

Minutes

Francis City Council Meeting September 12, 2013 at 7:00 p.m. Francis City Community Center

Attending: Mayor R. Lee Snelgrove, Councilmember's, Mike Baldwin, Matt Crittenden, and Gio Melendez. City Attorney Kraig Powell, City Engineer Scott Kettle and City Recorder Suzanne Gillett

Excused: Councilmember Jeremie Forman

Others Attending: Steve Fitzgerald, Jill Jacobson, Gabriel Morin, Tina Early, Renee Atkinson, Barbara Prescott Thomas, and LT Weese

1. Welcome & Introductions—Mayor Snelgrove welcomed all of those in attendance, and excused Councilmember Forman.

2. Public Comments---The Mayor informed all those in attendance that they would take any public comments or concerns.

Steve Fitzgerald informed the Council that he wanted to compliment them on what a good job they did on Frontier Days. He also wanted to remind them that in January the Foothill sign had fallen down and that it is still the same as it was in January. Councilmember Crittenden told Steve that he appreciated him letting them know, because to be honest with you he had never noticed it down. Steve also said that the hydrant is still tipped over too.

The Mayor closed the public comment.

3. Public Hearings-Proposed Changes to Amend section 3.23 Standards & Regulations of the Development Code, Open Pit Extraction of Earth Products—The Mayor turned the time over to Planner Prescott and Attorney Powell. Attorney Powell reviewed the Ordinance changes and why they were made. He explained that the new language was in italics. He also provided the current code to show where the changes were made. All the new items are additions, they are not eliminating anything. There are new sentences and paragraphs added. Attorney Powell reviewed all of the changes to Open Pit Extraction of Earth Products.

Councilmember Melendez wanted to know if this is in addition to the fee and rate ordinances. Attorney Powell said he would discuss that later, but he did go over the fee and rate schedule. Both fees are based on the truckload size, and they are all based on a conditional use permit. There was some discussion.

Engineer Kettle asked if reports on load count could be turned in quarterly. Attorney Powell said that, yes they could amend it to specify that. The Mayor stated that they are not issuing any permits right now, they are just reviewing things.

Attorney Powell said that a truckload is any vehicle with the capacity to carry two tons or more, of sand gravel, dirt or rock.

The Mayor opened the meeting to the public based on adding the changes that have been suggested to the Ordinance that already exists.

Renee Atkinson feels that this is something that the Council really needs to be careful on. She feels that this road won't be able to handle the changes being made and that it will really impact things. She also stated that she felt there should have been a road study done.

Steve wanted to know if all of this came out of the Planning Commission. Attorney Powell explained everything that he has researched in regards to changing the Ordinance and what the Planning Commission has done. He feels that the City is being more within the law making these changes.

Steve wanted to know if this would go back to the Planning Commission. Attorney Powell stated that this does not need to go back to the Planning Commission. Steve Fitzgerald said that this all came about because Attorney Powell feels that things are unfair. He stated that originally there was only supposed to be one permit for a gravel pit, but the Ordinance was changed to have two permits for gravel pits when Z Rock came in. Steve stated that things were not fair and that is why this was all presented in the first place. He feels that he would like a little verification on this. Things need to be justified by the City. His understanding was that the crushing was \$50,000. He is not applying to crush, he just wants to sell his sand.

Tina Early said that she sat through these meetings before and had thought that there was only supposed to be one pit. She doesn't know about changing the Ordinances, because things were changed before and never followed through on.

The Mayor explained what had gone on in the past and that no laws or Ordinances were broken. It was done by the standing City Council that chose at that point to ignore the annexation agreement.

Renee said that she had those minutes and it was said that they could only have one gravel pit at a time.

The Mayor brought the meeting back to the main issue. Attorney Powell asked that the public meeting remain open because there are a lot of issues and he wants to make sure that all of the questions that people have are answered.

Renee asked if the pit had been reclaimed, because she does not feel that it has been. Steve stated he was not arguing this with Renee. He just wants things to be fair. He is only wanting to sell his sand. It is not fair that he has to pay.

Attorney Powell stated that they don't have to pass this Ordinance right now and table it. It is being proposed because there are two pit sites, one currently operating under a conditional use permit and fee and one that used to be with a little stockpile left, but the code says a stockpile permit is a gravel permit the way the code reads. Attorney Powell told the Council how he felt on the matter.

Councilmember Baldwin wanted to know what Steve's intentions were. Steve stated that he is trying to comply with the rules, and he would like to get the sand out. Steve explained how he felt about the whole thing. Steve guaranteed that about only 30 loads a year would come out of there.

Renee said that this was amazing to her. She feels that now he wants to be the operator. Attorney Powell asked Engineer Kettle if there was any way to measure the quantities. Engineer Kettle said that yes, they could find some way to measure it.

Attorney Powell wanted to know if they could come up with a way to get the sand out within a certain amount of time without charging Steve.

The Mayor said that if the current operating gravel pit does the same thing then there will be the same issue in the future. He feels that there needs to be some guidelines. Steve said that you could just reclaim them. Attorney Powell said that Steve is really trying to comply with the town.

Councilmember Crittenden said that Steve paid the \$50,000 years ago and there was no limit on what he could stockpile. He feels that the fee has already been paid because there was no limit on what he crushed.

Councilmember Melendez said that getting back to the original issue, they are defining the Ordinance and not setting prices. Attorney Powell said that he is uncomfortable with doing that. He feels they need to do both. Councilmember Melendez said that the Council would have to approve the conditional use permits.

There was more discussion on the Ordinances. Is the choice of what he is charged based on an Ordinance? Attorney Powell said that it is an either/or, his worry is that in the current Ordinance it talks about stockpile sites.

Councilmember Crittenden feels that however many years ago it's been that fee has been paid, it has been reclaimed. The Mayor said that yes, it had been reclaimed. Councilmember Crittenden feels that the fee should not have to be paid twice. Attorney Powell said that technically there is a deadline for reclamation, and if you are reclaimed then no opening back up and no more hauling. Councilmember Melendez said unless you re-open and if you re-open then we issue you a new business license permit. Tina Early said then you have two permits running. Attorney Powell said that was what was said to months ago, so we have come full circle again and that's why we are here right now.

Tina Early said that all this talk of fees, basically we are talking road maintenance and road safety, she has lived on this street now thirteen years and she was always under the impression that when the pit was operating that trucks only exited on to Spring Hollow Rd. they entered on Lower River Road, and then when the mulching went in and out in both directions and with Z Rock operating and then with these other trucks that she doesn't know where they are coming from, but they are hauling butt.

Councilmember Crittenden and Baldwin both asked her if she knew where they were coming from. She could tell them what colors the trucks were, but no names. She is really concerned with the speeds that all of these trucks are traveling and with them using jake brakes.

Gabriel agreed with everything that Tina Early said. He said that just walking over here at 6:55 p.m. the logging trucks were still running. And, the log piles in front of Renee's keep getting bigger and the noise keeps getting worse. The logging situation keeps getting worse and worse. He feels if the pit is reclaimed then it's reclaimed and he should have to get a new license or permit.

Councilmember Baldwin said that he is not comfortable with voting on this issue. He feels that they should table this matter. This is the first time that he has heard a lot of the comments that have been made.

Engineer Kettle said that the pile of sand was there, but they did do everything on the reclamation and what was required.

Tina said that she was always under the impression that the road sign says exit only. And when trucks are always breaking to slow down and they shouldn't be going in the exit anyway.

The Public hearing was closed.

4. Discussion, Updates and Approval on Potential Action Items

A. LT Update on Frontier Days—The Mayor turned the time over to Councilmember Baldwin and he introduced LT Wease. LT said that he came to present some items, but he got sick and was not able to follow through with some things. He will get those items to the Council. He stated that he will be bringing more next year.

The Mayor stated that the veterans were all very impressed with the event. The Mayor asked Councilmember Crittenden to help Councilmember Baldwin with his part of Frontier Days next year.

B. Approval of Planning Commission---The Mayor stated that Jill Jacobsen did apply for the Planning Commission, and that he felt that she would be a good addition.

Councilmember Baldwin made a motion to appoint Jill Jacobsen to the Planning Commission. Councilmember Melendez seconded the motion. Mayor Snelgrove and Councilmembers Baldwin, Crittenden, and Melendez all voted in favor. Motion passed.

Councilmember Baldwin stated that she could see tonight how much the Planning Commission is needed.

C. Approval of Prequalified Bidders for the Wastewater Treatment Facility Expansion Project--The Mayor asked Engineer Kettle to explain. Engineer Kettle informed the Council how many contractors had applied for the bid on the Wastewater Treatment Facility project. He stated that they met to go over all of the applications. He recommended that they qualify seven of the twelve contractors that applied and all eight of the electricians that applied. The City will be getting the contractor bids.

Councilmember Melendez informed every one of the contractor's they did not choose. He stated that they gave 24 hours to question and nobody questioned the decision. The two main reasons for not qualifying were the job experience or the quality, and, who they were going to use as inspectors and site managers. The seven that did qualify were above and beyond in those qualifications. They feel that the competition this will create will give them better bids.

Councilmember Crittenden made a motion to approve the pre-qualification bids for seven contractors and eight electricians for the Francis City Wastewater Treatment. Councilmember Baldwin seconded the motion. Mayor Snelgrove, Councilmembers Baldwin, Crittenden and Melendez all voted in favor. Motion passed.

D. Jackpot Events—The Mayor would like to turn this back over to the Planning Commission. He feels that they need to be more specific, and they need to adjust the fee and rate ordinance. Councilmember Baldwin agrees, he feels that there needs to be more definition.

E. Fee and Rate Ordinance—Section 5 Unique Conditional Uses---This will be tabled.

Councilmember Melendez made a motion to table the motion until more research can be done. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmembers, Baldwin, Crittenden & Melendez all voted in favor. Motion passed.

Steve stated that he feels the bikers are not charged enough when they rent and use the park. If they use it they need to pay.

Gabriel stated that as a business owner he wanted to support Frontier Days more, but no one approached him.

5. Council Business

A. Council Reports---Update on Frontier Days Celebration---The Mayor said they did better than last year. He said that he had been approached by people that really enjoyed it, and he felt that the parking of cars worked much better.

Councilmember Baldwin said that he had things that went well, and things that didn't.

Councilmember Crittenden said he had only heard good comments.

B. Mayor Reports---None

C. Financial Reports---The Mayor reviewed the reports with those in attendance.

D. Report and Approval of Bills Paid---Council reviewed the bills.

Councilmember Crittenden made a motion to approve the bills. Councilmember Melendez seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden and Melendez all voted in favor. Motion passed.

E. Approval of Minutes from August 8, 2013---*Councilmember Melendez made a motion to approve the minutes of August 8th, 2013. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmembers Crittenden and Melendez voted in favor. Councilmember Baldwin abstained. Motion passed.*

The Mayor made the motion to move into Executive Session.

6. Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation and Acquisitions of Real Property.

Council came out of Executive Session.

There was some discussion on the Conditional Use Permit applied for with the County.

Woodland Hills---Councilmember Melendez feels that they need to finish the water project, pay it and get it settled, then approach the shareholders with a plan. Are you in or not, we would like to create a special vote if you would like to give up ownership. The Mayor said that you need to be careful because some people will come back with attorneys and fight that.

Patrice said that she is scared to be a part of it of what is going on with Woodland Hills.

7. Meeting Adjourned.

Minutes accepted as to form this 10th day of October, 2013.

Mayor Lee Snelgrove

City Recorder Suzanne Gillett