

Willard City Corporation

80 West 50 South
Box 593



Willard, Utah 84340
(435)734-9881

WILLARD CITY COUNCIL MEETING

The Willard City Council of Willard City Corporation will hold a **City Council** meeting on **Thursday, October 27, 2022**. 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:

6:30 p.m.

CITY COUNCIL MEETING

1. Call to Order

1. Invocation
2. Pledge of Allegiance
3. Conflict of interest declaration

- 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. Budget quarterly financials-Ryan and Cami
- b. Discussion/Approval of a Moratorium on Conditional Use Permits.
- c. Acceptance and approval of a proposal for park impact fees.

4. Planning Commission Report

5. Approval of Minutes

- a. Approval of the October 13, 2022, City Council Minutes

6. Financial

- a. Warrants, Vouchers, Reports

7. Department Reports

- a. Public Works
- b. Police Department
- c. Fire Department

8. Council Member Reports

- a. Mike Braegger
- b. Rod Mund
- c. Fred Ward
Mosquito Abatement
- d. John Seamons
- e. Kaleb Kunzler

9. Next agenda items (November 10, 2022)

Public Hearing on the Granite, Willard, and Wells Easement.

10. Mayor's General Correspondence and Information

11. City Manager's Report

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

13. Adjourn

/s/ Susan Obray

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/pmn/index.html>, on the Willard City Website www.willardcity.com on October 24, 2022.

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80 West 50 South
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WILLARD CITY COUNCIL WORK SESSION

The Willard City Council of Willard City Corporation will hold a work session on **Thursday, November 3, 2022, at 4:30 pm.** The work session will be held at the Willard City Offices 80 W 50 S in the City Council Chambers.

1. Economic Development-Mitch Zundel

Susan K O Bray
Willard City Recorder

IMPACT FEE FACILITIES PLAN (IFFP) & IMPACT FEE ANALYSIS (IFA)

FOR: PARKS & RECREATION

WILLARD, UTAH

SCOPE OF WORK & FEE SCHEDULE TO UPDATE, REVISE, AND CREATE
AN IFFP AND IFA FOR DEFINED SERVICES PURSUANT TO UTAH CODE 11-36A



OCTOBER 2022
LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.



FIRM QUALIFICATIONS

Lewis Young Robertson & Burningham, Inc. ("LYRB" or the "firm") was founded in 1995 to address local governments' need for unbiased, professional project financing advice. From its original focus on financial advisory services the firm has grown by expanding the services it provides to its local government clients in response to those clients' needs and requests.

LYRB has been involved in the completion of hundreds of impact fee studies throughout Utah for entities of all sizes. Fred Philpot will serve as project manager, who has regularly presented to city councils on impacts fees, user rates, financial sustainability, and development topics. He specializes in developing intuitive models and defensible impact fee studies that allow policy makers to understand the implications of policy decisions.

EXPERIENCE WITH SIMILAR PROJECTS INCLUDING REFERENCES

The LYRB Team has completed a broad range of rate studies and financial plans. Provided below are a few similar examples along with references that show the breadth of our work and experience. **We encourage you to call all our references, as they will attest to the value our work has provided their communities.** We have also provided references that illustrate our experience in a variety of fields as it relates to ensuring revenue sufficiency and sustainability. Each of these projects were completed on time and within budget. Fred Philpot completed all the studies listed below.

2016-CURRENT SALT LAKE CITY GENERAL FUND IFFP AND IFA (INCLUDING PUBLIC SAFETY)

Dan Rip, Real Estate Policy & Program Manager
Community and Neighborhoods
Salt Lake City
(P) 801-535-6308
(E) Daniel.Rip@slcgov.com

2005-PRESENT SOUTH JORDAN, UT IMPACT FEE STUDIES

Don Tingey, Community Development Director
City of South Jordan
(P) 801.254.3742
(E) dtingey@sjc.utah.gov

2018 BRIGHAM CITY CITY-WIDE IMPACT FEE STUDY

Jason Roberts, City Administrator
Brigham City
(P) 435-734-6614
(E) jroberts@brighamcity.utah.gov

2018 NEPHI CITY POWER AND WATER IMPACT FEE ANALYSIS

Seth Atkinson, City Administrator
Nephi City
(P) 435-623-0822
(E) sethatkinson@nephi.utah.gov

2018 WASATCH COUNTY FIRE SPECIAL SERVICE DISTRICT

Ernie Giles, Fire Chief
(P) 435.940.9636
(E) chief@wasatchcountyfiredistrict.com

2018 WEBER AREA DISPATCH TAX RATE AND FINANCIAL ANALYSIS

Tina L. Mathieu, Executive Director
(P) 801.395.8222
(E) tmathieu@weber911.org

2017 SOUTH DAVIS METRO FIRE TAX RATE AND FINANCIAL ANALYSIS, 2016 FIRE/EMS IFFP AND IFA

Jeff Basset, Fire Chief
(P) 801.677.2400
(E) JBassett@sdmetrofire.org

2016-2018 WEST POINT TRANSPORTATION, WATER AND SEWER IMPACT FEES

Boyd Davis, City Engineer
West Point City
(P) 801-776-0970
(E) bdavis@westpointcity.org





PERSONNEL TO BE ASSIGNED TO THE PROJECT

The primary contact and signatory of this proposal is Fred Philpot. The LYRB staff dedicated to this project include Fred Philpot as project lead and Ryan Lancaster as project analyst. Each team member has extensive experience with impact fee studies, municipal fee studies, cost of service studies, feasibility analysis, utility rate studies, etc.

FRED PHILPOT, VICE PRESIDENT

Fred Philpot joined Lewis Young Robertson & Burningham, Inc. in 2006. He specializes in financial modeling, fund analysis, forecasting taxable value, legislative research, capital facility planning and utilization, staffing ratios, and the allocation of state and federal funding. Recently, Mr. Philpot completed impact fees for Salt Lake City, Eagle Mountain, Centerville, Jordan Valley Water Conservancy District, Pleasant Grove, South Davis Metro Fire Agency, South Salt Lake, South Jordan, and others. His work on these projects involved capital facility planning for emergency services (police, fire, EMS), water services, transportation, and parks and recreation. Mr. Philpot also completed the 2015-2016 Sewer Rate Analysis, 2013 Sewer and Water Impact Fee Review and the 2012 Transportation Impact Fees for Provo.

Role: Mr. Philpot will supervise all impact fee analysis completion, model development, attend all meetings and present findings. In addition, he will facilitate the drafting of the IFAs.

SUGGESTED SCOPE OF SERVICES

With the assistance and support from the City, LYRB will update the IFFP and IFA for parks & recreation. The following is a detailed work plan to meet the objectives of the City.

TASK 1: PROJECT INITIATION & KICK-OFF MEETING

All members of the project team will attend the project initiation or "kick-off" meeting. Given current circumstances this meeting may be held remotely. This provides an opportunity for the team to understand, in detail, all relevant current issues & establish the appropriate lines of communication. This meeting also **establishes consensus** around the key issues that affect the City and the studies at hand. LYRB staff will utilize this meeting to begin the process of gathering and reviewing planning information, growth projections, historic demands, billing information, and future capital project needs.

TASK 2: DATA GATHERING AND FACILITATION

According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare an IFFP. Based on the City's population, a formal IFFP will not be required. However, LYRB will ensure that the necessary information is collected and referenced to complete this analysis. Key task for this process will include:

Task 2a: Demand Growth Analysis and Level of Service (LOS)

The primary demand variables for this analysis include population, Census, and housing information. LYRB will evaluate demand data and use this information to determine the existing level of.

Task 2b: Determination of Existing Capacity and Equity Buy-In

LYRB will utilize the City's existing depreciation schedules and input from staff to evaluate existing facilities and excess capacity based on the existing LOS.

Task 2c: Identify Impact Fee Eligible Capital Facilities

The LOS and growth in demand will be used to determine needed facilities.

Task 2d: Identify a Financing Structure for Future Capital Project Needs

LYRB will evaluate proposed financing strategies related to new facilities. In addition, LYRB will evaluate funding mechanisms for existing facilities that have excess capacity.





TASK 3: IMPACT FEE ANALYSIS (PROPORTIONATE SHARE ANALYSIS)

LYRB will complete the IFA related to parks and recreation. LYRB will ensure the impact fee analysis and proportionate share analysis complies with all legislative requirements. Specific tasks include:

TASK 3A: EXCESS CAPACITY & FUTURE CAPITAL FACILITY ANALYSIS

LYRB will rely on data gathered in the tasks above to estimate the proportionate share of costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to the new development activity. LYRB will comply with all requirements of the Utah Impact Fee Act.

TASK 3B: CREATE IMPACT FEE SCHEDULES

Following Task 3A, LYRB will calculate the impact fees and create impact fee schedules and formulas for calculating adjusted impact fees.

TASK 3C: CASH FLOW ANALYSIS

LYRB will also prepare a cash flow analysis of impact fee funds to forecast impact fee revenues, annual growth-related costs, and any revenue shortfalls.

TASK 4: IMPLEMENTATION

TASK 4A: PRELIMINARY FINDINGS MEETING

After the completion of the above items, LYRB will meet with City staff to review the preliminary findings of the models. This meeting will allow LYRB to provide a status update for the project and receive any feedback regarding model assumptions. LYRB feels this meeting also provides important interaction with the City and ensures quality control. Through coordination with the City, LYRB will develop several scenarios that will address the goals of the City, while balancing political and financial constraints.

TASK 4B: PREPARE DRAFT DOCUMENTS

LYRB will prepare written IFFP and IFAs for all the services identified in the tasks above. These initial drafts will be disseminated to all related parties.

TASK 4C: ASSIST WITH NOTICING AND ENACTMENT

LYRB will assist with all noticing requirements and the drafting of the impact fee enactments. All notice records and the official enactment will be recorded in the impact fees transcript.

TASK 4D: LEGISLATIVE WORK SESSION

LYRB's expertise includes presentation of detailed data to the legislative body during a work session. This provides an opportunity to dive deeper into the analysis to review the complexities that are inherent in this type of work. LYRB focuses on presenting all assumptions in a concise manner allowing the Advisory Board, City Council and/or Mayor to absorb necessary information and make recommendations. LYRB proposes a work session to review substantially completed findings.

TASK 4E: PROVIDE FINAL WRITTEN IMPACT FEE ANALYSIS, TRANSCRIPT AND CERTIFICATION

The final written analysis will ensure that all elements of the Impact Fees Act (including impact fee certification) are considered. LYRB will also certify the IFFP and IFAs. LYRB will work with legal counsel to ensure that all elements required by the Act are incorporated into the resolution and will assist in the adoption process as needed.

TASK 4F: HOLD PUBLIC HEARING AND FINAL ADOPTION OF IFFP AND IFAS

LYRB will prepare a presentation of findings for the public hearing with final impact fees and rate recommendations. LYRB will present at the public hearing and will ensure the project transcript is complete following final adoption of the impact fees. The final deliverable will be the project transcript, which will include the final IFFP and IFAs.

LYRB will also provide comparable information for surrounding communities as needed, to help City Staff educate the public about the proposed impact fees. LYRB personnel will attend all necessary City Council meetings, public



hearings, and work sessions. LYRB will present the study and recommendations to City Staff, the City Council, and stakeholders, in order to answer questions and address any concerns that may arise.

COST PROPOSAL

The combined fee to complete this scope of services is estimated at \$8,280.

PROPOSED FEE

Blended Hourly Rate	Total Project Cost
	Total
Project Initiation & Kick-off Meeting	3.00
Task 1a: Review Existing Planning Documents	4.00
Task 2a: Demand Growth Analysis and Level of Service (LOS)	10.00
Task 2b: Determination of Existing Capacity and Equity Buy-In	3.00
Task 2c: Identify Impact Fee Eligible Capital Facilities	3.00
Task 2d: Identify a Financing Structure for Future Capital Project Needs	1.00
Task 3a: Excess Capacity & Future Capital Facility Analysis	2.50
Task 3b: Create Impact Fee Schedules	3.00
Task 4a: Preliminary Findings Meeting (1 Meeting)	3.00
Task 4b: Prepare Draft Documents	4.00
Task 4c: Assist with Noticing and Enactment	1.50
Task 4d: Legislative Work Session (1 Meeting)	3.00
Task 4e: Provide Final Written Impact Fee Analysis, Transcript and Certification	2.00
Task 4f: Hold Public Hearing and Final Adoption of IFFP and IFAs (1 Meeting)	3.00
Total Hours	46.00
Cost Estimate	\$8,280

Once again, our team is dedicated to meeting the needs of the City. While we will be engaged in other projects, we will allocate necessary resources to meet our proposed timeline. We do not anticipate that current workloads and availability for other activities will compromise our ability to complete the stated tasks.



The City Council of Willard City met on October 13, 2022, at 6:30 p.m. in the Council Chambers of the Willard City Offices, Located at 80 West 50 South, Willard UT 84340.

Officials Present: Travis Mote, Mayor
Mike Braegger, Council Member
Rod Mund, Council Member
John Seamons, Council Member
Fred Ward, Council Member

Officials Excused: Kaleb Kunzler, Council Member

Staff Present: Chris Davis, City Manager
Colt Mund, City Attorney
Lisa Clark, Police Admin.
Susan K Obray, City Recorder

Others in Attendance: Diana Baker; Brandon Jacobson; Lindsey Wells, Josh Braegger, Ken Ormond, Ruth Ormond. Laurie Braegger, Jean Loveland, Judy Loveland,

1. CALL TO ORDER

Mayor Travis Mote, Council Member Mike Braegger, Council Member Rod Mund, Council Member John Seamons, and Council Member Fred Ward.

- a. **Invocation** – Council Member Mund
- b. **Pledge of Allegiance** – Mayor Mote
- c. **Conflict of Interest:** None

2. OPEN COMMENT PERIOD

Diane Baker: She stated there needs to be something done about the conditional use permits. She said this is the second one that has been issued in the last couple of years that have had issues with their property. She stated she did not know if there was a revision form where they can be upgraded. She felt the city needs to be more diligent in making sure the businesses are complying. There is also a business that wants to come to 750 north but cannot because one of the neighbors is refusing to let him run the sewer to where the city has been trying to promote businesses. Diane stated she has talked with people and they are complaining about the noise and that they are in violation with the noise ordinance. She said she thought the noise ordinance was 10 pm to 6am. He showed his conditional use permit to an attorney and the attorney said the conditional use permit application was vague on how to interpret it. She asked if training was available for the planning commission regarding conditional use permits. She wanted to know

1 how many other cities are using conditional use permit. She feels the conditional use permit
2 process needs to be amended.
3

4 **Jean Loveland:** There is nobody to hear from wildlife management. But anyway. First, let me
5 make it perfectly clear that I am not purposely feeding the turkeys and never have. It is true that I
6 am feeding other wild birds like the finches, the hummingbirds, the quail the doves and
7 chickadees the Pines Siskins Bullock Oreos, I like to sit and have my coffee and watch the birds.
8 Hopefully, you do not have something in your ordinance for watering them because I have a
9 couple of bird baths too. I have been feeding those birds since I lived at that residence, I cannot
10 help that wildlife mismanagement, released the turkeys. And with that said, why would you
11 create an ordinance to try and criminalize an individual for a problem created by another public
12 government in wildlife mismanagement? You should look at your ordinance to people that have
13 trees that the turkeys roost in, they should be charged with harboring turkeys or must cut the
14 trees down. Put the blame and responsibility back where it belongs to wildlife mismanagement,
15 they should be doing their part and not put the blame on the citizens. If they truly are trying to
16 trap the turkeys. Let me offer them some advice. First, they need to show up. Second, they need
17 to learn how to trap the turkeys. She had a trap of theirs last year I watched turkeys go in and out
18 of it several times a day. Did not catch a single turkey. Why create another ordinance when you
19 do not enforce the other ordinances? The city has not enforced any ordinances in the last two
20 years. And the reason I know is I did the research. There have been a couple of three that the
21 city's currently working on, you know, one of them just needs to be taken back to court because
22 it was a court order, they must clean it up. The city's already been to court on it. Who does or
23 who will enforce it? Let me answer that. Probably no one. The city does not follow through with
24 the developments. the city, the citizens end up paying for it. Guess we forgot what safety issues
25 are all about. If you are going to enforce the rules, then it should be enforced on everyone. Not
26 just choose who we are going to go after. And what does what is good for what is good for them
27 all. Let me ask the City Council. What is your purpose? Is it just to vote on where money is
28 being spent and allowing developers to do what they want? You were elected I believe to serve
29 the citizens of this community, not others. If you have not noticed the basic infrastructure that is
30 being neglected in this community must have a lot of money to pave the streets because many of
31 them are washed out caving in on the sides because we no longer have the face on. We no longer
32 maintain. Why don't we have a five-year plan for streets, parks, roads, and water? Why is it only
33 the police department that has it? I could go on. But with that said, I urge you all to take an
34 active role in this community.
35

36 **Laurie Braegger:** I have audio taken from my backyard every time this business holds their
37 weddings, I have a wedding in my backyard. They put loudspeakers out, we have had drunken
38 parties on the property, yelling and screaming all night long drag racing, and nobody is doing
39 anything about it. We cannot force anything. If we can be in our own home, we are looking for
40 ways to even leave, because we cannot get away from it. We cannot use our backyard; I am just
41 going to play a video of the noise that we listened to that night.
42

43 Council Member Mund asked where were you taking this audio from?
44

1 **Laurie:** And this is off a cell phone it goes on and on. It is not just this, but the crowd and we
2 still have 100 to 250 people out there, the car doors are slamming. And the more that they fill up,
3 the later it goes, the worse it gets. We have had Marriott chi bands out there and we put up with
4 them for over a year and a half. We cannot even be in our own home. They opened the doors up
5 to the building and broadcasted out of the building. And it starts beating in our house, in our
6 bedrooms. I mean, it is bad. I am 130 feet from that property. The other thing is, we have zoning
7 ordinances in this town, how come they are not being enforced, you are allowing that business to
8 park cars on property that is not theirs. The property they are parking on is zoned agricultural.
9 And it is in the Greenbelt. The only piece of property out there that was zoned commercial was
10 their property. I have gone through the meeting minutes from the zoning and planning
11 commission from April 1, 2021. I have documented and gone through this particular property.
12 The owner said they would put up the six-foot privacy fence, and that they would keep all their
13 stuff on their property. It is not happening. It is a nightmare. We have people turning around
14 doing U turns. What are we going to do, are we just going to let them keep operating and doing
15 whatever they please.

16
17 Mayor Mote asked if she was willing to file a formal nuisance complaint on the issue?
18

19 Laurie stated they have called the police twice.
20

21 Mayor Mote asked do we have the police report? We will have to investigate that. We have been
22 trying to address the issue that you are having. But obviously we are having to do it through legal
23 terms.
24

25 Laurie said the conditional use permit says they are supposed to put a fence up.
26

27 Mayor Mote stated we are having that discussion. I am not going to get into a public meeting
28 about it. It would be helpful if you were willing to file a formal complaint.
29

30 Laurie said We've gone to Bryce, we have gone to city council members, zoning people, we have
31 gone round and round, nobody can do anything. The city is not in compliance with any of
32 the ordinance.
33

34 Mayor Mote stated Neil had come to him, and he did not want to file a formal complaint. So
35 therefore, it is not something I could do anyway, I think it would be helpful if you filed a formal
36 complaint.
37

38 Laurie said Well, then we are calling the police officers. Isn't that a formal complaint?
39

40 Mayor Mote said he was unaware of the police being called out there. So, we can investigate
41 that.
42

43 Kade Braegger said the city can do that. The police officer says she cannot do anything to
44 enforce it.
45

1 Laurie said they told us we could put speakers in our backyard if we wanted to put loudspeakers
2 out there and blast music across to them. I mean, that would be a good thing. I mean, all we are
3 asking is to put the fence up and keep the noise down. That is all we are asking. You got 400 feet
4 of cars that park down that property line and they shine their headlights into our backyard. And
5 the drinking. When they start drinking over there, it gets so loud. And then she lets them go out
6 onto the highway after they have been drinking. There is a safety issue. I mean, you got issues
7 out there, and something needs to be done with it. She said that the reason I am here is because
8 we cannot even live in our own home anymore.
9

10 **Joann Fifield:** Don't want the droppings. But they were on my roof the other day. When they
11 come into the yard, chasing them out, mostly because I do not like the droppings. What I did not
12 realize was they were getting on my roof, which I just put new shingles on last year, cost a lot of
13 money to put there. I do not have money to replace it. If that happens, is there some place to
14 make a claim? Or not? Do not tell me about homeowners? Because this is a city issue. How
15 many times have you all talked about these birds?
16

17 Council Member Mund stated he has talked about them extensively. In fact, we even have an
18 ordinance that they are going to talk about tonight, which does not do a thing. But these are state
19 birds, and we have no authority over them. So that's part of the problem.
20

21 Joann Fifield asked how she take care of them.
22

23 Council Member Kunzler explained that she would have to contact wildlife resources and work
24 with them. He said there is little the city can do. We can pass an ordinance to say you cannot
25 feed the turkeys.
26

27 Council Member Mund stated he is going to try to get a meeting arranged with Joel Ferry, who is
28 the director of Natural Resources, to discuss this.
29

30 Mayor Mote said he has the biologists' number and the depredation persons number that he will
31 give to Susan. He said it may be helpful if you and all your neighbors call them.
32

33 **Brandon Jacobson:** Brandon stated he agrees with Jean and Ms. Fifield. pretty blunt but
34 turkeys are protected gamebird there is a season for them. It is not the city's problem; it is not a
35 federal problem, but I do not know how you fix it, and I do not know how we fix it. If animals
36 find their way to my property, I take care of animals because I have dealt with trying to get them
37 taken away the other way. It does not happen now. That is not with deer and elk, but turkeys are
38 a different animal and so there is a hunting season for it, and you would be charged. You get
39 more trouble selling crack to the kids. This place is going to hell in a handbasket. I am seriously
40 looking at moving myself. But if it was not for awesome neighbors and I have an RV and be
41 gone. I feel like there is nothing going on in this town. There has been nothing happening with
42 the pothole for two years in my driveway. My neighbor's had to build a covered dam in his yard
43 to stop the water from flooding out his driveway. I am telling you what to do. Nothing is getting
44 fixed, and no one is doing jack. I do not know how to tell you to fix these problems. I do not
45 know what it takes but this small rural town is going to hell in a handbasket. All it is a drive

1 through the city for everybody from Cache Valley. We have no speed enforcement. We have no
2 traffic control. I know what she is talking about because I almost got hit by a drunk party coming
3 out of that place. By the time you call the police officers they are never there to respond. We get
4 no Highway Patrol support. Nothing I do not even know. That is just my two cents. I feel that
5 needs to be said. I wish I had answers to fix the problem.
6

7 **3. Public Hearing:**
8

9 i. **Public hearing regarding Ordinance 2022-02 Wild Turkey Management**
10 **unauthorized feeding of wild turkeys.**

11 **Motion:** Council Member Kunzler moved to go into a public hearing on wild turkey
12 management unauthorized feeding of wild turkeys. Council Member Ward seconded the motion.
13 Motion passed unanimously.
14

15 Mayor Mote stated we will take the previous comments into consideration.
16

17 **Motion:** Council Member Kunzler moved to close the public hearing. Council Member Ward
18 seconded the motion. Motion passed unanimously.
19
20

21 **4. New Business**
22

23 a. **Discussion/Approval of Ordinance 2022-02 Wild Turkey Management unauthorized**
24 **feeding of wild turkeys.**
25

26 **Motion:** Council Member Mund moved to set the ordinance aside for now. Council Member
27 Kunzler seconded the motion. Motion passed unanimously.
28

29 Council Member Mund believed it is not going to do anything except criminalize people who are
30 trying to get rid of turkeys. His opinion is it is the DNRs problem. He said we need to have a
31 conversation with somebody other than some local government people. We need to get a meeting
32 set up with Mr. Ferry. He said he is in the process of trying to get that done to lodge a formal
33 complaint with these people and see if cannot get some action because that trapping business is a
34 joke. Council Member Mund said he has talked with other communities over in the Logan area
35 that said they had people to in and trap and removed them from the city area. They were
36 effective in doing that.
37

38 Mayor Mote said what we heard from Mendon, DNR had some traps and then Mendon matched
39 them trap for trap in purchasing traps. And so that is what we had discussed last meeting was
40 potentially us buying some traps also.
41

42 Council Member Mund said if we are going to go that direction, I would absolutely go in that
43 direction to bite, get some traps to get rid of these things. Smithfield, some of the guys I have
44 talked to over there that worked for the city, they said they had to get their own Trapper to come
45 in and get the turkeys moved out of certain areas of the community.

1
2 Council Member Kunzler stated I am fully aware of where this ordinance came from DWR told
3 us or at least told residents who then told us that they were trying to trap the turkeys and they and
4 their baiting of their trap was ineffective because other people were feeding the turkeys. Whether
5 that is a fact or not remains to be seen. Subsection two of this ordinance I think, really, can you I
6 can cause a lot of potential issues with a lot of people. I would rather lean on the side of caution
7 and not prove otherwise. I have issues with the way the ordinance is written. If somebody can
8 show me that people are feeding the wild turkeys and I am willing to look at it and address, it in
9 such a manner. I personally am not aware of people in town that are intentionally feeding the
10 wild turkeys. If there are then that needs to be addressed, but I am not personally aware of that
11 despite what wildlife is saying. They can say whatever they want, but if they if they can give me
12 a name or an address saying this person is actively feeding the wild turkeys, and we can
13 investigate it and say yes, they are or well no, they are not. But then we can address it at that
14 point. Right now. The turkeys are an issue.

15
16 I do not see that somebody having three quarters of a gallon of grain less than six feet off the
17 ground is necessarily intentionally feeding the wild turkeys. I haven't talked with the resident
18 says I love feeding the wild turkeys I intend to feed the wild turkeys every resident I've talked to
19 says well I enjoy seeing the wild turkeys I hate them on my property because they cause this
20 damage and that damage and they're a nuisance even though they can be fun to see from time to
21 time and so I I'm with Mund here saying I really have a lot of issues putting this ordinance in
22 today without further evidence saying there actually is a problem with xyz individuals feeding
23 turkeys or something of that nature because I don't see this ordinance a being effective and be
24 really doing anything more than causing more trouble than it's worth.

25
26 Council Member Ward stated I really do not think we should even entertain this ordinance now
27 because it is not the city's issue is the DNR and I do not even see if we put this ordinance in
28 effect, we do not have the resources to even enforce it. If you are going to go to home after home
29 after home call and say they are feeding the turkeys because they are here in my yard. What are
30 the police going to do? The police are not going to do anything. If I were a police officer, I
31 would not either because they have other things to do. We do not have the resources to enforce
32 this ordinance. And the ordinance is just out of place. The DNR is responsible for those birds.
33 We as a city could help trap them and get them out of here. But they need to provide the
34 resources to do that we should not be buying any traps; they should be given us the resources to
35 do it. We will help them get them out of here. But when we get them out of here, they must be
36 out of here.

37
38 Mayor Mote stated we will never get rid of them this is an ongoing issue with which we will
39 deal. We have addressed the depredation component of this we have neighbors and citizens that
40 are being heavily impacted by these birds. We must get them out somehow.

41
42 Council Member Mund stated anyone who has a garden or fruit tress those turkeys will come in
43 and find out where it is at, they are going to be camped and eat the garden and fruit. We have not
44 heard from the citizens who have chased turkeys out of their gardens.

1 Mayor Mote stated the motion was to table the ordinance and not discard it.
2

3 Council Member Braegger stated this ordinance does not really make sense for what we are
4 doing here. I do appreciate what staff put together because this addresses a lot of the concerns
5 that have been formed out here. You are not feeding them on purpose. As an officer of the law, it
6 would be tough for them to enforce.
7

8 Mayor Mote said we brought this forward because DWR asked us to. They said you need an
9 ordinance because it will help us trap them. It is what DWR wanted, that is why this ordinance is
10 sitting before us and why we instructed the staff to do it.
11

12 Council Member Kunzler stated he would be happy to bring this ordinance back to the table and
13 potentially even pass a version of it. If DWR can say here, here, and here are residents that are
14 feeding wild turkeys.
15

16 Mayor Mote said to the person that brought this up to him , I have collaborated with that citizen
17 and DWR has in fact attempted to trap turkeys on their property with no success and DWR
18 complaint was we cannot trap them because they are not coming here. Jean Loveland told us I
19 have watched them walk in and out, which made me think well, you know, they have other
20 problems.
21

22 Council Member Braegger stated DNR told us that it is easier to trap them in the winter, because
23 they are hungry and they go to the food, you can put the food out there and they will go right to
24 it.
25

26 Council Member Mund stated that winter is coming directly and there will be opportunities for
27 trapping them that will be easier. I would say that we at least go through this period without
28 passing this ordinance and see we can get them out of here. You know, make a concerted effort
29 as a city council and as citizens to try to get the folks from DNR to get up here and take care of
30 this.
31

32 Mayor Mote replied you have talked to the right people, they have not depredation person for
33 this northern region. And they have a have a habitat biologist for his nurseries. And they are the
34 ones that make the decisions. I talked to the depredation guy. That is what he wants to use this
35 winter as he wants to try the net. To me they look easy to net them because they do not seem
36 terribly concerned about people in the mornings as they are wandering around.
37

38 Council Member Braegger stated you know how this has been managed 50 years ago with just a
39 shotgun and they would be gone. They would be sitting at somebody's dinner table. It would be
40 simple.
41

42 Mayor Mote asked Chris Davis, City Manager, to follow up with Joel Ferry regarding the turkey
43 problem. He said he will call the two DWR folks again and have a discussion with them. One
44 question is if we trap them, what do we do with them? Can we dispatch them? Those are the
45 questions I am going to ask them.

1
2 Council Member Seamons asked the Mayor if there is anything that we can do to help the people
3 that are being hurt in the meantime. DWR used to have a program where they would fetch your
4 haystack. I do not know if that works for turkeys, I do not know if there's similar issues. They
5 have not mentioned them to me when I have talked to them. It is a financial thing I think buying
6 traps and hopefully, getting either DWR or somebody that can operate them properly might be
7 the best option. It is a protected animal that is governed by the state of Utah. And as a city, we
8 are going to have to follow those laws.
9

10 **b. Discussion/Approval of Ordinance 2022-03 approve annexation for Old Farm**
11 **approximately 7140 S Hwy 89 Box Elder County. Total Acreage 142.86. Developer Lewis**
12 **H. Swain.**
13

14 Chris Davis explained this was an approval for a formal ordinance for the annexation of Old
15 Farm. This Ordinance goes down to the LT Governor's office along with a plat map of the
16 annexation. This ratifies the votes are taking place.
17

18 **Motion:** Council Member Ward moved to approve Ordinance 2022-03 approving the
19 annexation of Old Farm. Council Member Seamons seconded the motion. Roll call vote. Council
20 Member voting aye: Council Member Kunzler, Council Member Mund, Council Member
21 Braegger, Council Member Seamons, and Council Member Ward. Council Members voting nay:
22 None.
23

24 **c. Discussion on Economic Development with Mitch Zundel**
25

26 Mitch Zundel said he sat with John and Chris and had a meeting. He said they discussed
27 economic development and asked him to come back and have this discussion with the city
28 council. Mr. Zundel said he has a few points he wants to talk about first, and then have a
29 discussion that the council can choose to have.
30

31 Mayor Mote said we have also discussed having a work session and get more in depth on this a
32 little bit. You give us the highlights, and then let us discuss whether we want to take this into a
33 work session.
34

35 Mitch continued as far as a few points, if we want to get into another work session or something,
36 I am more than willing to come back. As you all know, there's never enough money. There are
37 always more projects. And anyway, there is never enough to fund all the projects that people
38 want in the community. I want to make that point, first. So as far as leadership goes, it is the
39 leadership's responsibility to set the vision. You set where do you want to take this. That is
40 economic development, housing, whatever, you set the vision, and then staff have the direction
41 to go. That is first, the biggest responsibility as a city council is to set that vision and direction.
42 Another important note was brought up. Sometimes deregulation is the answer. Some things
43 could happen if there was not an ordinance or regulation in place. But again, that vision must
44 come first, you must have an idea of where you want to go. And then the staff can start looking
45 at what is going to impede that, as far as regulations. I want to make that point. And, of course,

1 developers need to make money, they are not going to do this for free. So that was another point
2 I wanted to put out there. Keep in mind, sometimes it means we as a community or as citizens,
3 we need to bridge a gap. Sometimes those gaps are too big for the developer to make the income
4 that the developer needs to keep the business rolling. So as far as ideas, retail, let me mention
5 this first cities like retail a lot more than counties similar. Say they like the retail side. But they
6 are more focused on the jobs and the more investment side of things. Then the state's more
7 focused on the jobs. And if you look at that, and you figure out why generally is because that's
8 where the money flows into the cities they get the sales tax on the retail, the main focus, really
9 good, brings in more income can start to lower the taxes on the rest of the citizens that type of
10 concept, right? As far as the counties, income mostly comes, they do have a sales tax portion, but
11 most of it comes on the side of property tax as well as the school district. So that is why the big
12 investments in manufacturing and the jobs, that type of thing. And then of course, the state's
13 income. It is mostly in the employment sector. And it has been so anyway, just putting that out
14 there. So as far as retail is concerned, it is really a big focus for a lot of cities. They need retail,
15 and then retail itself needs other retail to commingle together and work. So, the retail shop on
16 Hargis Hill is not going to affect anything down on West 750 It just the too far away and that
17 type of thing. So, you need, you need kind of a cluster of retailers to make retail work for itself.
18 One retail shop is going to bring the next retail shop. You need to build in that type of concept.
19

20 Mayor Mote stated his thought is we have a hub that is a natural attraction for several months a
21 year, the Willard Bay, you know, with the lights and the winter and all that. It seems to me that
22 you need that attraction, and then maybe you can start building that retail that supports more
23 retail obviously.
24

25 Mitch continued you must have solid+ attraction, a base and it could be Willard Bay it might be
26 whether you like or not Walmart is to that region and then retail shows up around. You need
27 something to draw the anchor store. When Box Elder County was doing Loves on Forest Street,
28 the county owned that property. Technically, the redevelopment agency on the property, so we
29 were selling it to Loves, they need to, they were specific, needing that entrance point to be within
30 400 feet of the exit. I mean, it was like, it was 600 feet away, they are like, it is too far away it
31 needs to be 400 feet or less. In other words, there are a lot of numbers out there that say, a person
32 is going to drive so far before they get off the highway or whatever. They also need a highway,
33 that type of thing to ingress egress. On the manufacturing side, if that is a focus for the
34 community. Of course, you want to avoid that retail side. You do not want to commingle
35 manufacturing retail so much. There is too much car traffic with the big pillar of truck traffic. It
36 is not a good thing. The manufacturing needs more of a better ingress egress for the truck traffic,
37 you got to be able to get in and out. And of course, sometimes those manufacturers need a lot
38 more on the utility side of things. So, water, sewer, electricity, that mixed use, again, 750 North,
39 as we have talked about in the past 750 North has your best retail potential, right? You are close
40 to Willard Bay, North reader there, you have a highway going up and down and you get to the
41 freeway exit, there is a lot of potential for retail in that general vicinity. And of course, UTA
42 does what they are planning to do at some point. Who knows when future for front runner
43 station, that again, you could do some mixed use there, which means you could do something
44 like an office type of space upstairs with a retail downstairs. You get that mixture. So that is
45 another option. Then of course it is more difficult to do a lot of offices in a more rural area. You

1 will get a lot more offices in downtown Salt Lake and Ogden. You might be able to do a mixed
2 use. An office space being healthcare, and doctor's offices, that type of thing. Going into a space
3 like that. Anyway, that was the introduction. I do not know if you want to have the discussion.
4 Again, the questions are going to be talked about more in detail, or about the city. I know you all
5 have been doing a lot of visioning. What do we want the city to look like? That to me, again, I
6 will reiterate this, that is your number one responsibility and my perspective, it is the leadership's
7 responsibility to plan the vision. Staff can follow up with the developers and can come in and
8 just follow the vision. Without it, it is chaotic. I want to do this, well, that does not meet our
9 ordinance. Well, what do you want it to do? I do not know that type of thing. So, it is producing
10 that collective, it is going in this direction.

11
12 Council Member Ward suggested a work session where they can discuss some of the visions that
13 we have and see if Mitch can help us out with some ideas and move forward.

14
15 Council Member Mund said I think that fits. What we are trying to do with a master plan is to
16 create vision of where we want to go and what makes good sense. It would be good to have a
17 work session.

18
19 Mayor Mote said it would be a clever idea. The city has the TOD area that has a lot of interest
20 going on and I do not think we want to lose out vision on that. We do not want to let that get
21 ahead of us. I have had some conversations with Bryce and Chris about that. The next question
22 would be when a good date for a work session is.

23
24 Council Member Ward would like to have the work session meeting shortly after the first council
25 meeting in November.

26
27 The mayor asked Mitch which day works for him. He said Thursdays work best for him.

28
29 All agreed November 3rd at 4:30 p.m.

30
31 Council Member Seamons said Mitch asked for a vision, he said he has no idea what he is
32 supposed to visualize.

33
34 Mitch suggested if you were a developer, what would put in? What would make sense in the
35 community?

36
37 Council Member Seamons said they have a developer come to them and wanted to do a mixed
38 use of apartments and retail. It turned out they really got down to the bottom line the apartments
39 were going in first and then maybe in three years try to do the retail. That is what the developer's
40 concept is. All of that does not fit what we want.

41
42 Mitch said as far as retail, if you want to focus on the retail side, retail needs rooftops.
43 They want rooftops in an apartment complex or condominium style or whatever they are doing.
44 They are close to the retail. So that kind of creates a little micro community.
45

1 Mayor Mote said right now, there is a housing crisis. I have talked to several cities and some of
2 these mixed use plans that developers have come in and done the bait and switch the cities on
3 this high-density housing. I think one of our key things is to look at what assets do we have and
4 what amenities the city already provides naturally, and Willard Bay is one of them. And then we
5 need to think about what those users do because that is dragging more people in off that exit than
6 our citizenry ever will. They have 800,000 visits a year to Willard Bay, not all of them go to that
7 Marina, but most of them do.

8
9 Council Member Kunzler stated he has a little issue with the high density from the developer.
10 The developer came with the money. But I would like to see the developer make one-time
11 money, sell the property, develop the property and be gone. Seems to me, especially with the
12 current pricing of even rentals, they want to come in and make a ton of money on high-density
13 housing because it is very lucrative right now if you can rent out an apartment. Well, I do not
14 mind them making money. I do not want to see them just coming in, just to make the money on
15 the high-density housing. I have seen it in other northern Utah communities have big promises,
16 but they come. they make their money on high density housing, because it's always there. Once it
17 is there, it is there, and they can make that money on rent. They just keep going and there are
18 really no teeth to say, well, you said to put in retail.

19
20 Council Member Mund stated one of the other things we need to consider is down in that area. I
21 mean, there is going to be property going back to the north there. As things go down the road
22 sometime, I do not know, 20 years, I do not know. But there are some areas there that could be
23 excellent manufacturing sites or light industry. We have the truss people down there. And we
24 have a lot of potential land out there that someday is going to be developed.

25
26 Mayor Mote commented on a couple of things I got from him was the four hundred feet. We
27 need to protect that exit and preserve that area for retail. Then the other thing, the mix, the
28 mixing of the two is we need to decide it, because we have talked about some light
29 manufacturing, and we do have the truss place down there. We need to preserve some retail
30 areas, and then preserve some light manufacturing. The other question I have is how do we as a
31 city help attract those businesses? How do we collaborate with the landowner? I think that's
32 where Mitch can say, these are the kinds of things we want here, we will help bring them in here,
33 if you will, you know we can mix and match and help you make this development a goal, but
34 how do we attract some of those businesses that we want to see come here? Or we would like to
35 see come?

36
37 Council Member Braegger said it is the businesses that are attracted by rooftops, which we do
38 not have a lot of rooftops.

39
40 Mayor Mote stated they are attracted by people. And if we have a draw besides people, I am not
41 saying we do not want the development of that but focusing on the tourism side of it. I am saying
42 that we have people and there's people to service. We need customers.
43

1 Council Member Ward said 750 North, is I see what is going on over there right now you got the
2 manufacturing area, you got a construction company. And then you got a whole line of storage
3 units.
4

5 Council Member Braegger stated we have a lot of potential not just for rooftops, but we have
6 potential for the traffic that flows through the area 750 gets a lot of traffic, if you're going to
7 Perry, and you're coming from the south, you get off at 750 unless you want to go to the
8 commercial area, which is on 1100 south. That is where we have an opportunity if we have
9 somewhat of a commercial area among 750 to attract people to that. It makes it more attractive,
10 if I need a gallon of milk or whatever, I swing off and get what I need right there and just
11 continue. There are opportunities. We were looking to expand our business or move from where
12 we're at and get a little better place there and Marriott Slater bill, and we had a real prime piece
13 of property across the street from us it was became available and we went to the city to talk to
14 him about a marriage later bill and they said, No, that's not planned for trucking. They already
15 had their vision. That is not for trucking. You know, we are not going to have a trucking
16 company or anything like that down there. This there is going to be a hospital across the street.
17 And they named all this stuff up. They have plans for they had a vision. And you know, they shut
18 us down to stuff I asked. I mean, we knew we did not have a chance.
19

20 Council Member Mund stated we must get our visions together and probably really work on this
21 plan. I saw the last Council meeting which I was unable to attend. There was a lot of discussion
22 on the master plan. We must get our vision together and have something planned out.
23

24 **5. Planning Commission Report**

25 The Planning Commission was canceled.
26

27 **6. Approval of the Minutes**

28 a. Approval of the September 22, 2022, meeting minutes.
29

30 **Motion:** Council Member Seamons moved to approve the September 22, 2022, minutes with
31 corrections. Council Member Kunzler seconded the motion. Motion passed unanimously.
32

33 **7. Financials**

34 The warrants, vouchers and reports were approved.
35

36 **8. Department Reports**

37 a. **Public Works**

38 Chris stated the public works guys are cleaning up decades of challenges that are in their shop.
39

40 Mayor Mote said on the public work side is he attended the flood control yesterday with Mike.
41 We are starting to work on some of these issues of our town falling apart. And flood control is
42 working on Hargis Hill. They are going to put together a plan for the issue on first west with
43 flooding the garage there. Then I talked to Chris today about working with Payton to prioritize
44 some flooding on some streamflow type issues on our east side. And then we will take that back
45 to flood control and start discussing with them where that water would be dumped. And my

1 thought is, we will have to discuss this during budget sessions is we re-allocate some of those
2 funds each year to try and take care of some of these road edges and putting in some hard
3 infrastructure that will deliver that water to flood controls systems including eroding the size of
4 our roads. Council Member Ward asked about the mulch on the side of the street and when they
5 are going to remove it.

6
7 Mayor Mote stated Payton was going to start at some point working on the children's park
8 because the rest of that goes into children's park. There is a pile of sand full of goat heads that
9 must be removed. Payden did not really have a place for it. I told him he could throw it in my
10 arena if he cannot find a place.

11
12 Council Member Braegger said use it for bedding material in a trench. If you have a trench
13 somewhere it would be the best use. We talked about this pothole he has out there. I know we
14 talked one time about the asphalt and what not. They are going to be shutting the asphalt plants
15 down here for too long. It is a suitable time to get out there because it is dry and I am just talking
16 about that hole, but I know he had others he was going to try to do too, wasn't he? He mentioned
17 he had others.

18
19 Chris Davis said he talked with Payden today and put a phone call into the Granite representative
20 that we deal with on buying material. He was he was going to check we sat down with Brad
21 sweet a week or so ago. We did not have an account for Granite. Years and years so we just we
22 just put it into applications and the guy is going to call me tomorrow.

23
24 **b. Police Department**

25 Lisa Clark representing the police department. She said she is the assistant to the Chief and he is
26 out of town. The newest officer is Norma Conkel and she started at POST this week. She will be
27 there for four months. We did get a grand approved paid for her meals at \$26.00 a day for a total
28 of \$1,664. Our new Sergeant that we thought we were going to have been no longer coming. He
29 works for North Park I North Logan and they offered him a sergeant position and a \$3.00 hour
30 raise to stay. The ID maker is up and running and she has been practicing trying to learn how to
31 do it. We will be making ID cards for all the city employees. She is getting prepared to do the
32 dog licensing.

33
34 **c. Fire Department**

35 Fire Prevention month. Nothing else to report.

36
37 **9. Council Member Reports**

38
39 **a. Mike Braegger**

40 We have heard a few complaints tonight; you know about the city and whatnot. But I have lived
41 here all my life. Except for a little four-year stint. I moved to Brigham City. And I was just a
42 young man. But I remember my father really regretted moving to Brigham. He brought us back. I
43 have lived here a lot of years. And we have a great little city here. We have our problems and do
44 not get me wrong because they are never going to go away. And all we can do is address them as
45 we go. I think if we work together, we can make it happen. I would like to thank the staff for the

1 things they do, the challenging work, they put in a lot of heavy lifting. And we just sit up here on
2 top of our gums and pontificate. I would just like to tell everybody, you know, I love Willard and
3 we have a lot to look forward to living here. We have a lot of potential in the future.

4
5 **b Rod Mund**

6 I just have two things I want to bring up. Some of this I am going to discuss with staff but again,
7 as we have been going through some of the conditional use permits, and especially about the one
8 we heard about tonight Oh. And I do not know how it ended up that way, that conditional use got
9 written that way. But one of the weaknesses, or one of the problems we have, is we do not really
10 have a noise ordinance. I have the disturbing the peace and noises 13-30-301 And there is one
11 paragraph it says it is a class misdemeanor for any person to the peace or quiet of any
12 neighborhood family or person by aunt or unusual noises, or term Ultras offensive conduct. Yes,
13 fascinating. And there are some there for staff. I was looking at noise ordinances. And I think if
14 we are going to be issuing special or conditional use permits, we need to make sure that our
15 ordinances are going to support what we think we are putting in there and not come back to some
16 very generalized paragraph that does not get into any detail about hours of operation or anything
17 else. And so, I just put this ordinance out there for your consideration to look at. There are some
18 things in there that we can change, but at least it is a start to something that may be a little more
19 specific. Get us in a position where we can start to really address these issues through our
20 ordinances.

21
22 The second thing that I wanted to discuss, and there is getting an eye up on the agenda. But I
23 think that we should put a moratorium on conditional use permits, until we go through the
24 conditional permit coordinates that we have. Here in the city, it is plain, in who is responsible,
25 although it is general. Following the issuance of a conditional use permit by the zoning
26 administrator or the Planning Commission, the zoning administrator shall approve an application
27 for a building permit and shall issue that development, ensure that development is undertaken
28 and completed with compliance with said conditional use and building permit. Time limit, a
29 conditional use permit, for temporary uses may be issued for a maximum period of six months,
30 with renewals at the discretion of the planning commission for not more than three successive
31 periods thereafter.

32
33 Finally, in number two, it says unless there's substantial action, under conditional use permit
34 within a maximum period of one year of its issuance, the set permit shall expire. The Planning
35 Commission may grant a maximum extension for six months, when deemed in the public's
36 interest. But again, in this ordinance, there is no spelling out in a clear manner of what kind of
37 penalties or how it is going to be enforced. In my reading of this, it all falls on the zoning
38 administrator, which is Bryce. And it is, and until we clarify this or get something a little more
39 petite in it, what is the point of even going through the exercise of issuing special can do
40 conditional permits, if we cannot enforce them. And I think before we issue any more, we should
41 have moratorium, we should be able to come back, go through some of these ordinances like this
42 and get those things so that when we issue something, that we can enforce it across the board.
43 And we are not dealing with so much generality that is open to interpretation by various parties. I
44 think we should consider it and if we could adopt it. Tonight, I would make a motion that we put
45 a moratorium of a 60-day moratorium or a 90-day moratorium on issuing any more conditional

1 use permits, until we get this thing under control. And if we are issuing commercial uses next to
2 residential neighborhoods, I do not think hours of operation should be listed on areas going until
3 one o'clock in the morning. Especially if we are within 130 feet of said residential area. There are
4 things that we need to think through more clearly when we do these things, so they do not come
5 back to bite us and our citizens.

6
7 Colt Mund, City Attorney stated conditional use permits in general are not advisable. And so,
8 zoning should determine permitted use or unpermitted use. But Willard City has decided to grant
9 conditional use permits, which are within your purview. It is always recommended to grant those
10 very sparingly. So that would be a question for the planning commission. As a part of we
11 updated our zoning uses and our tables so we can further update that. But that is a planning
12 commission activity our conditional use permit does allow revocation and revocation would be
13 result of revocation of a business license. We are happy to do whatever the city council and
14 planning commission advises us to do, we are happy to look at the ordinance on data, whatever.

15
16 Council Member Mund said in reading some of these, I mean, they are so general, and general is
17 good. I am not, I am not saying that is necessarily a bad thing. But it should not be spelled out in
18 there. You know, what powers of enforcement the city must fall back on? If there is an I do not
19 see anything except going out there and removing or revoking their conditional use permit. In, in
20 the ordinance that we have here.

21
22 Mayor Mote explained when they are written, so generally in compliance of the conditional use
23 permit, potentially. And then it becomes illegal and will end up in court, which we may have to
24 do, I am not necessarily going to court. The one thing that I have noticed in the conditional use
25 permits that I have looked at is some of them. Refer to our other ordinances. You are right, we
26 need to go to those other ordinances and strengthen them. Because that by default, will link back
27 to that conditional use permit, for instance, our nuisance ordinance and we discussed this a few
28 weeks ago, is week. I do not really want to chase nuisances that are arbitrary. The noise
29 component of those nuisance ordinances and some of those things, I think, could be
30 strengthened, because they are unenforceable, the way that they are currently written.

31
32 Council Member Mund said why even have them and that is my point, we need to have a
33 moratorium where we go through and start looking at some of these ordinances that we have.
34 And, and I'm not saying we got to rewrite every ordinance, but certainly when it comes to noise,
35 and some of the things that we attach, as far as hours of operation, and especially when we're
36 talking about marrying commercial property, next to residential, I think we need to have some
37 fairly specific guidelines on how that marriage is going to take place. I don't think we can just sit
38 back and put arbitrary whatever we think in general terms, because if somebody complains about
39 this, we got to have a mechanism, especially when we city people tell them, they're out of
40 compliance, we need to have a mechanism to go back and bring if they are out of compliance
41 fine. And we need to have some mechanism to bring him back into line. And if not, we need to
42 just, you know, just he said she said, they are just fighting back and forth, that can be brought out
43 if we have something specific to look at. I mean, there are not even any hours of operation on
44 that, at least this ordinance I brought they have between the hours of 10pm and 5am. You cannot
45 do that you can make a lot of noise. You can disrupt and you can even put decibel limits on that,

1 and I have been in cities and operated they are doing testing next residential areas. And they have
2 specific sound and noise.

3
4 Mayor Mote stated the planning commission did review sound on the one that we were all
5 inferring. And the problem is the highway creates more decibel levels than most of these
6 ordinances. It was difficult, like you got the jake brakes and other things.

7
8 Council Member Mund said we should have had something on there if you are going to have
9 alcohol on there, we want to know who you have a list of who you have a state licensed
10 bartender, so we are, no we can comply with the law. And we are not going to have some wild
11 party going on. And we do not know what is going on. So that is all I am saying about it is, there
12 are some things that we need to look at before we go to write any more of these.

13
14 Council Member Seamons stated we were involved with that. And the conditional use permit
15 was presented to us under one condition, we questioned it. And were told certain things. We got
16 back through it, and it came back that it did not go that way. And we were working under other
17 assumptions on this conditional use permit. And that is not the way it happened. So, we need to,
18 you know, back up a little bit here and let staff do what they are doing. And let this thing work
19 itself out.

20
21 **Motion:** Council Member Mund moved to put a moratorium proposal on the next city council
22 agenda. Council Member Seamons seconded the motion. Motion passed unanimously.

23
24 Laurie Braegger asked why the city is letting that business use agricultural property for parking.

25
26 Council Member Ward said we are still working on the property up there for the new city
27 baseball park, along with just the baseball park again. Things we have produced some ideas on
28 how that could be used. In our conversations with Shawn Mathis, he said he would be willing to
29 be the head over the baseball program. He would do it if he could get enough volunteers to go in
30 and do it. There are a lot of people behind the baseball program. So, he is going to put it out on
31 Facebook and advertise it there. By the end of the year, we might have a couple of things for the
32 committee to present to the Council on the use of that property there.

33
34 Mayor Mote stated we can put it in the newsletter and some other things to help, you know. You
35 know, try to help advertise for volunteers. He wanted to talk with Sid Bodily before making any
36 changes.

37
38 Council Member Ward said he took it upon myself to find out who owns all the property here on
39 this block. And the school owns all of it. The little baseball park up there. I went for a walk up
40 here with the school principal, just east of the baseball park. There is that chain link fence, and
41 then there is a chain link fence along Highway 89. And there is that bare dirty area that is not
42 being taken care of at all. I asked the principal to talk with whoever she needed to talk to.
43 Because the city has been entertaining. I mean, there have been requests, especially on the west
44 side of the road for pickleball courts or something like that. I went up to Perry at the school up
45 there and I stepped off they have two pickleball courts on that school playground along with the

1 four-square games, and they are all sitting on the same cement footprint. And you can fit two of
2 them in just on that little hunk of ground right here on the side. The principal called me back and
3 she said they do not have a budget or anything to do that. But we are more than welcome to the
4 use of that property as a city to put those in. It is something for us to consider.
5

6 Council Member Seamons stated he talked with Chris Chesnutt this week and we have a
7 program manager assigned to us for the HOP trail and a pin number. There is a process that we
8 must go through the DOTS management to set this up. And I have been told that sometimes for a
9 long time because it has a lot of signatures. The second one is a little bit more complicated than
10 that. Chris and I were directed to pursue the work that we did in that closed session. We have had
11 two or three meetings at this point. And, we are prepared to have an open house. And the open
12 house is on Tuesday, the 25th, which is an open house with granite, with Willard City, and with
13 Wells the 25th.
14

15 At the open house, we're going to present a proposal, from the three of us that Wells the will they
16 see even the same as that the Willards and, and Brad Sweet, with Granite for easements, three of
17 them, one of them will be from the water line that comes down probably will not be identified
18 for quite a while, because that's not going to be need to be identified or even changed until they
19 start to dig up there. But the easement for the 10 acres or five acres, we've got over at the north
20 of the of the pit, that has got to get an access for the tank or the pond, it's above that, we also
21 have to have access for the waterline that will cross the granite that's going to be addressed. They
22 are also going to address granite is going to has gone to the trouble to provide an overlay, a
23 rendering plan that will show what the final face of that mountain will look like when the job is
24 complete. They are going to bond for this. We are also going to turn that bond over to the state to
25 administer. So, it does not become something that gets forgotten. The state has a process where
26 they will make sure that happens, then 40 years from now, when this thing gets to that point. We
27 have also identified that the single biggest issue that we have is communication with the
28 community and communication that addresses the biggest problem which is dust. We looked at
29 that final rendering. That will fix the dust problem.
30

31 Once the pit is done it will be rock across that face. There will not be any mounds of dirt and
32 stuff to pick up the dust and it will all land eventually it will have thirty lots on it. And Wells
33 have agreed to a certain agreement to make this all happen. Tied into that is also the aggregate
34 that Willard owns. Part of that will be addressed at the same time at the open house. October 25,
35 2022, at 6:00 pm. The issues primarily are going to be dust related. We have some solutions to
36 that, there are some discussions that will be taken care of in the open house, I look forward to
37 hearing that. And that is all part of the that is all part of the visibility that, you know, we wanted
38 to be transparent on this. The goal is to go to the county and ask for a conditional use permit to
39 mine aggregate on our property up there. And that could very well be affected by the change in
40 leadership in the county.
41

42 Council Member Ward asked if the improvements that will come to the city, will they be laid out
43 for the citizens to see?
44

1 Council Member Seamons said we have been able to work very well with Brad Sweet and
2 Granite.
3 for example, the pipeline that is coming down, we must move it and will not move it until later.
4 granites produce a solution to that. They need to be a little flexible with that pipeline because
5 they are going to be mining around, they must move it to here and move it there. They are
6 proposing that High Density poly urethane pipe, thick wall, that they will move, and they will
7 put that hook on the top of where it starts. They will have a length of it, they will come all the
8 way down a hill and hook up down here. They will move that all the time as they need to. We do
9 not have to produce any money to pipe it from x to y. I am looking for approval to move ahead
10 with the open house.

11
12 **Motion:** Council Member Seamons moved to set a public hearing for November 10th. Council
13 Member Kunzler seconded the motion. Aye: Council Member Kunzler, Council Member Mund,
14 Council Member Braegger, and Council Member Seamons. Abstain: Council Member Ward.

15
16 Council Member Mund said we need to consider how much traffic would start to go up there, we
17 have a spring up there. We need to consider that watershed area and it being protected if we
18 started having people going up there.

19
20 Mayor Mote stated one of the members of the flood control board brought up prohibition of
21 building within two hundred feet of Pineview canal and that is the first I have ever heard of that.

22
23 Council Member Mund said one thing in the past when they had the flooding down there and
24 they went through and pipe all that canal down through woods area. But Granite Ridge is the
25 ones that put in a pipe. There were some discussions then about how far away from that canal
26 should they be? He allowed him to build, but I cannot remember anything more than that. Some
27 of it had to do with the canal right away. Some of it had to do with flooding. Some, you know,
28 there are a myriad of issues that went with that.

29
30 Mayor Mote asked Colt to investigate it and get back with the council. Our meetings for
31 November. There has been a lot of discussion about us cancelling meetings in December and
32 November, but we have not actually canceled them. Thanksgiving is a city council meeting. I am
33 assuming we are going to cancel that one. And then we have city council meeting the 22nd of
34 December. And last year, we canceled that one as the desire of the council.

35
36 Chris Davis, the City Manager, said he went to a seminar today about the Great Salt Lake and
37 that is a significant issue. They put a lot and put millions and millions of dollars, we are going to
38 put even more and in the upcoming legislative session, we set the proposal. The state delegation
39 to the National Congress is supportive of that and they are trying to pass legislation that will help
40 the Great Salt Lake. Some big collaborative effort but like John was indicating earlier this
41 evening to people, the state says, nine billion gallons of water. When people are being told they
42 try to conserve, done a fair job of doing that people are responding.

43
44 **Motion:** Council Member Braegger moved to adjourn the meeting. Council Member Kunzler
45 seconded the motion. Motion passed unanimously.