

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

WILLARD CITY COUNCIL NOTICE

The Willard City Council of the Willard City Corporation will hold its Regular meeting on **Thursday, October 14, 2021**. The meeting will be held at the Willard City Offices 80 W 50 S. The meeting will be held in accordance with current COVID-19 guidelines. 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

2. 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.)

3. New Business

- a. Consideration of Adopting Ordinance No. 2021-12, An Ordinance Granting to Connex Company a Franchise for the Construction, Operation and Maintenance of an Internet Service Provider Through a Fiber Optic System in Willard City, Box Elder County, State of Utah
- b. Consideration of Preliminary Approval of the Rod Braegger Subdivision Located at Approximately 100 South 400 West (Parcel No. 02-054-0003)
- c. Consideration of Resolution No. 2021-15, a Resolution of the Willard City Council Approving a Decrease in the Amount Charged for Garbage Cans due to Decreased Costs Associated with a New Supplier
- d. Consideration of Approving the Amendment to Pipeline Relocation and Temporary Use Agreement by and between Questar Gas Company, dba Dominion Energy Utah and Willard City Corporation

4. Approval of Minutes

September 23, 2021, Regular City Council Meeting

5. Financial

- a. Warrants
- b. Vouchers
- c. Reports

6. Department Reports

- a. Public Works
 - i. Consideration of Approval of Purchase of Repair Kit and Replacement Pump for Flygt 3127-181 (Lift Station Pumps)
- b. Police Department
- c. Fire Department

8. Council Member Reports

- a. Brad Robb
- b. Josh Braegger
- c. Fred Ward
- d. John Seamons
- e. Kaleb Kunzler

9. Mayor's General Correspondence and Information

10. City Manager's Report

11. Consideration of Motion to Enter a Closed Session pursuant to UCA §52-4-205 (c) strategy sessions to discuss pending or reasonably imminent litigation

12. Adjourn

/s/ Michelle K. Snarr
City Recorder, Willard City

I, designated City Recorder for Willard City, hereby certify that 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/pmnn/index.html>, on the Willard City Website www.willardcity.com and sent to the Box Elder News Journal October 8, 2021.

In compliance with the Americans 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.

AGENDA ITEM

3a

Ordinance 2021-12

Connexx Franchise Agreement

**WILLARD CITY
ORDINANCE NO. 2021-12**

AN ORDINANCE GRANTING TO CONNEXT COMPANY A FRANCHISE FOR THE
CONSTRUCTION, OPERATION AND MAINTENANCE OF AN INTERNET SERVICE
PROVIDER THROUGH A FIBER OPTIC SYSTEM IN WILLARD CITY,
BOX ELDER COUNTY, STATE OF UTAH.

Connex Company, a Utah corporation, (Connex) desires to construct, maintain and operate a fiber optic internet service within the City of Willard (City); and

The City Council has determined that it is in the best interest of the citizens of the City to grant a franchise to Connex to use the roads and streets within the City for such purpose;

NOW, THEREFORE, the City Council ordains as follows:

1. **Grant of Franchise.** The City grants to Connex a nonexclusive franchise (Franchise) to construct, maintain and operate in the present and future roads, streets, alleys, highways and other public rights-of-way within City limits, including any property annexed or otherwise acquired by the City after the effective date of this Franchise, (collectively, Streets) a internet service through a fiber optic network to the City and its inhabitants for internet and other purposes. Connex shall have the right to erect, construct, equip and maintain along, over and under the Streets a system of mains, pipes, laterals and related equipment (Facilities) as are reasonably necessary for supplying internet service in accordance with this Franchise. The Franchise agreement is attached hereto and incorporated as Exhibit A.

2. **Consideration.** In consideration of this Franchise, Connex shall pay to City the sum of \$50.00 upon acceptance of this Franchise and shall provide internet service in accordance with the terms of this Franchise.

3. **Term.** This Franchise is granted for an initial term of twenty (20) years. At the expiration of the initial term, the Franchise shall continue in effect upon the same terms and

conditions for up to two additional terms (each of which is a renewal period) of fifteen (15) years each. The City may terminate the Franchise at the end of the initial term, or any renewal period, by giving Connex written notice of the City's intent to so terminate not less than ninety (90) calendar days before the expiration of the initial term or any renewal period.

4. **Acceptance.** Within sixty (60) days after the passage of this ordinance, Connex shall file with the City an unconditional written acceptance of the Franchise declaring its acceptance of the Franchise and its intention to be bound by the terms and conditions of the Franchise.

5. **Construction and Maintenance of Facilities.** All Facilities shall be constructed and installed so as to interfere as little as possible with traffic over and public use of the Streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the Streets. All Facilities shall be constructed in accordance with established internet system construction practices and in a manner which protects the Facilities from all traffic loads. All Facilities that are installed during the term of the Franchise shall be sited without unreasonable additional cost to Connex to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the City limits.

Connex shall repair or replace, at its own expense, any and all rights of way, pavements, sidewalks, street improvements, excavations, other facilities, landscaping, or other improvements, public or private, that it damages in the Franchise operations.

6. **Compliance with Ordinances--Conflict.** Connex shall comply with all City ordinances, regulations and requirements and shall pay all applicable excavation fees and charges that are or may be prescribed by the City with respect to the construction, maintenance and operation of all Facilities. However, these obligations shall apply only as long as such ordinances,

regulations, requirements or fees are not preempted by or otherwise in conflict with any applicable statutory or constitutional law, rule or regulation, or the tariffs approved by regulatory bodies having jurisdiction over Connex, including this Franchise and any lawful revisions made and accepted by Connex during the term of the Franchise.

The City shall have the right to inspect the construction, operation and maintenance of the Facilities to ensure the proper compliance with applicable City ordinances, regulations and requirements. In the event Connex should fail to comply with the terms of any City ordinance, regulation or requirement, the City shall give Connex written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no applicable ordinance. After written notice and failure of Connex to make correction, the City may, at its sole risk, make such correction itself and charge the cost to Connex including any minimum cost provided by ordinance. Nothing in this Franchise limits Connex's right to oppose any ordinance, either existing, proposed, or adopted from and after the effective date of this Franchise.

7. **Information Exchange.** Upon request by either the City or Connex, as reasonably necessary, Connex and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City limits, with a view towards coordinating their respective activities in those areas where such coordination may prove mutually beneficial. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality upon request to the extent that the City may lawfully do so.

8. **Relocation.** Upon written notice to Connex, the City may require the relocation and removal or reinstallation (collectively, Relocation) of any Facilities located in, on, along, over,

across, through, or under any of the Streets. After receipt of such written notice, Connexx shall diligently begin such Relocation of its Facilities as may be reasonably necessary to meet the City's requirements. The Relocation of Facilities by Connexx shall be at no cost to the City if (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the City; (ii) the Facilities have been installed pursuant to this or any other Connexx franchise and not pursuant to a property or other similar right, including, but not limited to, a right-of-way, grant, permit, or license from a state, federal, municipal or private entity; and (iii) the City provides a new location for the Facilities. Otherwise, a Relocation required by the City pursuant to such written notice shall be at the City's expense. Following Relocation of any Facilities, Connexx may maintain and operate such Facilities in a new location within City limits without additional payment. If a City project is funded by federal or state monies that include an amount allocated to defray the expenses of Relocation of Facilities, then the City shall compensate Connexx up to the extent of such amount for any Relocation costs mandated by the project to the extent that the City actually receives or is otherwise authorized to direct or approve payment of such federal or state funds.

Notwithstanding the preceding paragraph, Connexx shall not be responsible for any costs associated with an authorized City project that are not attributable to Connexx's Facilities in the Streets. Further, all such costs shall be allocated among all utilities or other persons whose facilities or property are subject to Relocation due to an authorized City project.

9. **Terms of Service.** Connexx shall furnish internet service without preference or discrimination among customers of the same service class at reasonable rates, in accordance with all applicable tariffs approved by and on file with regulatory bodies having jurisdiction over Connexx, including revisions to such tariffs made during the term of the Franchise, and in

conformity with all applicable constitutional and statutory requirements. Connexx may make and enforce reasonable rules and regulations in the conduct of its business, may require its customers to execute a internet service agreement as a condition to receiving service, and shall have the right to contract with its customers regarding the installation and operation of its Facilities. To secure safe and reliable service to the customers, and in the public interest, Connexx shall have the right to prescribe the sizes and kinds of pipes and related Facilities to be used and shall have the right to refuse service to any customer who refuses to comply with Connexx's rules and regulations.

10. **Indemnification.** Connexx shall indemnify, defend and hold the City, its officers and employees, harmless from and against any and all claims, demands, liens, liabilities, damages, actions and proceedings arising from the exercise by Connexx of its rights under this Franchise, including its operations within City limits, and Connexx shall pay the reasonable cost of defense plus the City's reasonable attorneys' fees. Notwithstanding any provision to the contrary, Connexx shall not be obligated to indemnify, defend or hold the City harmless to the extent that any underlying claim, demand, lien, liability, damage, action and proceeding arises out of or in connection with any negligent act or omission of the City or any of its agents, officers or employees.

11. **Assignment.** Connexx may assign or transfer its rights and obligations under the Franchise to any parent, affiliate, or subsidiary of Connexx, to any entity having fifty percent (50%) or more direct or indirect common ownership with Connexx, or to any successor-in-interest or transferee of Connexx having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the City limits. Otherwise, Connexx shall not transfer, assign or delegate any of its rights or obligations under the Franchise to another entity without the City's prior written approval, which approval shall not be unreasonably withheld

or delayed. Inclusion of the Franchise as an asset of Connex subject to the liens and mortgages of Connex shall not constitute a transfer or assignment requiring the City's prior written consent.

12. **Effect of Invalidity.** If any portion of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of any remaining portions of this Franchise.

13. **Amendment.** This ordinance shall not be altered or amended without the prior written consent of Connex.

14. **Effective Date.** This ordinance shall become effective upon the date of acceptance by Connex as established above.

APPROVED and ADOPTED this _____ day of _____, 2021.

Willard City

ATTEST:

City Recorder

By _____
Mayor Kenneth Braegger

ROLL CALL

Council member Fred Ward
Council member Josh Braegger
Council member John Seamons
Council member Brad Robb
Council member Kaleb Kunzler

Yes	No
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Connex COMPANY

By: _____
Its

AGENDA ITEM

3b

Preliminary Approval
Rod Braegger Subdivision



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5B. **PUBLIC HEARING TO CONSIDER PRELIMINARY APPROVAL OF THE ROD BRAEGGER SUBDIVISION LOCATED AT APPROXIMATELY 100 SOUTH 400 WEST (02-054-0003)**

Commissioner Bingham moved to open the public hearing at 6:58 p.m. Commissioner Hulsey seconded the motion. All voted in favor. The motion passed unanimously.

Bryce Wheelwright stated that Rod Braegger proposed to rezone and subdivide property located at the south end of 400 West. The property was currently owned by the Barker family (Rachel McIntire and Trisha Heath). The proposed subdivision consisted of two lots and would extend 400 West to their south property line. Rod Braegger and the Barker family had agreed to provide an emergency access in the form of a recorded easement to the City. The easement would be located on the south side of the subdivision. It would extend from 400 West to 250 West. The emergency access would be the required second access. The extension of 400 West to the south complied with the City's Road Master Plan. It would eventually connect to roads being built on the Lemon property to the south.

Commissioner Dubovik asked if the City would be responsible to provide the grading and road base for the easement. Mr. Wheelwright said the developer would be responsible to create a usable emergency access.

Chairman Bodily asked if the easement was an emergency access or a public access. Bryce Wheelwright said it would be an emergency access. Chairman Bodily asked if the access needed to be a regular access. Mr. Wheelwright said the Planning Commission needed to determine if the access needed to be more than an emergency access.

Commissioner Hulsey asked if the public could use the emergency access if other access was blocked. Mr. Wheelwright said it could. The public would be able to use the easement if other access was blocked. The easement wasn't intended to be used as a thoroughfare.

Commissioner Dubovik asked about a crash gate. Mr. Wheelwright said there was initially discussion about a crash gate, but the proponents were now proposing to leave the access open unless its use was abused.

Commissioner Hulsey asked if 400 West would have full public access. Mr. Wheelwright said it would. It would be a public right-of-way built to City standards with curb, gutter, and sidewalk. An easement for 500 West would be dedicated to the City.

Chairman Bodily asked if the petitioner had any comments.

Rachel McIntire stated that they did not plan to put a gate on the emergency access. If the road on the other side was ever blocked they didn't have a problem if people used it. They just didn't want people to use it on a daily basis. They were only granting an easement large enough to meet the City requirements. It would be 30 feet wide with 20 feet of pavement. It wasn't large enough for daily use.

Bryce Wheelwright stated that the standard for emergency access was 30 feet with an all-weather surface.

Chairman Bodily opened the floor for public comments.

Councilman Fred Ward, 235 South Main, provided a map for the Planning Commission to review (see attached copy). The City owned the 100 South right-of-way between 200 West and 250 West. The right-of-way was 59 feet wide. The southwest corner of the 100 South right-of-way lined up with the northeast corner of the proposed subdivision. He suggested that the City put in a public road along the north side of the



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Braegger Subdivision and the south side of the adjoining property. That would extend 100 South west between 250 West and 400 West. The developer could then extend 400 West and 500 West to the south. Four Hundred West (400 West) would eventually connect with The Orchards development, which would eventually reach 600 South. If 100 South was extended to 400 West, there would be two public accesses for this area. He didn't feel a private emergency access on the south side of the Braegger Subdivision could handle emergency vehicles and public traffic in the heat of a battle.

Commissioner Dubovik asked if the road extension would be a cost to the City. Councilman Ward felt that should be the expense of the developer.

Travis Mote, 455 South 200 West, stated that the City was updating its General Plan. He felt the Planning Commission needed to be cognizant and not lock the City into something that would conflict with the General Plan. He liked the larger lots the Barker's were proposing. He asked if there was an emergency access from the Mountain Shadow Subdivision. He didn't feel there was a need for a second emergency access if there was an existing one.

Mayor Braegger said there wasn't an emergency access for the Mountain Shadow Subdivision. The City did not require a second access when the Mountain Shadow Subdivision was approved because the requirement didn't exist at that time.

Keith Larsen, 150 South 200 West, asked what had happened to 100 South. Why it didn't go all of the way through?

Commissioner Dubovik asked if there was a mechanism to require the developer to put in a wider public right-of-way rather than an emergency access and to share in the cost with the City

Rod Braegger stated that a public right-of-way could not be built on the north side of their subdivision. There physically wasn't room.

Councilman Fred Ward said the City could talk with the Braegger's. They might be willing to give up some property to make room for a public right-of-way.

Jean Loveland, 105 South 100 East, felt the General Plan spelled it out. There were already 31 homes in this area with only one access. There needed to be some type of second access, and it needed to be in the City's name so that it would be maintained. A personal property owner would not maintain the easement in a snow storm or make sure it was graded. The developer's needed to pay for the access, not the City residents.

Jo Baird, 175 West Center Street, stated that the last time this issue was addressed she understood that this road would be a cul-de-sac with two homes. Rod Braegger said 400 West would dead end on the south side of their property. Someone else would extend the road from there. Ms. Baird asked about the difference between a dead end and a cul-de-sac. She understood that the Zoning Ordinance prohibited flag lots and cul-de-sacs. If people reached the end of 400 West and had to turn around and drive back out, didn't that qualify as a cul-de-sac? Were there really only two homes going in there? The dead end versus a cul-de-sac was confusing.

Commissioner Bingham stated that a cul-de-sac could not be extended. The road proposed in the Rod Braegger Subdivision would continue to the south.



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Bryce Wheelwright stated when 400 West extended further south, the access easement would go back to the landowners. It would no longer be necessary.

Trisha Heath stated that the easement would be recorded as a temporary access easement. When 400 West went through the easement would revert back to them.

Judy Loveland, 70 South 100 West, stated that twenty years ago she served on the City Council. At that time only 20 homes were allowed on a dead end. At that time, the City Council wanted 100 South to extend further to the west.

Commissioner Dubovik moved to close the public hearing at 7:13 p.m. Commissioner Hulsey seconded the motion. All voted “aye.” The motion passed unanimously.

Commissioner Bingham stated that his comments regarding the Rod Braegger Subdivision were similar to those he made in the Street Ordinance discussion earlier in the meeting. This subdivision was a perfect example of what he had been talking about. The City needed tools to be able to work with a property owner while it was waiting for other properties to build out. If the City didn't provide ways for smaller properties to develop, the whole area would be landlocked. The City needed to do something. If the General Road Plan called for 100 South to be extended to the west, the City needed to look into that. In the meantime, the City ordinances did require 400 West to be extended to the south. Approval of this subdivision was a step in the right direction. It provided an emergency access for this area, which the City currently did not have, and it was another step toward a proposed development with a true secondary access.

Commissioner Dubovik asked if the General Plan called for 100 South to extend west to 400 West near the location of the proposed access easement. Commissioner Hulsey said the easement location and the proposed road location were not the same. The easement was located on the south side of the Braegger Subdivision. The proposed road location would run through Mayor Braegger's property on the north side of the subdivision.

Commissioner Bingham stated that there were buildings on the Mayor's property that would prevent a full size road from being extended from 250 West to 400 West.

Commissioner Dubovik understood that the emergency access would not be maintained in the winter. It would not be plowed by the City. Was that the same with other emergency accesses?

Commissioner Bingham felt it would be. If there was an emergency, the City would plow the easement. Maybe there needed to be something in the City's ordinance that required owners to maintain access easements. If the emergency accesses were not maintained, they might not be accessible.

Chairman Bodily said the Road Master Plan showed 100 South extending all of the way to 500 West.

Commissioner Bingham said there were homes in the way.

Commissioner Hulsey clarified that Councilman Ward's solution was to extend 100 South to 400 West through Mayor Braegger's property. Councilman Ward felt that Mayor Braegger's property would develop at some point. An extension of 100 South would benefit both Mayor Braegger and the Braegger Subdivision.

Rod Braegger stated that there were two homes along 250 West in the area Councilman Ward was referring to. There wasn't enough room between or around the existing homes for a road.



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Commissioner Bingham felt a road extension would make the Braegger property too narrow.

Bryce Wheelwright stated that a long time ago, there was discussion about putting in 100 South to create a second access. The area was measured. It was determined that there wasn't enough width to build the road. If the road were built, it would take out the shop on the Mayor's property and probably the house. If the house was left, it would be too close to the road.

Councilman Fred Ward felt the City could extend 250 West by going down the south side of the Braegger Subdivision where a full width road could be built.

The Braegger's pointed out that there was a barn on that side. There wasn't enough room there either.

Councilman Fred Ward felt the City needed to make the call - pay property owners for their buildings and put the road where it needed to be. He felt this would be a mistake down the road if it wasn't dealt with now.

Commissioner Hulsey understood there was limited width for the private access road and that when everything connected through, it wouldn't be that big of an issue. However, right now the City was dealing with the mistake of a narrow Center Street without any other access. He asked if the temporary easement could be made a full public access road until 400 West was connected. Bryce Wheelwright asked if he was suggesting that the easement be paved and improved as a second access then turned back to the owners when 400 West connected. Commissioner Hulsey said he was.

Bryce Wheelwright said that is what was being proposed. Commissioner Hulsey said they were only proposing an access for emergency purposes if Center Street was blocked. He was suggesting a full time, permanent access until it was no longer needed.

Councilman Fred Ward felt that would still leave the City with only one access road – Center Street. The City was over the 30 home limit. Another access road was needed. He felt the answer was 100 South.

Mayor Braegger stated that everyone was concerned about how narrow Center Street was. The right-of-way was narrower, but the asphalt on Center Street was almost as wide as any other City street. He had been parked on Center Street while irrigating and never seen another car. Center Street did not have bumper to bumper traffic. It did have some traffic, and the traffic would increase as homes developed. At some point, 400 West would go all of the way through, and there would be a second access. If the City didn't allow people to build and create parts of 400 West, the connection of 400 West would never happen. He didn't feel it would be wise to land lock the community to no development. If the City didn't allow this development to happen, that is essentially what it was saying. Braegger's were willing to provide emergency access, which was all that was required for Granite Ridge. Granite Ridge had a lot more homes. He felt the emergency access was sufficient. The Road Master Plan was prepared after the home on his property was built. The Road Master Plan proposed a location for 100 South, but the home already existed. Bigger developments were a better option for Willard because the needed roads were built all at once. When lots were built one at a time, it took time for the need of a road to be realized. The City was working on a new Master Road Plan along with the General Plan, but it probably would not change the fact that 100 South would never exist on the west side of town unless someone wanted to come up with the money to purchase his property. He suggested that the City allow 400 West to continue to develop toward the south. Eventually the Lemon and Hanson properties would develop, and 400 West would connect. If the Braegger Subdivision was denied, the City would be landlocked. He didn't feel that would be a fair prospect.



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Councilman Fred Ward felt the Master Plan needed to be completed. Then when someone wanted to build one house, they would know where roads were supposed to be located and what improvements they had to build.

Commissioner Dubovik didn't feel the City could treat the emergency access for this subdivision any different than it had for other subdivisions. If there was an emergency in the winter, the City would run a plow through the access.

Bryce Wheelwright stated that if the easement was in the City's name, the City would maintain it. It was no longer a private easement.

Commissioner Bingham stated that there was also a 200 South on the City's Road Master Plan, as well as a 300 South. There wasn't anything to prevent those roads. The City didn't always need big development. With a good City plan, it didn't matter who developed what because City would know where it wanted its main streets and arteries. Whoever prepared the Road Master Plan in 2007 blundered on the location of 100 South because it didn't take into consideration an existing home.

Travis Mote said the City hadn't stuck to the Road Master Plan it had. There was supposed to have been a road between his property and the subdivision next to him that wasn't required. Now access to the highway in that area was not available. The City needed to stick to the plan, or future issues would be created.

There was a discussion about the road next to Travis Mote.

Commissioner Dubovik agreed there were issues with the Road Master Plan, but he didn't feel changing the standard for one development would fix a systemic problem. Going forward, the City needed to look at mechanisms and ordinances to make sure this didn't happen again. In this case, he felt the Braegger's were doing everything the ordinance required.

Commissioner Baker stated that in the June 10th SLUA meeting, the Braegger's said they were going to develop up to 500 West, but they didn't plan to build 500 West. Why weren't they going to build 500 West?

Rod Braegger stated that they did not plan to develop 500 West at this time. An easement for 500 West would be dedicated to the City, but the only houses that would be built right now were those facing 400 West.

Bryce Wheelwright stated that the right-of-way for 500 West would be dedicated. Commissioner Baker asked who would build 500 West. Commissioner Hulsey said 500 West would be built when a home on 500 West was built.

Councilman Fred Ward didn't feel 500 West could be dedicated to the City until the road was built. If the right-of-way was dedicated to the City, the City would be responsible for the road.

There was a discussion about 500 West. Commissioner Bingham stated that 500 West would have to be built if and when the lot on the west side of 400 West was subdivided. It would be dedicated as a right-of-way to ensure its location. There weren't any houses proposed along 500 West. There wasn't a need to construct it at this time.



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Commissioner Hulsey asked at what point Braegger's would be required to construction 500 West. Bryce Wheelwright stated that if someone applied for a building permit along 500 West, a permit would not be issued until 500 West was constructed.

Chairman Bodily referred to Granite Ridge as an example. They didn't construct all of the roads at one time. The roads were constructed in phases. Five Hundred West (500 West) would be part of a future phase.

Commissioner Hulsey felt Commissioner Baker was worried that 500 West wouldn't be constructed, or that the City would end up being responsible for its construction. But, he felt 500 West would be required in a future phase.

Commissioner Bingham felt the proposed subdivision was a step forward for the entire area. He did not know that there was an ideal solution, but this subdivision was a step in the right direction.

Commissioner Bingham moved to grant preliminary approval of the Rod Braegger Subdivision and forward it to the City Council. Commissioner Dubovik seconded the motion. Commissioners Bingham and Dubovik voted "aye." Commissioners Baker and Hulsey voted "nay."

Commissioner Hulsey stated that the Rod Braegger Subdivision proposed houses 32 and 33 at the end of a dead end street. Unfortunately, the burden of resolving the access fell on them. For the time being, he felt the emergency access needed to be a full public road. He didn't feel curb and gutter or asphalt should be required, but he did feel it should be a public access road. When there was a full second access, it could be granted back to the property owners. He did not feel the City was following its own code by allowing the homes in the proposed subdivision.

Commissioner Bingham felt requiring an emergency access was following the City code. This subdivision was providing an emergency access for this area, which it did not have. This was a step in the right direction. It would alleviate pressure in this area. He felt this subdivision would comply with the proposed changes to the Street Ordinance. The Planning Commission kept getting secondary access and emergency access confused.

Chairman Bodily asked if the required emergency access was following the code. Bryce Wheelwright said it was. The City's code only required that the second access be an emergency access.

Bryce Wheelwright stated that in the case of a tie vote, the Planning Chair could vote.

Chairman Bodily voted "aye." The motion passed with a three to two vote.

5C. CONSIDERATION OF A LOT LINE ADJUSTMENT FOR JUSTIN DICKSON LOCATED AT APPROXIMATELY 265 EAST 1000 NORTH (02-042-0009 AND 02-042-0010)

Bryce Wheelwright stated that Justin Dickson owned two parcels of property located at approximately 265 East 1000 North. Mr. Dickson's house was divided by the property line. He wanted to adjust the property line to run around his house rather than through it.

Travis Dickson stated that we was present to represent his father.

Bryce Wheelwright asked why Justin Dickson didn't just combine both parcels into one. Travis Dickson did not know. He did know that his father didn't want the property line running through the middle of his house.

ORDINANCE # 2010- D

AN ORDINANCE VACATING A ROAD EASEMENT LOCATED AT APPROXIMATELY 250 WEST FROM 150 SOUTH TO 195 SOUTH, WILLARD CITY, BOX ELDER COUNTY, UTAH

WHEREAS, the City Council of Willard City Utah has the authority on its own initiative or by petition pursuant to Utah Code 10-9a-208, to vacate rights of way within Willard City; and

WHEREAS, an offer of dedication for Parcel B as shown on Exhibit "B", was accepted by the City of Willard; and

WHEREAS, the City has complied with the public notice requirements of Utah Code 10-9a-208; and

WHEREAS, the City Council has found that there is good cause to vacate the easement right of way and that the vacating of the right of way will not be detrimental to the public interest.

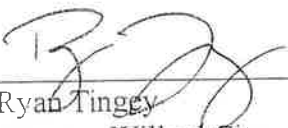
NOW, THEREFORE be it ordained by the Governing Body of Willard City that:

Section 1. The alley right of way located at approximately 250 West from 150 South to 195 South in Willard City, Box Elder County, Utah, as shown on the attached Exhibit "A" is hereby vacated and pursuant to Utah Code, the City does hereby revoke any acceptance of the dedication of such right of way and does hereby relinquish its fee interest, if any, to the property. The private rights of way and easements therein, if any, of any lot owner and the franchise rights of any other public utility shall not be impaired by this action.

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. This ordinance shall take effect immediately upon its adoption and posting.

PASSED, ADOPTED, AND ORDERED POSTED this 11th day of March, 2010.



Ryan Tingey
Mayor - Willard City

Attest:



Teri Fellenz
City Recorder



EXHIBIT "A"

ROAD EASEMENT (TO BE VACATED)

A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN BEING A PART OF 250 WEST STREET BLOCK 13, PLAT "A", WILLARD CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN THE OFFICE OF THE COUNTY RECORDER, BOX ELDER COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4; RUNNING THENCE NORTH 89°31'49" WEST 33.00 FEET; THENCE NORTH 00°40'02" EAST 147.28 FEET; THENCE SOUTH 89°30'42" EAST 33.00 FEET; THENCE SOUTH 00°40'02" WEST 147.28 FEET TO THE POINT OF BEGINNING. CONTAINING 0.11 ACRES.

EXHIBIT "B"

ROAD EASEMENT (TO BE DEDICATED)

The alignment of the said easement is described as follows:

A 60.00 FOOT WIDE ROADWAY EASEMENT BEING 30.00 FEET LEFT AND 30.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE.
A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN:
BEGINNING AT THE INTERSECTION OF THE GRANTORS NORTH PROPERTY LINE AND THE EXTENSION OF EXISTING CENTERLINE OF 400 WEST STREET AS RECORDED ON THE MOUNTAIN SHADOWS SUBDIVISION NO. 1 PLAT BEING LOCATED SOUTH 00°40'02" WEST 711.93 FEET ALONG THE EAST LINE OF SAID SECTION AND NORTH 89°32'48" WEST 512.12 FEET ALONG SAID NORTH LINE FROM THE NORTHEAST CORNER OF SAID SECTION; RUNNING THENCE SOUTH 00°00'00" EAST 208.37 FEET TO THE GRANTORS SOUTH PROPERTY LINE AND THE POINT OF TERMINATION.

ROADWAY AND PUBLIC UTILITY EASEMENT

Know all men by these presents, that Richard Z. Thompson of West Haven, Weber County, Utah having power of attorney for Lindsey B. Hansen of Willard City, Box Elder County, Utah (whether one or more than one), hereinafter called the Grantor, in consideration of the sum of one and No/100 dollars (\$1.00), to him paid by Willard City, Box Elder County, Utah, a corporation, hereinafter called the Grantee, the receipt of which is hereby acknowledged, does hereby grant to the said Grantee, their, it's heirs, executors, administrators, successors, and assign a perpetual roadway easement, a public utility easement, and right-of-way 60.00 feet in width, being 30.00 feet left and 30.00 feet right, of the described alignment to be used as public thoroughfare and public utility easement forever upon, over, thru, and across the following described lands owned by the Grantor(s), lying in Box Elder County, Utah:

A PART OF THE NORTHEAST QUARTER OF SECTION 27 AND A PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT IN AN EXISTING FENCE LINE LOCATED SOUTH 00°40'02" WEST 711.93 FEET (654.72 FEET PER DESCRIPTION 02-054-0004, 716.43 FEET PER WILLARD TOWNSITE PLAT) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE SOUTH 89°32'48" EAST 368.54 FEET; THENCE SOUTH 00°40'02" WEST 208.36 FEET TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE NORTH 89°32'48" WEST 1379.04 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 18°48'21" WEST 220.72 FEET TO AN EXISTING FENCE LINE BEING A POINT DESCRIBED OF RECORD AS BEING THE NORTH LINE OF LOT 3, OF LOT 1, OF SAID SECTION 27; THENCE SOUTH 89°32'48" EAST 1084.08 FEET ALONG SAID FENCE LINE AND THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING. CONTAINING 6.77 ACRES.

The alignment of the said easement is described as follows:

A 60.00 FOOT WIDE ROADWAY EASEMENT BEING 30.00 FEET LEFT AND 30.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE.
A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 8 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN:
BEGINNING AT THE INTERSECTION OF THE GRANTORS NORTH PROPERTY LINE AND THE EXTENSION OF EXISTING CENTERLINE OF 400 WEST STREET AS RECORDED ON THE MOUNTAIN SHADOWS SUBDIVISION NO. 1 PLAT BEING LOCATED SOUTH 00°40'02" WEST 711.93 FEET ALONG THE EAST LINE OF SAID SECTION AND NORTH 89°32'48" WEST 512.12 FEET ALONG SAID NORTH LINE FROM THE NORTHEAST CORNER OF SAID SECTION; RUNNING THENCE SOUTH 00°00'00" EAST 208.37 FEET TO THE GRANTORS SOUTH PROPERTY LINE AND THE POINT OF TERMINATION.

Provided, however, that the exercise by the Grantee of the rights hereby granted shall be subject to, and in accord with, the following conditions:

The grantor reserves the right to continue to use the subject property within said 60.00 foot wide easement and enjoy all the rights, privileges and uses that have been historically exercised in the past and as allowed by current city zoning laws and ordinances until such time that Willard City begins design and/or installation of utilities and/or road.

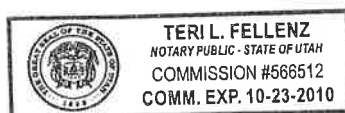

Richard Z. Thompson having power of attorney for Grantor, Lindsey B. Hansen

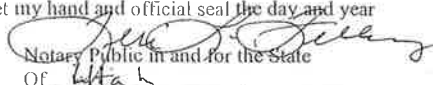
IN WITNESS WHEREOF, the said Grantor has executed this instrument this 26 day of March, 2010.

STATE OF UTAH
COUNTY OF Box Elder

On the 26th day of March, 2010, personally appeared before me
Richard Z. Thompson, the signer(s) of the foregoing instrument, who duly acknowledged to me that they **executed the same**.

IN WITNESS WHEREOF, I have here unto set my hand and official seal the day and year last above mentioned.




Notary Public in and for the State
Of Utah
Residing at: Willard
My Commission Expires: 10-23-10

Map showing property boundaries, owner names, and acreage for a residential subdivision. The map includes a north arrow and a scale bar.

Property Owners and Acreage:

- SMITH MIKE JT 02-03-4200
- CENTER ST
- KING LARRY R 02-03-4014
- LUTZ NOLAN J ETUX 02-03-4142
- 16 S
- 41 S
- 40 S
- HURST DERRICK JT 02-03-4007
- 180 W
- BOULTON ESTEVE 90 S 02-03-4063
- WILLARD CITY 02-03-4062
- 101 S
- GILBERT BRIAN SCOTT JT 02-03-4022
- 110 S
- LARSEN KEITH P ETUX 02-03-4063
- 171 S
- 178 S
- 200 W
- 295 W
- 285 W
- 275 W
- 10 S
- HANSEN DAVID W ETUX 20 S 02-03-4019
- BRIMBERRY STEVEN DALE TTEE 02-03-4001
- 42 S
- ANDERSON STEVEN JT 02-03-4018
- 72 S
- LARSEN L BRADLEY 02-03-4002
- 96 S
- BRAEGGER KIM D ETAL JT 100 S 02-03-4023
- 110 S
- MCNIRE RACHEL M ETAL 02-03-4003
- 188 S
- HANSEN LINDSEY B TTEE 02-03-4021
- 400 W
- MILOSH SAMANTHA ETAL 02-03-4039
- MILOSH SAMANTHA ETAL 02-03-4039
- BRAEGGER KIM D 02-03-4019
- BRAEGGER KIM D 02-03-4019
- 400 W
- 13 S
- 449 W
- 6 S
- HIGGIE CARL ETUX 02-03-4004
- POST ZEKER ETUX 02-03-4002
- HUNTSMAN TONYA JT 02-03-4021
- 41 S
- PEARSON TIMOTHY 02-03-4020
- PEARSON TIMOTHY L 02-03-4019
- 76 S
- 90 S
- GOTTLIEFF D JT 02-03-4018
- BERRY KENT ETUX 02-03-4014
- BIRD VANESSA J 02-03-4015
- WILSON KURTIS JT 02-03-4016
- 500 W
- 505 W
- LAWLER JASON F ETUX 02-03-4005
- MOSER JOSHUA L JT 02-03-4004
- YOUNGER MONTY D ETUX 02-03-4003
- 82 S
- REDDEN JEREMY J ETUX 02-03-4002
- BOXELDER COUNTY 02-03-4003
- UTA
- Broke Ass Ranch Plot 1
- Broke Ass Ranch Plot 2
- HANSEN LINDSEY B TTEE 02-03-4021
- HERITAGE LAND HOLDINGS LLC 02-03-4005



UTA
Broke Ass Ranch Lol 1
Broke Ass Ranch Lol 2
Fuxing Rachel McIntire

Box Elder County Web Map
June 11, 2021

AGENDA ITEM

3c

Resolution 2021-15

Decreased Cost of Garbage
Containers

RESOLUTION 2021-15

**A RESOLUTION OF THE WILLARD CITY COUNCIL APPROVING AN DECREASE
IN THE AMOUNT CHARGED FOR GARBAGE CANS DUE TO DECREASED COSTS
ASSOCAITED WITH A NEW SUPPLIER**

WHEREAS, Willard City provides garbage cans to residents for waste removal; and

WHEREAS, currently Willard City charges \$120.00 to purchase a garbage can; and

WHEREAS, Willard City changed suppliers to Cascade Engineering and the amount now charged to Willard City by the supplier has decreased to \$87.21;

NOW THEREFORE, be it resolved by the City Council of Willard City, State of Utah, by the Mayor and the Willard City Council as follows:

Section 1. The City Council of Willard authorizes the rate decrease of garbage cans to \$95.00 per garbage can.

Section 2. That this Resolution shall become effective immediately upon the passage thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WILLAR CITY, STATE OF UTAH this ____ day of October 2021.

Kenneth Braegger,
Mayor Willard City

ATTEST:

Michelle Vest Snarr
City Recorder

ROLL CALL

AYE

NAY

Council Member Braegger
Council Member Kunzler
Council Member Robb
Council Member Seamons
Council Member Ward

AGENDA ITEM

3d

Amendment to Pipeline Relocation
and Temporary Use Agreement
with Dominion Energy

AMENDMENT TO PIPELINE RELOCATION AND TEMPORARY USE AGREEMENT

This Amendment to Pipeline Relocation and Temporary Use Agreement (the "**Amendment**") is made this ____ day of _____, 2021 (the "**Amendment Date**") by and between Questar Gas Company, dba Dominion Energy Utah ("**Dominion Energy**") and Willard City Corporation, (the "**City**") as successors in interest to Joseph D. Hillam and Marilyn A. Hillam. Dominion Energy and City may be referred to collectively as the "**Parties**" or singularly as a "**Party**."

Recitals

A. Dominion Energy and Joseph D. Hillam and Marilyn A. Hillam (the "**Hillams**") entered in that certain Pipeline Relocation and Temporary Use Agreement dated June 25, 2020 (the "**Agreement**"). A copy of the Agreement is attached hereto as Exhibit A.

B. The Agreement was memorialized in that certain Memorandum of Agreement dated June 25, 2020 and recorded as Entry No. 414208, Book 1420, Page 1031, on July 8, 2020 ("**Memorandum**"). A copy of the Memorandum is attached hereto as Exhibit B.

C. The Agreement and Memorandum concerned property which at the time was owned by the Hillams and was located at approximately 300 East 100 North, Willard, Box Elder County, Utah, designated as Parcel #02-048-0079 (the "**Property**").

D. City purchased the Property as evidenced by that certain Special Warranty Deed dated July 13, 2021 and recorded as Entry No. 436931, Book 1483, Page 23, on July 20, 2021 and is the successor in interest to the Hillams under the Agreement and Memorandum.

E. The Parties desire to amend the Agreement pursuant to the terms of this Amendment.

Amendment

NOW, THEREFORE, in consideration of the promises, covenants representations set forth in the foregoing Recitals, below, and in the Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Definitions. All terms used in this Amendment with initial capitalization that are not otherwise defined in this Amendment have the meanings assigned to such terms in the Agreement.

2. Amendment. This Amendment constitutes an amendment to the Agreement. In the event of a conflict or inconsistency between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment will control.

3. Decommissioning in Place. Section 1(c) of the Agreement is hereby amended and replaced with the following:

Decommissioning in Place. After completion of all Testing, and after the Relocated Section is in service delivering natural gas, Dominion Energy will take whatever steps it determines are reasonably necessary to decommission the Retired Section and leave in an inactive state. Dominion Energy will have no obligation to remove the Retired Section, and City expressly agrees that the Retired Section may remain in its current location within the Property.

4. Dominion's Continued Ownership of Easement. Section 3(b) of the Agreement is hereby amended and replaced with the following:

Retention of Easement Rights. Dominion Energy will retain all rights it holds within the Property pursuant to that right-of-way and easement recorded in the records of Box Elder County, State of Utah, as Entry 52238G, in Book 111, at Page 432 and may continue to own and control the inactive pipeline discussed in Section 1(c) above.

5. Consideration. Dominion Energy will pay City FORTY FIVE THOUSAND DOLLARS (\$45,000.00) as full and complete compensation under this Amendment.

6. Recording. City agrees that upon request from Dominion Energy, City will execute a memorandum of this Amendment, or a memorandum of the terms of the retention of easement rights included in this Amendment, and such memorandum may be recorded by Dominion Energy in its sole reasonable discretion.

7. Counterparts. This Amendment may be executed in multiple counterparts, each of which will be deemed an original and all of which taken together, will constitute a whole. It will be fully executed when each Party whose signature is required has signed at least one counterpart notwithstanding that all Parties have not executed the same counterpart. The Parties agree that signatures transmitted by facsimile or electronic mail will be binding as if they were original signatures.

[Signatures on Following Pages]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below to be effective as of the Amendment Date.

Willard City Corporation

Date: _____, 2021

By: _____

Print Name: _____

Title: _____

Questar Gas Company, dba Dominion Energy Utah,
a Utah corporation

Date: _____, 2021

By: _____

Print Name: _____

Title: _____

AGENDA ITEM

4

Approval of Meeting Minutes
September 23, 2021



WILLARD CITY
City Council Meeting – Regular Meeting
September 23, 2021 – 6:30 p.m.
Willard City Hall – 80 West 50 South
Willard, Utah 84340

1 The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was
2 provided 24 hours in advance. A copy of the agenda was posted at the City Hall and on the State of Utah
3 Public Meeting Notice Website.

4
5 The following members were in attendance:

6		
7	Mayor Kenneth Braegger	Chris Davis, City Manager
8	Council Member Josh Braegger	Colt Mund, City Attorney
9	Council Member Kaleb Kunzler	Bryce Wheelwright, City Planner
10	Council Member John Seamons	Michelle Drago, Deputy City Recorder
11	Council Member Fred Ward	

12
13 Excused: Council Member Brad Robb

14
15 Others in attendance: David Brown, Connex; Dr. Bruce Parker; Dr. Joe Perrin; Officer Krystal Holmes;
16 Officer Rick Mabrey; Trisha Heath; Rachel McIntire; Diana Baker; Travis Mote; Rew Wiley; Chad Braegger;
17 Randy Braegger; Rod Mund; Debbie Braegger; Lindsay Wells; Chris Davis; Russ Davis; Garth Day,
18 Heritage Land Holding; and Chandler Bingham.

19
20 **1. Call to Order**

21
22 Mayor Braegger called the meeting to order at 6:32 p.m.

- 23
24 a. Invocation - The invocation was offered by Council Member Kunzler
25 b. Pledge of Allegiance

26
27 **2. Open Comment Period** (Individuals have three minutes for open comments. If required, items may
28 be referred to department heads for resolution. Items requiring action by the City Council will be
29 placed on the agenda for a future meeting.)

30
31 Rew Wiley, 75 West 825 North

32
33 Mr. Wiley asked for a better privacy fence around the campground. Yesterday a big dog came through the
34 existing privacy fence and killed sixteen of his hens. He estimated the loss was \$3,000 to \$5,000. He asked
35 if something could be done. A privacy fence should keep animals on their side of the fence. He did file a
36 report with Officer Holmes. He did not know what happened to the dog. It got back through the fence before
37 he could get his shotgun out.

38
39 Mayor Braegger asked if there was a gap under the fence. Mr. Wiley said there was. He complained about
40 the fence three years ago. The Council was probably tired of hearing him complain about privacy fences.
41 Today he put up another fence on his side of the privacy fence to prevent a similar incident, but he didn't
42 feel he should have had to do that.

43
44 Mayor Braegger thanked Mr. Wiley for making the Council aware of what had happened.

45
46 Travis Mote, 455 South 200 West

47
48 Mr. Mote stated that during last week's Planning Commission meeting, Councilman Seamons asked what
49 residents thought the General Plan should be. He didn't have an articulate answer at the time. Now he did.



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franchise agreement was often separate from a City's broadband plan. Broadband plans usually contained conduit, which would be available for any franchisee who wanted to use it.

Mr. Mund asked about the termination clause. The termination period was six months with or without cause. What would a termination look like? Would Connex remove all of its infrastructure? Mr. Brown didn't know why Connex would ever terminate. Fiber was a really expensive investment. It would be extremely unlikely that Connex would have a valid reason to terminate a franchise agreement. He felt that clause was meant to protect both parties.

Mayor Braegger felt the City would be okay with the termination as long as Connex turned all of its assets over to the City. Mr. Brown thought the termination clause had been added by Clinton City. Clinton wanted to make sure the fiber plant wouldn't be abandoned. Mr. Brown didn't feel it was likely that a fiber plant would ever be abandoned. A lot of the infrastructure in Willard would actually be aerial via Rocky Mountain Power's poles, which would probably fall outside the franchise agreement. If Connex terminated the agreement and abandoned their plant, it wouldn't cause any problems if the plants were hit.

Council Member Ward asked what happened with the franchise tax if half the citizens had aerial service and half didn't. Would the franchise tax be collected by Rocky Mountain Power? David Brown said Connex paid an annual fee to Rocky Mountain Power to be able to use their poles. Council Member Kunzler stated that Connex would pay the franchise taxes and any pole attachment fees. Connex would charge their customers to recoup those expenses. There wasn't a vehicle for those costs to be passed onto anyone other than their customers.

Council Member Ward felt not having a franchise tax was a good thing. Citizens paid enough taxes anyway. David Brown said no franchise taxes meant their prices could be consistent from city to city.

Council Member Ward felt a five-year agreement would be more appropriate than ten years. Mr. Brown said that was fine. A lot of cities customized the agreement date to coincide with other franchise agreements so all were renewed at the same time.

Council Member Ward asked if the City was liable to provide the conduit or just the trench? Mr. Brown said the contractor that provided the trench typically provided the conduit. The City just needed to make sure it notified developers that they needed to provide a trench for the conduit. Most of the time Connex paid for the cost of the conduit. Council Member Ward wanted to make sure those costs would not fall on the current citizens. Mr. Brown said the costs would be borne by them or the developer.

Council Member Seamons asked what Section 3.9 – Extension of Systems Not Required meant. It said the grantee shall not be required to provide fiber services to location within the service area which were not financially and technically feasible. David Brown said Section 3.9 made the playing field level. Comcast and Century Link only built out areas they wanted to. Connex was a city builder. They wanted to build out the whole city. They had ways to provide temporary service for customers until they could make fiber available.

Council Member Seamons said the City was aware of \$600,000 in grant money that might be available. What would Willard receive for the grant money? Mr. Brown stated that Connex would try to hook up all of the City facilities and give the City its own private network if there was a need, whether the City received grant money or not. Receiving or not receiving the grant really wouldn't make much of a difference. It was the \$40,000 outlier, that didn't make much sense for anyone to do, that was usually covered. Connex had also submitted a grant application with Box Elder County for ARPA funds. Willard had enough density that he didn't feel Willard would be impacted too much either way.



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showed there was a need for more retail, particularly a food establishment. A grocery store would allow residents to stay and shop in the community rather than having to travel outside.

Dr. Parker said the following points had been gleaned from the survey results. They would also supplement the survey results with interview data. Residents were not against growth, but they wanted to see it occur in a small, slow, and incremental way so the City could make sure it was related to service supplies of water, sewer, and road capacities. Residents felt growth should be responsible to maintain and sustain the current resources and infrastructure. They also heard that residents also wanted to see preservation of the natural beauty of the City, such as the mountain range and Willard Bay. There were safety and aesthetic concerns about the expansion of the gravel pits. Residents also felt there was a need to resolve transportation concerns around Highway 89. Dr. Parker didn't feel he was telling the Council something they hadn't already heard. He thanked all of the residents that submitted surveys and responded to interviews.

Dr. Parker stated that the State of Utah required a general plan for a community the size of Willard to include a land use plan and a transportation element. They were going the extra mile and taking the proactive step to address the issue of low to moderate income housing. It was an issue required by larger communities. He felt it was appropriate for Willard to get on top issue and for residents to understand it. Land use was related to resource protection. They were also building into the General Plan the idea of prioritizing goals and actions. The plan would include a matrix structure to identify who was responsible to achieve a General Plan action, a time frame, and a potential cost. So often plans sat on a shelf and were never acted on because they contained too many goals and policies with no understanding of prioritization. The General Plan needed simplification. It only needed to include goals and policies that could be achieved in a reasonable time. It needed to identify who was responsible to achieve those goals. The General Plan needed to be reviewed regularly. It needed to stay alive, active, and respond to the needs of the community. When the City prepared its annual budget, resource allocations should align with achieving one of the General Plan's policies in total or in part. The community could then see how resources were being expended to advance the General Plan. Through that process the Planning Commission and City Council might see a need to amend the plan. The General Plan's broad vision statement should guide resource allocation decisions, as well as the Plan's subsequent goals and policies.

Council Member Ward agreed that the General Plan should be the City's living document. It should be the guide for how the City moved forward. He didn't feel the City needed anything else other than a change to the General Plan when needed and ordinances to support it. Dr. Parker stated that implementation actions were infrastructure investments in the capital improvement part of the budget. Council Member Ward felt the City should try to live to the Plan. Dr. Parker said the City could not ask the private sector to follow the General Plan unless the City did as well.

Council Member Kunzler asked how the City addressed medium and low income housing. He didn't see any new housing that was affordable – whether it was single-family or multi-family. What mechanism could the City use to address the issue given what was happening in the real estate industry? Dr. Parker said that question occurred in every municipality and county in the state. What was the public side required to do to address the affordability question? The strategy identified by the State Legislature was to increase the supply of units for rental and ownership. The real estate industry said the state currently had a 40,000 unit deficit. As the building industry tried to catch up, there was still continual growth in the state. A dent wasn't being made in the deficit. Council Member Kunzler's questions was a good one, but he really didn't have an answer. Right now the City needed to actively comply with the State law mandates. In order to keep some homes affordable, some cities (typically the resort-type communities) had capped the equity a private owner could realize on a private home.



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Dr. Perrin wasn't aware of a big solution for gravel pits other than enforcing speed and maybe dust mitigation through required improvements. Council Member Seamons said the dust generated by the gravel truck impacted produce grown in Willard. Dr. Parker felt the fugitive dust might fall under the control of Environmental Air Quality. However, the amount of dust had to reach their thresholds, which were pretty high.

Dr. Joe Perrin stated that his part of the General Plan was transportation. They were still in the data collection phase. Much of their data for how development impacted traffic was a function of responding to it. They knew how much traffic houses, multi-family, and retail generated based on imperial data collected and compiled by the Institution of Transportation Engineers. To date they had reviewed the existing conditions in Willard so they could establish a baseline. As different land use alternatives were considered, they could translate them into traffic numbers. He presented the existing data, not projections or recommendations (see attached copy).

Dr. Perrin said they had looked at traffic on different roadways. Some information came from UDOT who was required to provide counts for any roads they received federal aid for. The information was in daily trips or average daily traffic (ADT). With that information, they were able to identify the City's critical intersections. At those intersections, they counted the a.m. and p.m. traffic, which were the critical times. Based on national standards, they ranked the intersections A through F. A service level of A was perfect; F was failing. As a community, Willard could decide what levels of service were acceptable. He felt A was unrealistic. Most cities did not plan for an F. Most cities were aiming for a C or D service level. The level of service was the average delay a vehicle was waiting to complete a traffic movements. Some of the approaches from the east and west were B's and C's, but an Intersection was evaluated on both passing and approaching traffic.

Dr. Perrin understood the City had questions about capacity. They looked at capacity from a planning viewpoint. Capacity depended on the geometry of the road and whether it was major arterial (40 mph and above), arterial (above 35 mph), or collector (30-35 mph). Capacity was ranked A through F. They usually planned for a service level of D. Level D was a comfortable traffic load. The only ways to provide better levels of service were to increase capacity or provide alternate routes. Both methods could be addressed through the City's capital improvement budget.

Dr. Perrin said they had the traffic and transportation information they needed for the next phase of the master plan, which was land use.

Mayor Braegger stated that in past conversations with UDOT, Willard had been encouraged to look at collector roads that would funnel traffic to one intersection on Highway 89 or 750 North. Was that something the general road plan would look at? He envisioned 500 West paralleling the railroad track on the west side and a collector on the east side that did something similar. He felt that encouraged two things – a fast or easier way out of the City and discouraged traffic from going through the middle of town. Dr. Perrin said traffic was like water. It would take the path of least resistance. If traffic was distributed, it bled to more points, which reduced the possibility of meeting traffic warrants for a signal. A traffic signal was more attractive for drivers. He agreed that the City didn't want traffic running through neighborhoods. The transportation element of the General Plan would set the City up for a more detailed transportation plan.

Council Member Ward loved 200 West which had just been paved north of 750 West. He felt it was being used mostly by Perry residents. However, it was good for both cities because it eliminated traffic on Highway 89. Willard was located in a pretty narrow area between the mountains and the freeway. Dr. Perrin agreed Willard had a limited area for roads. He reminded the Council that infrastructure costs for half-acre lots was



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392 The Special Planned Development Zone amendment was meant to give a reasonable density level to
393 property owners but value and protect open space and view-shaped corridors. For example, how did the
394 City maintain a sense of agricultural activity in Willard? Dr. Parker anticipated an arrangement where a
395 property owner could get reasonable density, and the City would be able to protect areas along Main Street,
396 or other areas of open space that connected into adjoining open space areas. Potentially developers could
397 work together to create larger areas of open space, but not be penalized with density concerns.
398

399 There was an applicability question. Where should the ordinance be applied? Would the Planning
400 Commission and City Council like it to be more open ended? Then it could be applied anywhere and in any
401 zone the City wanted. There were pro's and con's for both approaches. If the City identified the zones where
402 the Special Planned Development would be allowed, there would be a level of consistency. Every property
403 owner in that zone would be treated the same. Everyone had the same base zone and the flexibility allowed
404 by the proposed provision. The advantage of not being tied to a zone was the City's flexibility and
405 responsiveness to the needs of the community and certain areas. The City would have the ability to evaluate
406 the application of the Special Planned Development Ordinance based on specific site features that the City
407 might want to protect and preserve, such as the mountain. That was the first policy question.
408

409 In his draft, a property owner had to have a minimum of five acres to qualify for the Special Planned
410 Development District. The Planning Commission and City Council would have to determine whether that
411 was an appropriate size. The proposed ordinance required that 20% of the development site had to be
412 preserved in agricultural uses, sensitive lands, or some other valuable open space amenity for the
413 community. If a development was five acres in size, it would be required to provide one acre of open space.
414 A property owner could then apply the density of the zone to the remaining four acres. For example, in a
415 one acre zone, five units would be allowed on the remaining four acres. That meant property owners would
416 have less infrastructure to build on the remaining four acres. In a traditional subdivision, a property owner
417 would probably only get four units on five acres due to the amount of land needed to provide roads and
418 infrastructure. The Special Planned Development District provided a 20% benefit for property owners.
419

420 Council Member Ward asked if the 20% open space was a set figure. Dr. Parker said it wasn't. It was the
421 amount he proposed. The City could determine whatever percentage of open space it wanted. A property
422 owners could then apply the density allowed by the zone to the remaining acreage. The remaining acreage
423 would have to accommodate homes and required infrastructure.
424

425 Council Member Ward felt that at some point the open space would be turned over to the City to maintain
426 and care for. Open space meant increased expenses for the City versus no open space. He did not like
427 homeowner associations. Dr. Parker said the proposed ordinance provided a variety of ownership and
428 maintenance responsibilities, such as the City, a homeowners' association, or a conservation group. He
429 agreed that over time some homeowners' association weren't as active as they originally were. Some
430 communities had a master homeowners' association that managed all open spaces in the community long
431 term. That type of organization avoided the fluctuation in the administration of homeowner managements.
432

433 Dr. Parker asked what looked like small-town rural. Was it larger lots with individual homes, or was it smaller
434 lots with open space?
435

436 Council Member Ward appreciated Dr. Parker's effort in preparing the Special Planned Development
437 ordinance. However, he felt it needed to be revised, and he felt that the revision needed to occur after the
438 General Plan was finished and accepted.
439



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Dr. Bruce Parker stated that the Special Planned Development District was a draft ordinance. He asked the Council to think about its weaknesses and send their suggestions to him through Chris Davis. He would then do his best to respond.

3D. Consideration and Discussion and Potential Action Regarding the General Plan Update – 2021 Survey – Council Member Ward

Dr. Bruce Parker felt their survey was well-balanced and was not unbiased in any way. They had been able gather the information they needed. A few leading questions had been eliminated from the survey. They were able to discover the information they needed by asking questions in different ways. The survey was sound with good questions. They had provided opportunities for qualitative comments back from those who were interviewed and from the survey instrument. He was confident they had the information they needed. The information would be subject to refinement during the open house on October 18th. He didn't want to redo the survey for two reasons – one was time; the other was an element of confusion from the community.

Council Member Braegger felt the survey was well-balanced.

Council Member Ward stated that he brought the survey up because Travis Mote showed that some of the questions in the survey had been altered. As a Council member he was concerned about whether the community saw what they should have seen. He was also upset that the Council did not get to see and approve the survey before it was sent out. He felt the survey should be put out in its original form, and he suggested that it be redone.

Dr. Parker stated he had worked with the staff to make sure the City had a good survey instrument. He had done a number of surveys across Utah and in other states. He felt the survey was sound without bias or leading questions. They were able to get the information they needed regarding the vision and overall themes from the community. The survey was done in a timely way. The City received 200 responses both online and in written form. The survey included some open-ended questions.

Council Member Ward felt a few of the questions were leading. Dr. Parker asked if Council Member Ward had received a copy of the survey prior to it being sent out. Council Member Ward said he had not, and the City Manager knew how to get him a copy. As a Council member he should have seen the survey before it was sent out. Dr. Parker said point well taken.

Mayor Braegger asked if Council Member Ward wanted to take any action. Council Member Ward felt the Council could vote on whether to redo the survey.

Motion: Council Member Seamons moved to not redo the survey. Council Member Braegger seconded the motion. Council members who voted "aye:" Kunzler, Seamons, and Braegger. Council Member Ward voted "nay." The motion passed.

3E. Consideration of Preliminary Approval of the Rod Braegger Subdivision Located at Approximately 100 South 400 West (Parcel 02-054-0003)

Bryce Wheelwright, City Planner, stated that Planning Commission held a public hearing to consider the preliminary plan for the Rod Braegger Subdivision located at approximately 100 South 400 West. The public comments revealed real concern about the second access. Braegger's and Barker's were proposing that the second access consist of an easement dedicated for emergency access. It would be located on the



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Council Member Kunzler didn't feel the City could just waive the requirements of the ordinance.

Council Member Braegger stated this was an existing parcel. Council Member Kunzler said it was an existing parcel that was being subdivided. The Subdivision Ordinance required subdivided lots to have curb, gutter, and pavement. He understood the circumstances, but he felt the City was setting a precedence if it waived the improvement requirements for this lot.

Mayor Braegger didn't want to create a glorified driveway that the City would have to maintain.

Council Member Kunzler felt the issue needed to be addressed through the ordinances so it would be fair for this situation and any others that might arise in the future. He didn't want to create situations that might appear to have favoritism and expose the City to liability.

Council Member Braegger asked for the opinion of the City's legal counsel.

Colt Mund wasn't sure what parcel the City was referring to. There was a discussion between Council Member Kunzler, Bryce Wheelwright, and Colt Mund regarding the location of the property. Mr. Mund didn't feel he could provide an answer at the moment.

Council Member Ward did not feel the City would be responsible to maintain the road if the owners were required to pave it. It would be located on private property. Mayor Braegger disagreed. It was already a City right-of-way. Because it was an unfinished right-of-way, the City didn't do anything to maintain it.

Council Member Seamons felt the resolution for the second access was good. The issue regarding the improvements on the east lot needed a legal answer.

Rachel McIntire, 110 South 250 West, stated that Rod Braegger had offered to give them an easement from their property to 400 West with an all-weather surface.

Mayor Braegger stated that because 250 West was a dedicated City right-of-way, the Subdivision Ordinance required that it be improved when their property was subdivided. That was the issue the Council was seeking an answer to.

Motion: Council Member Kunzler moved to table consideration of preliminary approval of the Rod Braegger Subdivision located at approximately 100 South 400 West (02-054-0003) pending legal review. Council Member Seamons seconded the motion. Members voting "aye:" Council Members Kunzler, Seamons, Braegger, and Ward. The motion passed unanimously.

3F. Consideration of Approving Ordinance No. 2021-11, and Ordinance Approving a Rezone Request for Heritage Land Holdings, LLC for the Property Located at Approximately 300 South 200 West (Parcel Nos. 02-051-0004, 02-051-0085, 02-051-0087, 02-051-0251, 02-051-0252, 02-054-0005, 02-054-0007, 02-054-0008, 02-054-0009, 02-054-0010, 02-054-0011, 02-054-0012, 02-054-0013, and 02-054-0017)

Bryce Wheelwright stated that Heritage Land Holdings was requesting that 61 acres they purchased from the Lemons and others be rezoned from A5 to R ½. The property was located at approximately 300 South 200 West. Their rezone request complied with the City's Future Land Use Map. The purpose of the rezone was to develop Phase 2 of The Orchards at Willard Subdivision. Phase 2 would consist of 12 half-acre lots.



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extend paving to the beginning of Mr. Barton's property on Spring Street. Mr. Davis said the changer order was for \$93,312.50. The City's portion would be \$68,188.75; Mr. Gilmore's would be \$24,123.75. Council Member Ward asked how wide the pavement would be. Chris Davis said the right-of-way would be 60 feet wide. The pavement would be 45 feet.

Mayor Braegger stated that the City had negotiated a land swap with Mr. Gilmore and Mr. Barton. The City was able to exchange land because it wasn't vacating a right-of-way. Spring Street currently wasn't a right-of-way; it was just City-owned property. The land swap would allow the City to extend 300 East in the future and tie it into the top of 100 South.

Council Member Ward asked if the extension would tie into the City-owned property east of the park. Mayor Braegger said it would.

Council Member Seamons asked how soon the change order would happen. Chris Davis said the contractor was ready to start. The work would be completed before winter.

Motion: Council Member Seamons moved to approve Change Order No. 2 for Post Construction for the 300 East Street Improvement Project in the amount of \$68,188.75. Council Member Braegger seconded the motion. Members voting "aye:" Council Members Kunzler, Seamons, Braegger, and Ward. The motion passed unanimously.

Copy filed for record.

31. Motion to Set a Special City Council Meeting on November 16, 2021

Mayor Braegger stated that due to holidays in November, the City Council needed to schedule a special Council meeting for Tuesday, November 16th. It would be the only Council meeting in November.

Motion: Council Member Braegger moved to hold a special City Council Meeting on Tuesday, November 16, 2021. Council Member Seamons seconded the motion. Members voting "aye:" Council Members Kunzler, Seamons, Braegger, and Ward. The motion passed unanimously.

4. Approval of Minutes

September 9, 2021, Regular City Council Minutes

Motion: Council Member Ward moved to approve the regular September 9, 2021, City Council minutes. Council Member Seamons seconded the motion. Members voting "aye:" Council Members Kunzler, Seamons, Braegger, and Ward. The motion passed unanimously.

5. Financials

Warrants
Vouchers
Reports

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

6. Department Reports



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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 session 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 of water shares; (f) discussion regarding deployment of security personnel, devices, or systems; or (g) investigative proceedings regarding allegations of criminal misconduct.

No closed session was held at this time

11. Adjourn

With no further business coming before the Council at this time, **Council Member Braegger moved to adjourn the meeting. Council Member Ward seconded the motion. All voted “aye.” The motion carried.**

The meeting adjourned at 8:39 p.m.

Minutes were read individually and approved

City Recorder

Mayor

AGENDA ITEM

6a(i)

Purchase of Repair Kit and
Replacement Pump for Lift
Station



Gmail



Search all conversations

Extar Pump and repair Kit

External

Inbox x

**Travis Heckel** <sales@umscentral.com>

to me, Travis

Wes,

The cost for a new pump is 3127.060-0229 and its \$13,555.00 + shipping. This one only comes with 50'

The Basic repair kit 6018909 is \$1,855.00 + shipping

Thanks,

Travis Heckel

Utility Management Systems

sales@umscentral.com

Phone: 801-486-7700

Fax: 435/654/3383



Conversation

Start a
chat**Wesley Thompson**

Travis, I will need the longer cable, and is that the Flygt?

Travis Heckel

Wes, Yes it is directly from Flygt. The price for pump with the 150' of cable would be \$14,305.00

Wesley Thompson <wthompson@willardcity.com>

to Chris



No
spaces
yet
Create
or find a
space

Reply

Forward

Quotation

EXPIRATION DATE	QUOTE NUMBER
11/03/2021	S104339022
REMIT TO: MOUNTAINLAND SUPPLY COMPANY PO Box 127 OREM, UT 84059-0127	PAGE NO. 1 of 1

QUOTE TO:

WILLARD CITY CORP.
80 WEST 50 SOUTH
DO NOT SHIP TO THIS ADDRESS*
WILLARD, UT 84340

SHIP TO:

SHOP
195 E 300 S
WILLARD, UT 84340

CUSTOMER NUMBER	CUSTOMER PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
62778	QUOTE		CASEY WEAVER	
WRITER	SHIP VIA	TERMS	SHIP DATE	FREIGHT ALLOWED
CASEY WEAVER			10/04/2021	No
ORDER QTY	DESCRIPTION		UNIT PRICE	EXT PRICE
	SHIPPING INSTRUCTIONS FLYGT REPLACEMENT PUMP QUOTE. LEAD TIME TO SHIP FROM FACTORY IS 8-10 WEEKS ARO. FRIGHT CHARGES ARE NOT INCLUDED IN THE PRICE OF THE PUMP AND WILL BE BILLED OUT PP&A			
1ea	FLYGT NP3127.060 PUMP, 3" DISCHARGE, 11HP/230V/3PH, NP248 IMPELLER, 50' CABLE(230VOLT), GUIDE PIN, FLS, CAST IRON CONSTRUCTION WITH HARD IRON IMPELLER		15733.750/ea	15733.75
75ea	SPECIAL ORDER RETURN POLICY APPLIES FLYGT CABLE (230VOLT) SPECIAL ORDER RETURN POLICY APPLIES COMMENTS: 1. THIS PUMP REPLACES 3127.181-S1120600 PUMP 2. ORIGINAL PUMP HAD A TOTAL OF 150' OF CABLE		40.625/FT	3046.88
Bid Total does not include tax or freight. All prices herein supercede all prior quotes and are subject to change without prior notice. No guarantee is made as to the accuracy of the quantities listed			Bid Total	18780.63

Due to the impact of COVID-19 supply chain interruptions, trucking shortages, and resulting price increases, this pricing is based on material in stock at time of quotation. Please verify all quantities and part numbers prior to placing your order.

NP 3127 SH 3~ Adaptive 248

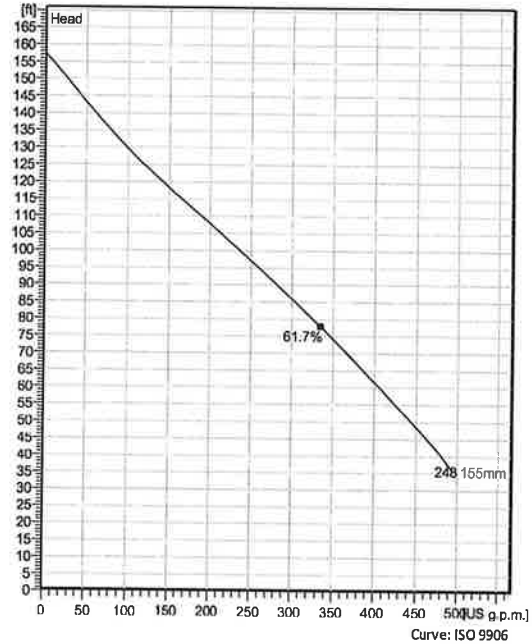
Patented self cleaning semi-open channel impeller, ideal for pumping in waste water applications. Modular based design with high adaptation grade.



Technical specification



Curves according to: Water, pure ,39.2 °F,62.42 lb/ft³,1.6891E-5 ft²/s



Configuration

Motor number	Installation type
N3127.161 21-11-2AL-W	P - Semi permanent, Wet
11hp	
Impeller diameter	Discharge diameter
155 mm	1/8 Inch

Pump information

Impeller diameter
155 mm
Discharge diameter
1/8 inch
Inlet diameter
80 mm
Maximum operating speed
3505 rpm
Number of blades
2

Max. fluid temperature
40 °C

Materials

Impeller
Grey cast iron
Stator housing material
Grey cast iron

Project
Block

Created by
Created on

Rhino Pumps
453 W. 700 S.
Pleasant Grove, UT 84062
8013218242
sales@rhinopumps.com
http://rhinopumps.com/



RHINOPUMPS

ADDRESS

Willard City
80 W 50 S
P.O. Box 593
Willard, UT 84340

SHIP TO

Willard City
80 W 50 S
P.O. Box 593
Willard, UT 84340

Estimate 2021-577

DATE 08/11/2021

ACTIVITY

QTY

RATE

AMOUNT

Pump Repair

For Flygt 3127.181:

- Basic Repair Kit: Includes
- O-Ring kit
- Upper and Lower Bearings
- Mechanical Seal

Lead Time for parts = 3-5 days ARO plus transit

Shop Labor:

- Teardown & Inspection
- Sandblast and re-paint
- Q/C

Lead Time for repair = 1 week after parts arrive

1

2,469.00

2,469.00

NOTE: This price is based on a basic repair of pump with standard repair kit. Price is subject to change based upon final teardown and inspection to determine actual parts needed for repair.

Option 1

Replacement Pump for Flygt 3127-181 (this model is now obsolete):

Ebara Model 80DLCF MU611

- GPM: 325
- TDH: 75 ft
- Mechanical Seal
- 10.51 inch Impeller
- Flygt 3 inch Adapter
- 125 ft Submersible Cable
- 15 HP Motor, 460V / 3 phase / 60 Hz / 1800 RPM
- Pump Monitor Relay
- Remove pump legs to fit in Flygt Station

1

13,448.00

13,448.00

Lead Time = 12-14 weeks weeks ARO plus transit

ACTIVITY	QTY	RATE	AMOUNT
Field Labor	1	4,286.00	4,286.00
Pump Installation:			
Shipping	1	0.00	0.00
Prepay and Add			

Thank you for choosing Rhino Pumps!

TOTAL	\$20,203.00
-------	-------------

Accepted By

Accepted Date