

## WILLARD CITY CORPORATION – CITY COUNCIL

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The City Council of Willard City met in **Regular Meeting**, on March 11, 2021, at 6:30 p.m. in the Council Chambers of the Willard City Offices, located at 80 West 50 South, Willard, UT 84340.

**Present:** Kenneth Braegger, Mayor  
John Seamons, Council Member  
Josh Braegger, Council Member – arrived at 7:31 p.m.  
Brad Robb, Council Member  
Fred Ward, Council Member  
Kaleb Kunzler, Council Member

**Also Present:** Chris Davis, City Manager  
Michael Christiansen, Acting City Attorney  
Theron Fielding, Police Chief  
Bryce Wheelwright, City Planner  
Doug Thompson, Street Supervisor  
Michelle Snarr, City Recorder

Others in Attendance: Randy Lemon, Clyde Westley, Diane Baker, Brad Brown, Beth Holbrook, Del Fredde, Mike Crossley, Travis Mote, Justin Pritchard, Nancy Green, Kent Harding, Wayne Harding, Breton Neff, Kristin Mote, Chad and A. Braegger, Bryan Bayles, Carla Moser, Chris Davis, Jordan Hulsey, Chris Breinholt, Laura Hansen, Peggy Barker, Bryce Parker, Garth Day, Matt Barlow

### **Call to Order**

Mayor Braegger called the meeting to order at 6:30 p.m.

- a. Invocation  
The invocation was offered by Council Member Robb.
- b. Pledge of Allegiance

**Open Comment Period** (Individuals have three minutes for open comments. 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.)

### **Diane Baker, 276 W Center Street**

Ms. Baker addressed the Council. She informed the Council she lived on a substandard road, and she did not want to see any more building in the area. She pointed out there were some rezones coming up and she did not want any surprises. She went on to say it had been a mild winter, and she expressed concern with water. She indicated the city had four water tanks and they are planning a fifth tank. She questioned how many water tanks the city would place up on the hillside.

### **Clyde Westly, 221 E 100 S**

Mr. Westly addressed the Council. He provided an informational sheet to the City Council Members, which he wanted to serve as a reminder of the issues Willard City was fighting against with a gravel development in 1988. As follows: public health and safety; air quality; flood control; business climate in Willard; decline in residential values; impact to our fruit way; recreation (Willard Bay) wildlife habitat; aesthetics of the mountains; and believing such impacts would bring a general reduction in the quality of life for Willard residents.

Mr. Westly stated he would like City Officials to keep those concerns in mind before you even consider the possibility for the need of a gravel pit on city property, and higher on the mountain than any existing pit. None of the above stated concerns have changed, nor have they gone away in the past 30 years.

## WILLARD CITY CORPORATION – CITY COUNCIL

---

I have never heard Willard City promote the idea that gravel pits will bring new growth. City Officials have been the first to say, “No one wants to see the mountain destroyed”, but in 2014, they could only see a gravel pit (on city property, above the Wells pit) as an answer to pay for our sewer system. It was claimed that this would only be expanding and prolonging something that already exists. Maybe true, but is it in the best interests of Willard to allow expansion and prolonging of the current parasitic activity on our mountain so close to our city’s population?

Would any decision by our city to allow another gravel pit encourage growth from people who want to live in a clean, environmentally friendly city and use mass transit to commute to work? Willard is looking to have a UTA front runner station located here in the future, the best possible segue to achieve the growth needed to justify the sewer system that was put in place, anticipating such growth.

I believe Willard is situated on a narrow and beautiful strip of land, confined between the Wasatch Mountains to the east and Willard Bay State Park to the west. I-15, Highway 89 and the major rail system are all forced to within a few miles of each other by nature through this area. Thousands of travelers pass through this area daily so our mountains should be kept as a showcase for all to see and enjoy. And our state park should be a destination point for Utahans and out of state visitors alike – enhanced by this beautiful mountain setting.

UTA has already spent money investing in their future vision of a front runner line from Ogden to Brigham City – other investors with their own visions will follow. There is a publication of the “Box Elder County Transit Study” online at the Box Elder County website and on UTA’s website. This study offers a lot of information and includes the RTP (Regional Transportation Plan), which outlines some different scenarios of developments along this rail line. Willard should be planned and maintained as a comfortable, healthy and safe place to live. UTA has offered their support to give a presentation to city officials on their vision of the future for the expansion of the front runner into Box Elder County.

### **Business**

#### **Presentation by Nancy Green, Brigham City Senior Center Regarding March for Meals Month and Request to Adoption A Proclamation Proclaiming “March 2021 as the 19<sup>th</sup> Annual March for Meals Month”**

Ms. Nancy Green, Brigham City Senior Center, addressed the Council regarding March for Meals Month. She informed the Council they currently have 55 Willard residents they serve meals to, and they have 17 residents they serve meals on wheels. She explained she had a proclamation for March 2021 as the 19<sup>th</sup> Annual March for Meals Month, and she introduced the proclamation to the city.

After Ms. Green read the proclamation, Mayor Braegger signed the Proclamation Proclaiming, “March 2021 as the 19<sup>th</sup> Annual March for Meals Month”.

#### **Presentation by Trustee Beth Holbrook Regarding the UTA Five-Year Service Plan**

Mr. Davis informed the Council that Trustee Holbrook was at the Council meeting on this particular issue; however, the city had a very good relationship with UTA, and Ms. Holbrook had been good about extending the corridor and the sewer agreement. She had been involved in the planning process and following backup with the city. He went on to point out another item the Council had on the agenda this evening was the master plan contract, and Ms. Holbrook had said her staff could contribute to that as well.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Ms. Holbrook introduced Mr. Bishop, Director of Government Affairs, and Ms. Laura Hansen, Director of Planning. Ms. Holbrook indicated that working with Mr. Davis had been wonderful. He had given her a lot of insight and letting UTA know what the city was working and dealing with. She went on to say she was at the meeting to present the Five-Year Service Plan to enhance services for those that are experiencing growth.

Ms. Holbrook reference her graph; she indicated the projection of growth by 2050 was almost double of what they have today. She went on to say the entire Wasatch front was restricted. One thing that UTA wanted to get was access to opportunity and growth.

Ms. Holbrook stated that the UC corridor was critical, and they are working to get it solved. She noted when UTA owned that corridor, they could get through some of the utility issues. In addition, they want to make sure they have addressed other issues or elements that would be of value to the city's residents.

Ms. Hansen addressed the Council. She indicated they have two planning efforts. The first was the future long-range plan. The second was UTA's Five-Year Service plan, which was the short-range plan. She explained it was what UTA could do in the next five years.

She went on to explain, the Five-Year Service Plan was organized around elements. It proposed a core network; added more all-day services; filled in the midday service; expanded hours; and looked at new technologies.

Ms. Holbrook explained UTA would like to have a continuous route from Willard City to Ogden City. She went on to say UTA closed on some land for a transit stop by the Flying J and one in Brigham City; in addition, they were looking at two other stops.

Ms. Holbrook explained why they were planning for the future. She indicated that they recognize the city's community was vastly different from Salt Lake City. She pointed out there was a lot of growth at Hill Air Force Base, and the aerospace industries in Ogden are going to be of impact in Willard as well, and they want to partner with the city.

Mr. Holbrook discussed the Long-Range Transportation plan. She noted that Commissioner Jeff Scott was sitting on the Trans Commission Committee with Wasatch Regional Council and these are some of the elements they voted on in the near future and the past. She pointed out the Corridor Preservation and the implementation of transportation along with the funding were some of the items they addressed. She went on to say the Wasatch Front Regional Council had grants for communities regarding transportation.

She noted that one of the things they looked at when they looked at their Long-Range Transit plan, was they looked at bus stop improvements and micro-transit, which are elements they believe have value. She pointed out that one thing they had been doing was a pilot program in South Salt Lake County. It was an Uber on demand that gets people to transportation stops. The pricing is not based on regular Uber usage; it was based on individuals getting to bus stop.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Ms. Holbrook went on to discuss the transit plan. She noted that a lot of the elements in the plan have to do with federal funding or grants, and how they can partner with local partners. She said that one of the things going in was an all-electric bus in Ogden that goes through to Weber State and Downtown Ogden.

Ms. Holbrook pointed out that the UDOT director said they cannot expand the I-15 corridor any longer in certain portions of Salt Lake and Utah Counties. If he were to expand, he would take out economic development along the freeway in certain areas. She stated that UDOT had been a good partner with UTA and was supportive of some of the elements that had gone before the legislature.

Ms. Holbrook noted that the Five-Year Service plan was strictly bus service to work in better ways. In addition, they want to make sure they have included connectivity,

Ms. Holbrook addressed the connectivity up through Logan and pointed out there were about 12 bus stops they could improve on.

### **Consideration of Acceptance of Proposal and Authorization to Enter into a Contract for \$55,000 for the Willard City Master Plan Update**

Mr. Davis recapped with the Council that Bryce Wheelwright was able to get a grant through UDOT for an update to the city's master plan. He went on to explain the grant was for \$50,000 and the city's match was \$5,000.

Mr. Davis introduced Mr. Bruce Parker, PhD at the University of Utah, and his firm Planning and Development Services. He noted that Mr. Joseph Perrin, PhD., was on his way to the meeting as well. Mr. Davis informed the Council that staff sent out a dozen or more proposal to be submitted, and the city received back four proposals. He noted that one of the proposals exceeded the budget. One of the proposals was the group that was currently working on Box Elder County's update. However, staff felt the best proposal was the one presented by Planning and Development Services and Atrans. The proposal had a transportation component, which he thought the Council was keenly aware of and no one had that kind of expertise.

Mr. Davis stated that staff recommended approval of the proposal from Planning and Development Services (PDS) for \$55,000 and authorize the city to enter a contract with the PDS and Atrans to do the city's master plan update.

**Motion:** Council Member Seamons moved to accept the proposal from Planning and Development Services and Altrans in the amount of \$55,000 to update the city's Master Plan. Council Member Ward seconded the motion.

**Amendment:** Council Member Seamons moved to amend his motion to include entering a contract as approved by the city attorney and city staff. Council Member Ward seconded the amendment.

**Roll Call:** Members voting aye: Kunzler, Robb, Seamons, and Ward. Council Members voting nay: none. The motion passed unanimously. Council Member Braegger was not present for the vote.

**Consideration of Discussion and Potential Acceptance of the Proposal by Lewis, Young, Robertson and Burningham to Update the Sewer Impact Fees and to Complete a Park Impact Fee Analysis and Adoption**

Mr. Davis indicated that Mr. Fred Fillpot was present at the meeting to discuss impact fees. He recalled the City wanted to investigate doing a park impact fee, and Lewis Young had almost completed the water impact fee. He went on to say there was a possibility of expanding the sewer impact fee as well. Mr. Davis explained to charge those fees, the city had to have those fees in the city's capital facilities plan; in addition, to implement a park impact fee.

Mayor Braegger noted that the Council discussed a fire impact fee as well, and he went on to say there was a need for it. Mr. Davis indicated they discussed a road and fire impact fee last week. Mr. Fillpot informed the Council a fire impact free could not be utilized for fire apparatus; it had to be utilized for bricks and mortar. Mr. Davis noted in talking with Mr. Burningham, he was going to work on a proposal for those two aspects. Mr. Fillpot corrected himself and noted that the city could include fire apparatus over \$500,000.

Council Member Ward inquired about road impact fees. Mr. Fillpot indicated in the proposal he provided, he was not able to provide the road impact fee. Council Member Ward recommended doing a road impact fee too. Mr. Fillpot started he could adjust it to include fire and roads and have it all put together. He went on to say that public safety is typically a key element. He reiterated the fire was not included in what was provided in the presentation materials; however, he could add the fire and road components.

Council Member Seamons inquired how long it would take to get the plans. Mr. Fillpot noted that the parks and sewer plan would be ready fairly quick. However, the road depended on the master road plan and it would take a bit longer.

It was thought that the Council should have the fire plan in more detail before they voted on it. They should just vote on the proposal that was before them at this time and vote on the fire plan later.

**Motion:** Council Member Robb moved to accept the proposal by Lewis, Young, Robertson and Burningham to update the sewer impact fee and complete a park impact fee analysis. Council Member Seamons seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, and Ward. Members voting nay. None. The motion passed unanimously. Council Member Braegger was not present for the vote.

**Consideration of Discussion and Possible Approval of Development Agreement with COPIUS, LLC, a Utah Limited Liability Company (Developer) and Samuel W. Kunzler, Sole Trustee of the Walter Kunzler and Josie Mae Kunzler Trust Dated May 16, 1980 (Owner)**

Mr. Davis noted the development in question was a development that had been previously approved. It had been granted approval with 200 homes. It was a piece of property that Nielsen Homes was interested in developing. He went on to say, the mayor and he had worked with Mr. Bayles and had worked on a development agreement. He noted the agreement is not ready to be approved. It still needed modification. At this point, staff wanted to get some feedback from the Council and have Mr. Bayles

## WILLARD CITY CORPORATION – CITY COUNCIL

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give the Council some information. Mr. Davis explained currently Willard City ordinance requires one-acre per ERU for water, and Mr. Chris Breinholt had prepared some calculations that the State of Utah and city had.

Mr. Breinholt commented what he was about to present, had not gone across anyone's view except his. He said as Mr. Davis mentioned, the development had to have one-acre foot of water right equal to one-acre of water. He explained that water rights were in acre feet and cubic feet per second. He indicated that the city had a few water rights, with no acre foot components. The city had enough water rights for enough annual usage. Mr. Breinholt stated the city did not need any more water - it needed more flow rate. The city had to be able to accommodate for the months of July and August. He reiterated the city had enough water rights for current build out – meaning the current city boundary.

Mr. Breinholt discussed the standards for water use. For the State of Utah, the average year demand was equivalent to .93-acre feet on an average lot or 1.47 gallons per minute at peak on .27 acres of land. The referenced amount was what the state required the city to provide. He noted that the actual use in Willard was .06, and the city's peak was less than what the state required the city to have.

Mr. Breinholt stated he would suggest a change, which would be based on gallons per minute. He said it would split the usage a bit. The idea would be to utilize the state standard for indoor use and .4 acres for outdoor use. Mr. Breinholt indicated it was consistent no matter the size of home.

Mr. Breinholt applied the change to the Kunzler development, which was 79.2 acres. He explained the city would want water shares not water rights. He went on to explain there was 60.3 acres of developed acres. The outdoor use would require 119.4 gallons per minute and the indoor use would require 151.20 gallons per minutes for a total of 270.6 gallons per minute based on the calculated used.

Council Member Seamons questioned if the change was more or less stringent. Mr. Breinholt stated it was probably less stringent; it was based on having secondary water through the culinary water system. He went on to say, 270-acre feet was hard to do, but he has not talked to the developer about water rights. He said he could defend 1 acre foot, but they do not need it.

Mr. Breinholt discussed the difference between water shares and water rights. A water share was a share of a water right going to someone else. A water right was issued by the State of Utah. The water share was issued to someone else by who owned the water right.

Mayor Braegger commented that the city had been requiring developers to give up their shares of water for development in the city; he inquired how that would work if the city were to change to this proposal. Mr. Breinholt suggested the city would want to consider that on a case-by-case basis. He stated if it was a value to the city, then they could consider it.

It was pointed out that the draft agreement does not reference Nielsen Homes. It was explained that Nielsen Homes had earnest money on the property. They want to close on the property, but until they resolve some outstanding issues, they will not be able to do that. Mr. Bayles explained the agreement ran with the property owner.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Council Member Braegger arrived at the meeting at 7:31 p.m.

Mr. Bayles addressed the Council. He stated they were excited about the project; it was a great community. Mr. Bailey went on to explain Nielson Homes built about 350 homes per year in Davis, Weber and Box Elder Counties. The project has 246 homes, and it would probably be a four-year project. He went on to say, the city had been talking about park impact fees, and they usually set aside fees for parks for their homes – usually \$1,000 to \$2,500 per unit. He indicated those were important components. He informed the Council that the site plan had not changed very much since November 2019.

Mr. Bayles said they wanted to make sure the Council does not have any questions about the development agreement, and they want to discuss any concerns the Council may have. He added they believe there are a lot of important things in the agreement.

Council Member Seamons referred to Section 5(E) Phased Development, which stated, “The Project will consist of multiple phases, as shown in Plan, a copy of which is attached hereto as Exhibit “B” that Developer may amend from time to time without amending this Agreement”. Council Member Seamons questioned if the density could be reconfigured with the final plat. He pointed out the development was four phases and with the first phase, they could potential use up more than they wanted. They could get to the end of the development, and they might have to squeeze in the last bit. Mr. Bayles explained they could not change on a phase-by-phase basis. The development was approved, and they cannot vary from the approval.

Mr. Bayles informed the Council he met with the contractors that were developing 200 West. He explained with that road coming in, it could change their development plan. He added there could be a lot of reasons why the phasing plan could change. Mr. Bayles stated they had allowed from some flexibility to allow for things that may change. However, they cannot go and add more units – they cannot fit more units.

Council Member Seamons referred to the last portion of Section 5(E), which stated, “For purposes of this Agreement, a change is “substantially similar” if it does not exceed the maximum density approved in the Plan and only affects the configuration of the density or uses shown in the Plan. A change is a material modification if it is attempts increases the density or introduce uses not allowed by the underlying zone or shown in the Plan.” Mr. Bayles indicated it was defined as if it added units, they would have to come back and have that conversation.

Council Member Ward referenced the 200 W extension road. He noted there was a section of the road they would not have any financial responsibility to. Mr. Bayles informed the Council they met with Zack Burk, Jones and Associates, and they were informed the road would be 26-feet of asphalt, with two and half feet of gutter with trails. He stated they would build their development to accommodate for the road. In addition, they would have to put in the curb, gutter, and sidewalk adjacent to their development.

Council Member Ward indicated that he would hope there were not any accesses on the busy road. Mr. Bayles informed the Council there were three access points into the development and there would not be any driveway access on 200 W.

## WILLARD CITY CORPORATION – CITY COUNCIL

---

Mr. Bayles explained that they own Hargis Hill Road, and there was nothing the city would be required to do. He noted that UDOT was difficult to work with. They just want the city's support in getting the connections. He added that the intersection was designed for future development.

Council Member Seamons referred to Section 8, Upsizing/Reimbursement to Developer. He expressed concern that the city was committing itself to a water tank even though 75 homes had to be built prior to the tank. He questioned if they were in a position they were comfortable to committing to that. Council Members Robb and Kunzler agreed. Mr. Davis informed the Council they were still working on that. In addition, they have been working with Granite Construction to acquire a site for that design (of a water tank). He noted they had talked to Mr. Bayles about that as well. Mr. Davis stated they need to work out those issues.

Mr. Davis said are we comfortable saying the city had 75 extra ERUs; no. but we do have "this" and we still have tank capacity from the water tank that was built for the Deer Run development. He went on to say, there are 300 plus homes in there that the city guaranteed they would have capacity in there. Once this agreement was signed, Jones and Associates would start to design the tank. By the time the 75 homes are built, the tank would be constructed. However, that was the issue to make sure they have the land and the easements.

Council Member Seamons inquired if Nielson Homes had water rights. Mr. Bayles stated they had some, but they would have to acquire more. Mr. Davis indicated that they had a meeting next week to talk about the water rights that the Kunzlers let lapse, and they are looking at reacquiring those rights.

Mr. Bayles referred the Council to Section 8(A)(ii)(b). He said it was hard for cities to come up with money for infrastructure and this development was a big enough investment for them to help pay for the water tank. They are willing to do that and act as the bank and finance the infrastructure. He pointed out their development would not utilize all 500 million gallons. He informed the Council they would finance all the amount of \$600,000 to \$650,000 up to \$625,000 - they would pay for the entire tank upfront through the fees that are generated through their development.

Mr. Davis indicated that one of the things they were putting in was their commitment of \$625,000; however, the city may look at a 1-million-gallon water tank or two 500-gallon water tanks. He added they are currently in discussions with Granite Construction.

Mr. Bayles reference an open space area on their development. He said at one time, the school district expressed interest in constructing an elementary school in the area. He went on to say, back in the fall of 2019, the school district said they may or may not be interested. However, he received a phone call today, and they may be interested in the site again. They will be communicating with them in the next few weeks regarding the site.

### **Consideration of Approval of Resolution 2021-5, A Resolution of the Willard City Council Approving an Increase in the Amount Charged for Garbage Cans Due to Increased Costs Charged by the Supplier**

Mr. Davis informed the Council the cost of the garbage cans went up to just over \$90.00, and staff's

## WILLARD CITY CORPORATION – CITY COUNCIL

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recommendation was to raise the rate of a garbage cans to \$95.00. He noted the city was losing money on the garbage cans; the city currently charges \$75.00.

Council Member Ward state he had a hard time understanding why the city should charge to \$95.00 instead of \$90.67. Mr. Davis indicated he did not think the city was making money if they considered staff time.

**Motion:** Council Member Ward moved to approve Resolution 2021-5, A Resolution of the Willard City Council Approving an Increase in the Amount Charged for Garbage Cans Due to Increased Costs Charged by the Supplier. Council Member Braegger seconded the motion. Members voting aye: Kunzler, Robb, Seamons, Braegger and Ward. Council Members voting nay: none. The motion passed unanimously.

### **Planning Commission**

#### **PUBLIC HEARING**

**Public Hearing to take public comment to consider adoption of an ordinance creating Chapter 12-106, of the Willard City Zoning Ordinance Establishing a Master Planned Community Zone**

Mayor Braegger entertained a motion to open the public hearing.

**Motion:** Council Member Seamons moved to open the public hearing. Council Member Robb seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay. None. The motion passed unanimously.

The public hearing opened at 7:54 p.m.

#### **Public Comments**

Mr. Davis informed the Council the reason they were having the public hearing was it was required by state statue and the city's ordinance. He went on to say the Council was aware of this about a month ago when they repealed the old PUD ordinance, and the council wanted to address the potential of development. He noted that the proposed ordinance had been utilized in other communities. He stated they were not ready to adopt the ordinance yet. He went on to say Bruce Barker made some suggestion, such as minimum lot size. He recalled they have had some discussion about minimum lot size, but it was not definitive. At this point, the council could receive public input.

#### **Travis Mote, 455 S 200 W**

Mr. Mote addressed the Council. He pointed out that the Planning Commission reviewed the draft ordinance last week, and they tabled it. He expressed there was no baseline or starting place and how the city would allow one developer to implement a certain density or structure without letting them all. He stated there was one answer to both issues; the City should complete the general plan first. He went on to say the City should not be trying to please developers over the needs of the community. As the old axiom states: When you fail to plan you plan to fail.

Mr. Motes stated the ordinance lacked the specificity to inform citizen and developers, which leave loopholes that would be inconsistently applied and open the city up to legal issues and it does not reflect

## WILLARD CITY CORPORATION – CITY COUNCIL

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the guidance that the city council suggest in the February 11, 2021, meeting minutes.

Mr. Motes outlined some of the issues, which he thought were related to the proposed ordinance.

Section B: there was no definition of “Open Space” nor is there a reference to a definition elsewhere in the city’s code. He went on to say, we have learned with the Doug Young development, without definitions, the developer gets deference to their definition by state law.

Section B: He reference the twenty percent (20%) to fifty percent (50%) open space. He questioned where and how this would be determined. There needed to be a general plan to guide this, so it was not arbitrarily implemented causing legal issues or creating unforeseen safety issues, such as, excessive traffic concentrations in town.

Section B: Mr. Mote reference the fee in lieu of open space. He stated there was no method of valuation. He inquired if the city was getting the value of the gained lots or the lost open space. Would it be valued by an appraisal? He stated, again, they could be seen as arbitrary creating legal issues.

Section C(4): Mr. Mote inquired what the guidance was for base densities. He indicated that should be addressed in the general plan, which had studied the infrastructure and resources of the city.

Section G: He pointed out the approval was based on the City Council making the following findings: was it one of the following or all of the following. The draft ordinance does not specify.

Section G(1 & 2) These two subsections would seem to allow extra ordinary land uses such as gravel pits as a part of residential zoning. He went on to say, the Blue Ox development came to his mind, and he said that several citizens had already spoken out about this development approach.

Section G(3 & 4): Mr. Mote indicated that these two subsections seemed to allow increased density due to unbuildable areas. He pointed out that sensitive lands in Willard tend to be wetlands or steep slopes and both should be avoided. He thought it was not necessary to increase density. He added, these are the natural features that bring people to Willard and make houses sell for a premium.

Section K: Mr. Mote pointed out there was no definition of Commenced. He said it could be defined anywhere from platted to groundbreaking.

Mr. Mote stated this process felt like the City was rushing through it to provide for annexations and high-density housing. He went on to say that developers were currently able to build half-acre lots and this was what most residents preferred in the last election. He went on to say, before the city changed course, they should complete the general planning process and let the citizens have a voice in the direction of the city. He stated as citizens, we need to shape the future of this community; we should not leave it to chance.

### **Clyde Westly, 221 E 100 S**

Mr. Westly expressed concern as to why there was so much urgency to push through the draft ordinance. He questioned if it was because the old (PUD) ordinance was repealed. He noted that the city should

## WILLARD CITY CORPORATION – CITY COUNCIL

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not repeal something until they have something to replace it with. He went on to say, it did not justify it.

Mr. Westly informed that Council he was at the Planning Commission's public hearing last week, and he wondered why there was a public hearing because it was not called by the Planning Commission. He pointed out that during that meeting there was more questions from the developers than there were from the citizens. Mr. Westly stated he understood the ordinance would not be passed tonight; however, there were issues the Planning Commission has not covered. He said at the conclusion of the Planning Commission's meeting, it was determined they were going to seek to set a work session with the City Council during this meeting. His thought was, when he found out there was another public hearing tonight and if the City Council approved the ordinance, they would not have to worry about any more planning sessions.

Mr. Westly stated he thought any more ordinances should be reviewed by the group doing the general plan update. He added they needed do that (the general plan) right and the proposed ordinance right. Mr. Westly suggested the City Council look at the RTP information.

### **Brad Brown, 712 W 4350 S, Riverdale**

Mr. Brown informed the Council he was working on a project with the Fitzgerald property. He stated he would like to voice his approval of this type of ordinance. He went on to say, he had seen a lot of development agreements and a lot of developers do not like them. Mr. Brown indicated they have had the property under contract, and when they heard the ordinance was going to be repealed and it would be reenacted, they had their engineer draw up a draft plan for the property. He went on to say, they received some input. In addition, they discussed fee in lieu of open space. He stated they want to align their development with the goals of the city, and they want to keep the feel around downtown the way it was. They want to listen to the city's input.

Mr. Brown pointed out as Mr. Mote mentioned, there are legal issues with doing a development agreement. He said his hope was they could put a mechanism in place to move forward, which would help them align with the city and have something, which was in the best interest of the city.

### **Peggy Barker, 2553 N Fruitland Dr. North Ogden**

Ms. Barker stated that she agreed with the gentleman (Mr. Mote) that started the public hearing. She pointed out the problem was that developers seem to like to give unusable land as the open space, and then they want to build higher density. She said what he (Mr. Mote) said was important. Ms. Barker went on to say Willard was a unique community. However, now they are seeing the gravel pits, which are changing the view of the mountains. They need to be careful and take careful steps. She stated they need to do the general plan again, and she pointed out that people were in favor of keeping the half-acre lots.

### **Brenton Neff, 423 N 200 W**

Mr. Neff indicated that his opinions were the same as the others. He questioned if we limit lots to half-acres lots only, what will happen to the landowners. He said the reality was UTA was coming through. He added that the price of pipe was going up, and development was going up. The fact was the developers were buying farm ground, and they were not buying the property at farm ground price. He

## WILLARD CITY CORPORATION – CITY COUNCIL

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stated there would be issues, and they had to make it profitable.

### **Randy Lemon, 7365 S 625 W**

Mr. Lemon stated his feeling was the ordinance needed to present a minimum lot size. He pointed out that everyone had already learned from the PUD ordinance that 5,000 sq foot lots were not what anyone wanted.

Mr. Lemon addressed open space. If the development was a small development, five (5) to ten (10) acres, it would be hard to provide open space. If the development was a 20-to-60-acre piece, they need to come up with a ratio, such as, 10 to 15 percentage of open space. He indicated that he would like to see 50 acres with fifteen percent (15%) open space that had to be developable.

Mr. Lemon pointed out that no one had addressed any height restrictions. He gave an example where he saw a development that was constructed on four lots and someone put in a huge development. He said there should be a height guideline.

### **Kristin Mote, 455 S 200 W**

Ms. Mote stated that she loved Willard. She added that they knew that when Helen Jane Lemon and Ruth Harding passed, all their views would be destroyed. She noted that people should be allowed to do what they want with their land; however, when there are 400 houses piled onto the roadway, which was a trial, it destroys one of the most fun things that Willard had to offer. Ms. Mote added that she knew there were always good people that moved in, but if they were to build 40 homes next to her instead of 16, she would be crying every day. She asked the Council to keep Willard rural and to please be cognizant of what the residents want.

### **Justin Prichard, 76 S 200 W**

Mr. Prichard indicated that he had been a South Willard resident all his life, and he moved to Willard a few years ago. He stated he was happy in Willard, and he wanted the homes to stay at half acre.

**Motion** Council Member Kunzler moved to close the public hearing. Council Member Ward seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay. None. The motion passed unanimously.

The public hearing closed at 8:19 p.m.

Mayor Braegger stated he thought there were some great comments made, and he thought they should look at implementing those comments into the proposed ordinance.

Council Member Robb expressed he was confused how the Council ended up in this public hearing right now. He went on to say, as he understood it, the comments from the February 11, 2021, meeting would go to the Planning Commission for their public hearing of February 18, 2021; however, they did not exist. He reiterated he was confused how the Council was at this point not having any conversations with the Planning Commission. He added that he knew notes were taken. He questioned why the notes were not forwarded.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Council Member Robb indicated he was upset to hear a week later, the Planning Commission had a public hearing, and they had three days' notice. He went on to say, they did not have time to discuss or take the comments from the City Council - they did not receive them. They were put into a public hearing without the discussions of the City Council.

Council Member Robb stated he guessed he was concerned. This was not the first time he walked away from a City Council meeting and the discussion change and went a different direction. He said he thought the City Council and Planning Commission were being undermined. He questioned how the City Council received an ordinance they had not discussed and inquired where this ordinance came from.

Mr. Davis explained the City Council was having the public hearing so the Council could get some public input.

Council Member Robb disagreed. He thought the intent was to approve the ordinance tonight. Mr. Davis indicated that he did say tonight that it was not staff's intent to have the ordinance approved. Council Member Robb stated he would prefer having a public hearing that the Planning Commission and City Council had discussions before there was ordinance.

Council Member Kunzler stated he thought they angered a lot of people by the way they were going about the process – the Council included. He went on to say, they needed to develop a complete ordinance with the Planning Commission and City Council. In addition, they needed to come up with a plan and have another public hearing. He thought they were very premature in having the public hearing they had tonight.

Council Member Ward stated he thought this was so far out of place. He added that he did not think the Planning Commission called to have this public hearing set. He went on to say, when he saw the public hearing on the agenda, he was upset, and he thought it was totally out of line. It undermined the City Council, and he thought staff thought they could get a few yes votes and walk on their way.

Mr. Davis stated he thought there was an indication that the City Council wanted some input from the public.

Council Member Ward reiterated Council Member Robb's sentiments. Staff was going to take the minutes of City Council and present those discussions to the Planning Commission so they would have something to start on. He stated this situation was not a good thing that had been done.

Mr. Davis reiterated it was not his intent to have the ordinance passed.

Council Member Robb indicated there was some intent. The wording was on their agenda and the ordinance was here.

Mayor Braegger stated they needed to back up and make sure the Planning Commission received those comments and the comments from this evening. In addition, they need to continue to work on the city's general plan, have a work session, and let the Planning Commission have that first.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Mayor Braegger reiterated that staff needed to get the information to the Planning Commission for their next meeting, which would include the public comments from tonight.

Council Member Robb said the motion of a master plan had merit, and he thought they all agreed. He added that the Planning Commission had a lot of experience, and they have a role.

### **Consideration of Ordinance No. 2021-2 an Ordinance of the Willard City Council Adopting Chapter 12-106 of the Willard City Zoning Ordinance Master Planned Community Zone**

**Motion:** No action was taken on the agenda item.

### **Consideration of Final Approval of the Orchards at Willard Subject to the City Engineer's Comments, Completion of an Escrow Agreement and all other current Willard Requirements**

Mr. Davis informed the Council the proposed development was a six-lot sub with one-half acre lots. He went on to say the Planning Commission approved the subdivision and had sent it to the City Council for their approval.

Mr. Garth Day, Sierra Homes, addressed the Council. He reiterated it was a six-lot subdivision with one-half- acre lots located at 200 West 300 South. He went on to say they would put in the improvements on their portion of 200 West. He added there was one issue they have, which is temporary detention basin the Flood Control District required. He said he believed the development met all the requirements, and they would put the escrow in once the subdivision was approved.

Mr. Day went on to discuss the proposed development. He noted that the frontages were 120-160 feet. He informed the Council they had to figure out the water rights. They have some other complicated water rights down the road as well. It was inquired if they had water rights for the development. Mr. Day explained they do have plenty of water rights; they just need to figure out how many water rights to transfer to the city.

Mr. Mote inquired if the development affected the irrigation at all; he noted he was the ditch director. He went on to say there was an unreinforced pipe right there. He continued, the unreinforced pipe would have to have the same thing completed to it as the pipe located at 100 East. He questioned if Willard Irrigation would sign off on approval and comments as well.

**Motion:** Council Member Robb moved to approve the Orchards at Willard subject to the City Engineer's comments, completion of an escrow agreement and all other current Willard requirements; in addition to Willard Irrigation signing off on the plat. Council Member Braegger seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay. None. The motion passed unanimously.

### **Consideration of Lemon Variance for Kenneth Lemon/HJ Lemon Family Trust for the Property Located at 254 S 200 W – Parcel No. 20-047-0074**

The petitioner asked the agenda item to be remove from the agenda at this time and be considered during

## WILLARD CITY CORPORATION – CITY COUNCIL

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the April 8, 2021, meeting.

### **Approval of Minutes** – February 11, 2021 Regular City Council meeting

**Motion** Council Member Braegger moved to approve the Regular City Council meeting minutes of February 11, 2021 as presented. Council Member Robb seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay. None. The motion passed unanimously.

### **Financial**

- 1) Warrants
- 2) Vouchers
- 3) Purchase

The Warrants and Vouchers were presented to the Council for review. The items were reviewed individually.

### **Department Reports**

#### **Maintenance Department**

Mr. Thompson informed the Council they needed to have some maintenance done on the generator at the lift station, which would cost \$1,400 to get the maintenance completed and tested. Mayor Braegger recommended the maintenance cost come out of the sewer budget.

**Motion:** Council Member Braegger moved to approve \$1,400 for the maintenance of the generator for the lift station out of the sewer budget. Council Member Kunzler seconded the motion. Members voting aye: Council Members Kunzler, Robb, Seamons, Braegger and Ward. Members voting nay. None. The motion passed unanimously.

#### **Police Department**

Chief Fielding reported that the department had all their vehicles and camera working and Officer Muller was back to duty.

#### **Fire Department**

Mayor Braegger indicated that Chief Mund was not able to attend the meeting this evening. He went on to say since the early 1960's, the fire department had raised money by doing a raffle. He stated there was some questions of the legalities of doing that; however, there are ways around that. He inquired if the other Council Members had concerns with the fire department raising money in that way. If there were concerns, what other way(s) were there for the fire department to raise money?

Council Member Ward indicated he thought it had been a good practice. He said he never knew about the legality.

Mayor Braegger gave a history of the fire department, and the fire department's decision to have a raffle before the night of the 3<sup>rd</sup> (July 3<sup>rd</sup>); however, the Council did not really approve it because there was not any City Council discussion.

It was stated that raffling is essentially gambling. Mr. Michael Christiansen recommend an opinion to address the matter.

Mr. Davis informed the Council that staff spoke with Mr. Mund last week regarding the matter. He went on to say last year the State legislature had a bill, which would allow raffles for non-profit organization

## WILLARD CITY CORPORATION – CITY COUNCIL

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and it did not pass. He said if all an individual was just getting a raffle ticket, it could not be done; however, if they were sold something in conjunction with the raffle ticket, it could be done.

Mayor Braegger stated the fire department members sacrifice and provide a service to the community. They were disappointed at drill the other night when they found out they could not do the raffle. Council Member Braegger pointed out that other entities do them, and it is disappointing.

Mayor Braegger inquired about the numbers for the proposed squad. Chief Fielding indicated that they were still working on numbers for the squad. The quote on the Dodge truck was the one they have in Tremonton.

### **Council Member Reports**

#### **Brad Robb**

Council Member Robb referred to 200 West with the addition of 370 S. He said the new development further down had an increase of traffic and the traffic was faster than it needed to be. He inquired if staff could install a speed limit sign. Discussion followed regarding whether the city needed to have a public hearing. It was noted that the city was not changing the speed limit, it was just making people aware of the speed. It was thought the city only needed to conduct a public hearing for stop signs. Mr. Thompson inquired if Council Member Robb had a location in mind for the speed limit sign. Council Member Robb indicated he thought south of 300 West would be good.

Council Member Braegger noted he had a conversation with Mr. Fifield, and he is still willing to pay for an electric signing. Chief Fielding informed the Council he could get the sign out that tells an individual the speed they are traveling; he could get it out in the next couple of weeks. Mayor Braegger stated that he thought the flashing signs do get people's attention. Council Member Ward agreed.

Council Member Robb noted it was that time of year for spring clean-up. He questioned if the city was going to provide a spring clean-up this year at the shop. It was stated that the city needed to look at the cost. Council Member Kunzler pointed out it was well utilized last year. Council Member Braegger suggested the city look at the county's days; they have free dumping. Mayor Braegger stated they also need to look into volunteers.

#### **Josh Braegger**

Council Member Braegger asked for an update on restrooms at the Nature Park. Mr. Wheelwright informed the Council the plumber was onsite today; the electrician has done most of their work; and the drywall would be hung next week. Mayor Braegger inquired if they were moving forward with electronic locks. Mr. Wheelwright indicated that was one thing the electrician has not completed. Heating for the facilities was discussed. Mr. Wheelwright suggested they do not do heating in the restrooms. The walls were just concrete walls.

Mayor Braegger pointed out the city had a park that was used all year around; the city needed to provide restroom facilities. He suggested the city could utilize a port a potty in the winter.

Council Member Braegger informed the Council they should have the sewer budget by the next meeting.

#### **Fred Ward**

Council Member Ward had nothing to report at this time.

#### **John Seamons**

Council Member Seamons informed the Council he and staff had been talking to Utopia about fiber optics. It was noted that Jason Burningham had given the city some options. Mr. Davis informed the Council that staff had been speaking with Utopia's marketing staff and had been working on an

## WILLARD CITY CORPORATION – CITY COUNCIL

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advertisement/flyer, which would be mailed to each resident that receive a water bill. The open house would be at 6:00 p.m. on March 25<sup>th</sup>. They would start out in the multipurpose room and have a half-hour presentation with some questions and answers to follow with the residents. Following the half-hour presentation, the Council would begin their normal meeting at 6:30 p.m. Mr. Davis indicated that Mayor Braegger seemed to think it was worthwhile.

Council Member Seamons stated the public meetings the city conducted were for public input. It was his opinion public meetings were not for what it turned out like tonight. However, he agreed, the ordinance was too soon.

### **Kaleb Kunzler**

Council Member Kunzler pointed out there was significant development along 200 South, and there was a growing amount of traffic. He referred to a city road that looked more like an intersection. He said he was wondering if there was a plan to put in a proper extension for 100 West to head east rather than have the narrow dirt strip. He inquired what the long-term plans were. He noted that several people had commented to him regarding it.

Mayor Braegger explained the situation with the road. He said that the city acquired the land from the previous homeowner so the road could go through. He went on to say he worked out a deal with Dean Wells; however, the previous mayor and city council shot the proposal down. Now they city had a road that stubs over to a two-width lane. He stated that the road could never be any wider than two rods.

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

Mayor Braegger indicated there had been some discussions about the multipurpose room and when the city would rent it out again. He stated he was thinking around the first part of April. It was noted the cub scouts are utilizing it now.

Mayor Braegger discussed plans for this year's 4<sup>th</sup> of July. The 4<sup>th</sup> of July was full steam ahead. He said they would have the patriotic program on Thursday (July 1<sup>st</sup>) and the Fireman's Ball on Friday (July 2<sup>nd</sup>). He stated they had the band scheduled. He noted they were looking for some activities because the gentleman the city rented items from went out of business.

### **City Manager's Report**

Mr. Davis indicated the city was working on the culvert and had been working with Staker Parsons and Granite Construction. It would start next Wednesday (March 17<sup>th</sup>). They would get more details on how that would happen later.

Mr. Davis discussed the impact of a city owned road, which is utilized by construction trucks. There were discussions going on regarding the upkeep of that road. Now that it is a city owned road, the city does not want the cost of the maintenance of the road.

Mr. Davis informed the Council that starting on April 5, 2021, the 300 E water line project would be under way. He went on to explain, the paving for 300 E is currently out to bid.

Discussion followed regarding a work session with the Planning Commission. Mayor Braegger indicated that first the information from tonight's meeting needed to be shared with the Planning Commission and the work session may be a couple weeks out.

Mr. Davis noted that the Council and staff needed to start a work session on the budget. He asked the Council to be thinking about that.

## WILLARD CITY CORPORATION – CITY COUNCIL

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Mr. Davis informed the Council the drinking fountain for the ballpark was here; however, they need a core drill to install it. He went on to say, he received an initial bid on the striping of the parking lot and was expecting more bids.

Finally, he was still working on the fire hydrant matter; they are still working with State Farm. Mayor Braegger inquired where they would be at if the city just installed the hydrant and billed the insurance company. Mr. Davis recommended it would be best if they let the insurance company take care of it.

### **Adjourn**

With no further business coming before the Council at this time, Council Member Robb moved to adjourn the meeting. Council Member Seamons seconded the motion. The meeting adjourned at 9:16 p.m.

Minutes were read individually and approved on: March 25, 2021.

Michelle K. West, Mayor  
Mayor Recorder

Jeff Braegger  
Recorder  
Mayor