4-205**
- (3) Publicly noticed on the agenda regarding reason for closed meeting
- (4) Publicly announced and on record: the reason for the closed meeting, location, and each member's vote for or against the closed meeting
- (5) At the end of the closed meeting, have to make a motion to leave the closed meeting and go back into open meeting
- (6) Do not discuss with those not in attendance at the closed meeting
- (7) Only may be disclosed under court order – minutes, recording

(b) CLOSED MEETING PURPOSE - §52-4-205

- (1) Discuss individual's character, professional competence, or physical or mental health
- (2) Strategy session – litigation
- (3) Strategy session – real property (value, best possible terms); sale of property – prior notice, terms disclosed before final/closing
- (4) Deployment security measures
- (5) Investigative proceedings – criminal misconduct
- (6) Deliberations; procurement evaluation committee; protest; appeals
- (7) Procurement: trade secrets, misc.
- (8) Loan documents/information – if would damage city's position

(c) PROHIBITIONS - §52-4-205(3)

- (1) Interview – elected position; discuss filling interim or temporary vacancy

(d) CLOSED MEETING RECORD - §52-4-206

- (1) Recording required: beginning to end; date, time, place; names present and absent and names of others who attend
- (2) Minutes allowed (if taken, details above)
- (3) Permanently retained

- (4) Recording is separate from the open meeting part
- (5) EXCEPTIONS: Recording and minutes not required: individual's character, professional competence, or physical or mental health; security measures. Presiding officer shall sign affidavit that meeting was closed for these reasons.

8. EMERGENCY MEETING - §52-4-202(5)

- (a) "Emergency" is not defined
- (b) Attempt to notify all members
- (c) Best notice practicable – of time and place of meeting and topics
- (d) Majority of members approve of the meeting

9. OTHER ISSUES

(a) CHANCE MEETING – SOCIAL GATHERING - §52-4-208

- (1) Act does not apply
- (2) Don't conduct or discuss any city business – don't use social gathering to circumvent Open and Public Meetings Act

(b) ELECTRONIC MESSAGING - §52-4-210

- (1) Text messages? Email? – Don't have group discussions back and forth – either during the meeting or outside of the meeting
- (2) Purposes of act – keeping discussions of public business in the open
- (3) Not restricted when meeting not convened
- (4) Interplay with GRAMA (Gov't Records Access and Management Act – UCA Chapter 63G)

(c) SUIT TO VOID FINAL ACTION - §52-4-302

- (1) Final action is voidable by a court if the action violates §§52-4-201, 52-4-202, 52-4-207, 52-4-208, or 52-4-209;
- (2) Suit must be filed within 90 days after the date of the action
 - (a) Exception – suit must be filed within 30 days after the date of the action if involves issuance of bonds, notes, or other evidence of indebtedness
- (3) Court may not void a final action for a public body failing to comply with posting requirements (§52-4-202) if failure was result of internet hosting or communication failure
- (4) Court may award a reasonable attorney fee and costs to prevailing plaintiff of a suit filed under §52-4-208 - "Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter."

(d) ACTION CHALLENGING CLOSED MEETING - §52-4-304

- (1) Court shall review recording or minutes of closed meeting in chambers and decide legality of closed meeting

- (2) If court determines no violation, then court will dismiss case without revealing content of closed meeting.
- (3) If court determines a violation, the court shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed

(e) CRIMINAL PENALTY FOR VIOLATION - §52-4-305

- (1) A member of the public body who knowingly or intentionally violates or knowingly or intentionally abets or advises a violation of any of the closed meeting provisions - Class B Misdemeanor – up to 6 months jail, up to \$1000 fine