

Minutes

Francis City Council Meeting June 13, 2013 at 7:00 p.m. Francis City Community Center

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

Others Attending: Kerry Mair, Russ Carson, Renee Atkinson, William H. Crystal, Mike Johnston, Troy Gabler, Doug Dance, Stacy Kiesch

1. Welcome & Introductions—The Mayor welcomed all of those in attendance and started the meeting at 7:05 pm.

2. Public Comments---The Mayor informed all those in attendance that they would take any public comments or concerns. Stacy Keiser informed the Council that she lived in Wild Willow and that she would like to know the status on the water problem. The Mayor explained to all in attendance the water problem that the City had. He explained that the order has been lifted; he also explained where the contamination was, and how the City was correcting the problem. Stacy asked if the system would be able to handle the growth in the community. The Mayor responded by saying “that the City had adequate water to provide for the needs of the community”. He explained that as long as the system continues to work properly the City should be fine.

Councilmember Baldwin stated that the City should probably address their emergency preparedness plan as well.

3. Public Hearings & Action Items

A. Spader Subdivision—The Mayor informed the Council that they had a staff report in their pile. He asked Engineer Kettle to review the report with all in attendance. The Spader's are trying to develop a three-lot subdivision on 1000 East. They have been to the Planning Commission and were given a favorable recommendation. There are a couple of requirements that need to be added to the plat map. He feels that it is a straightforward subdivision.

Attorney Powell wanted to make sure that the right of way is more specific on the property, and he has talked with the applicant about it. The Engineer on the subdivision was present to answer questions. The Mayor wanted to know if the property went to the town/county line, he was told the subdivision did not.

The Mayor asked the Council if they had any questions. Councilmember Crittenden said he was good with what Engineer Kettle thought on it.

The Mayor opened the meeting to the public.

Russ Carson stated that the map does not even have the irrigation ditch on it and he feels that needs to be addressed. Bill Crystal said that the ditch would have to stay no matter what. Russ feels that they are trying to go around everything and put the 60-foot road in so they can develop the property that they have in the county. Russ says they are stuck because if they put the road in then the City is paying for the road and not the county. There was a brief discussion on the road.

Attorney Powell said that Kodomson has a right of way to his property and as part of subdividing this property there will still be a right of way. He tried explaining the easement issues to all in attendance. It

was stated that they are just trying to develop properly, so if there is future development things are already planned properly. Attorney Powel explained how the ditch would be handled in the future.

Russ Carson said that he would like to see the ditch on the maps.

The Mayor closed the public hearing and brought the meeting back to the Council. Councilman Crittenden explained how he understood the situation with the ditch. He does not see an issue with the way things are.

The Mayor asked about the water shares and why they are different on both maps. Engineer Kettle explained the reason why. It was stated that the map has to be changed and corrected before it is recorded.

Councilman Forman asked if everything the City required had been done. He was told yes.

The Mayor asked for a motion. ***Councilmember Crittenden made the motion to approve the Spader Subdivision Plat A with Engineer Kettle's recommendation. Councilmember Foreman seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, and Forman, voted in favor. Councilmember Melendez was not present.***

B. Pay Compensations—The Mayor stated that the Council needed to bring City Treasurer Susan Moses up to \$15.50 an hour because she has received her CPFA Certification. The Mayor reviewed the pay from several different Cities with the Council; he also reviewed the Ordinance the City has in regards to pay. The Mayor would like to give Treasurer Moses a raise, and then give all employees a merit increase.

Councilmember Forman wanted to know how based on performance the amount for the increase was figured. The Mayor stated that he did a performance review and based it off that.

Councilmember Forman made a motion to pass Ordinance 2013-03 adjusting the pay of City employees. Councilmember Baldwin seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, and Forman all voted in favor. Councilmember Melendez was not present.

C. Budget Amendments 2012-2013 & 2013-2014 Budget

2012-2013 Amendments--The Mayor went over the revised 2012-2013 budget with the Council. The Mayor opened the meeting to the public.

Renee Atkinson wanted to know when they were going to start the sewer project. Renee wanted to know where the land came from, the Mayor informed her that they had already purchased eight acres from Duane Lambert and they are in the process of purchasing some more ground from Duane Lambert.

The Mayor brought the meeting back to the Council.

Attorney Powell said that he did talk with Ben Probst and Neil at Pelorus about the 18% overage that the City has been written up on the last two years. He showed the Council how this transfer should have been made.

The Mayor said that everything had been reviewed with the accountant and that he feels comfortable with the revised 2012-2013 budget, he also said that Attorney Powell had spoken with Ben Probst and he feels the City should be ok with the actions taken.

Councilmember Baldwin made a motion to pass Resolution 2013-03 regarding budget amendments for 2012-2013. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden and Forman all voted in favor. Councilmember Melendez did not vote as he came in late.

2013-2014 Budget—The Mayor informed everyone that we went over this in the work session on June 10, 2013. He explained that we had put in more for building permits, impact fees, and Class C Roads would be about the same. Line 3640 is what they are anticipating on the sale of the truck and plow sale.

Councilmember Crittenden wanted to know about the Council salary and wages being raised. He feels that the Council does not need much more, but he understands that the Mayor does spend a lot of time doing work for the City. The Mayor said that their salaries have not been changed in over eight years. The other Councilmember's feel that there should be raises. Councilmember Crittenden feels that they should not vote themselves raises. Attorney Powell said that they would just have to advertise and have a public hearing.

The Mayor asked if anyone had any questions on the proposed budget. There was no comment. The Mayor explained the Council Contributions and how they needed to be handled. There is \$600 budgeted for that.

Councilmember Forman made a motion to adopt the fiscal year 2013-2014 budget, including the Council contribution of \$400 to the Summit County Fair and \$200 at their discretion. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

4. Discussion

A. Water (winter overages)—The Mayor talked with the Council about the winter overages and how to handle them. Councilmember Forman wanted to know if Luke had verified all of overages on the list. Councilmember Crittenden agreed with Councilmember Forman's comments. There was some discussion on item #5 (see attached winter overage list).

Councilmember Forman made a motion to write off winter overages as listed. Councilmember Crittenden seconded. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

B. Sewer Update—This was discussed with the budget. Engineer Kettle is holding off on submitting the request on the wet land permit. He will be meeting within a couple of weeks with the State. They are shooting for the end of August. Wet land issue is kind of a good thing so they only have to do one permit.

C. Amendment to Affordable Housing—Attorney Powell said it was an Amendment from 2007. He read the Amendment. Mountainlands is requesting homes to be Crown homes as discussed last month. It was tentatively approved May 9th. Lots 14, 15, 16 and 17 are the lots that would be Crown Lots. (See attachment) The Mayor questioned Attorney Powell on the map numbers. The lots had been corrected and he did not have a current map. Mountainlands Community Housing Trust is the City Contact. The Name of the Developer was changed to the current owner.

Councilmember Baldwin made a motion to accept the 1st Amendment to the Amended River Bluffs Affordable Housing development. Councilmember Forman seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

D. River Bluffs--Troy with Fieldstone was present and stated that they are working with River Bluffs and they are here to get feedback from the Council on some ideas that they are having. He presented a map. (See attachment) He would like the Council's opinion on their ideas. They would like to get started with phase two early next spring or summer. Fieldstone does not have all of the contracts in phase one, but their plan is to keep trying to build the market and sell homes. They are trying to figure out what they are going to do next summer. Troy wanted to know if the Council was open to some of their ideas before they decide what to do for the project.

The Mayor feels more comfortable with the LLC taking on the role of trying to sell homes instead of lots. Troy indicated that he would only take so many, move forward and then so many more, and move forward. He feels better that they want to open it up instead of just trying to sell lots. The Mayor said if the Council is ok with things then the next step would be for them to get with the Planning Commission, they just want to know how the Council feels before they decide to move forward.

Attorney Powell said they would need to do a Master Plan Amendment because it is all still one phase, everything would all be in the green as shown on the map. He said they would go through the whole process with the Planning Commission and then come back to the Council. The other thing is the park and how things would be taken care of there. They would like a bulk rate on the water in the park.

Councilmember Forman is not opposed to looking at it, but he feels they need to make sure things are done properly. The feedback Troy is looking for is can this be done in two phases and if not then he will have to go back and look through things.

Councilmember Baldwin's only derogatory remark would be how the road system and how the construction would go through some of the lots.

Councilmember Crittenden feels that it is worth looking at and wanted to know if the house does not sale within six months will they maintain those yards, he was told yes. With the winter timing, they would like to address this now.

Engineer Kettle said they would just need to make sure they have room for garbage trucks and things to turn around; he feels it is a positive thing.

E. Purchase of 20.53 acres for Sewer Expansion—Attorney Powell said he would take a few minutes to explain this. He said that the Real Estate Purchase Contract has been reviewed by the state and the seller with the terms that include the \$308,597 price and additional conditions of sale. He reviewed the conditions of the sell. He informed all that the Council also agreed to install pipeline to transport sewer effluent at the Cities cost. (See attached documentation) Duane Lambert would also like two connections to the Cities water system with a term of 25 years.

The Mayor said that they have had several different discussions about the water, and in this process with the State, the City is really being watched very closely. They have to make commitments for a little over 100 acres and they need to have the commitment to use the water.

Engineer Kettle informed the Council that they have to have agreements upfront that they will use the water to show that the City has 100 plus acres. There was a lengthy discussion and debate on the contract regarding the water.

Councilmember Melendez wanted to know what happened if Duane Lambert gave up the right to use the property. Does the Council have to give him a chance every time they decide to lease the property?

Councilmember Forman is sensitive to a couple of things in the contract, but without it they do not have the property that they need for the sewer plant, and if the City condemns the property then it could make things worse.

Councilmember Melendez made a motion that the Council accepts the Real Estate Contract as written. Councilmember Forman seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

F. Award Contract for Construction on installing Water Line on Lambert Lane—Engineer Kettle reviewed who the bidders were and what the bids included.

Councilmember Forman made a motion to award the contract for Lambert Lane to Kraig Allen Construction. Councilmember Crittenden second motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

H. Appoint Planner—The Mayor informed the Council that he has spoken with Rae Prescott in regards to the Planner position. He told the Council that he told Rae they would pay her \$12.00 an hour and that she would be in the office four hours a week every week on the same day.

Councilmember Crittenden made the motion that they appoint Rae Prescott as the City Planner at \$12 an hour. Councilmember Baldwin seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

I. Board of Adjustment Members—There was some discussion on what the board did. It was explained to the Council and all in attendance. There were some examples given from the past. The Council will work on this.

J. Planning Commissioners--The Council will work on.

K. Renew Contract for Legal Services—(See legal work worksheet) Attorney Powell explained the packet and reviewed it with the council.

Councilmember Crittenden made a motion to approve resolution 2013-06 for Powell Potter, PLLC, Councilmember Melendez seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

L. GRAMA Request—The Mayor explained that they have a Grama request from Gene Atkinson, they have been emailing back and forth with him, and that the City has provided some information to with him. The Mayor explained what has gone on. Gene indicated that what we sent him was not what he requested, he went on about Woodland Hills and the audit and that he was not paying for that. The Grama request does not require you to create a document that the City does not currently have. Attorney Powell wanted to know how set the Council is going to be on making him pay. The Mayor reviewed with the Council what Gene was asking for.

Attorney Powell reviewed what he sent to Gene on the cost of items, and he explained why he had worded some of things the way that he had. He said he was ok if the Council did not agree with what he told him, but he feels it complies with the Grama request. It is a very broad Grama Request.

Attorney Powell has thought about this over the last several weeks and he feels that the City should probably have all of these things in order; he understands that there have been several different people in the office, and that it is hard to know how everything has been handled.

Councilmember Crittenden said that if every year the City is audited by a private firm then everything should be ok, he does not see the issue. Councilmember Forman feels that we need to know where things are at, but what happened 15 years ago we would not have anyway.

The Mayor informed the Council that Russ from Techlogic was in the office the other day when he was in and he talked with him about digital copying City documents. If we had a server on site then we could keep documents on them.

Attorney Powell said the Grama states that they may charge a fee. A governmental entity may fill a request without being charged if it benefits the public and not a person. In the interest of full disclosure, he read the letter that he sent back to Gene. Attorney Powell will be frank with the Council, he knows there are some feelings, and animosity over some things in the City and it seems to him that if they ask us

to do this work and at least a good portion of this should have been in order. Engineer Kettle said that we could make copies of the shares, an old list of water rights that would be good for the town. He does not feel that copies of the checks benefit the public at all.

Councilmember Melendez wanted to know if any items on the list would benefit the town as a whole, or just benefit the individual more. He would recommend going through the list and spending the money on the items that would benefit the public.

There was some discussion on this matter. Attorney Powell will send another letter.

M. Gravel Pits-- Attorney Powell and Susan are recommending that they explore a new ordinance for different fees for different levels on gravel pits. Attorney Powell's idea is to have it based on quantities per year and then have two tiers in those columns. The reason he is bringing this up is that legally they cannot charge the same fee as the full-scale pit. He feels both pits are going to be upset with this. Moreover, right now it is all or nothing.

Renee Atkinson said that this does affect the street and their homes and that back through the records it states that there can only be one gravel pit. Attorney Powell said that is because there was joint ownership then and there is not now.

The Planning Commission has not made any decisions so far. The Council needs to decide whether they should change the conditional use ordinance. Do they want to make a change or not. It is appropriate to have the City Council make a motion.

Councilmember Forman recommends that the Planning Commission explore the Cities options considering the fee structure regarding gravel pits. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

6. Council Reports—Updates from Councilmember's Forman & Baldwin on Frontier Days. Councilmember Forman explained that with the Horse Pulls there has never been a contract or anything. In addition, he spoke with the Horse Pullers Association and they are unwilling to deal with costs on advertising.

The Mayor stated that he went to battle for the Horse Pulls a couple of years ago, but they do not want to work with the City. Councilmember Forman would like a general feeling from the Council to take back to the Rodeo Committee. Councilmember Melendez feels that if they are not willing to work with the City then maybe the City should change things.

The Mayor feels that there is an element of the citizens that come because of the Horse Pulls. The Mayor also feels that he spoke with them last year and they would not waive the fee. They will not help in any way at all.

Councilmember Baldwin said that the person that he asked to be over the parade turned him down. The Mayor said to call Shana Fryer, he then said that he has talked with an honoree member of the Armed Forces and he puts events together to acquire money to help the Veterans and Military Families, so he feels they need to have a parade so we can have the signing of the paperwork in front of them. Councilmember Crittenden said that he liked the idea, there is no cost and it benefits the Armed Forces and the City.

The Mayor brought up Utelite and adding some arena blend to the arena and Councilmember Forman feels it is a good idea.

B. Mayor Reports & Updates—The Mayor said that a scout is coming to fix some things in the playground. The estimated cost is for just the barrier. The Mayor asked for a motion.

Councilmember Forman made a motion to put some arena blend in the arena and ball field and choosing one of the two options on the barrier. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez voted in favor.

C. Financial Upcoming Events—None discussed.

D. Report & Approval of Bills paid—*Councilmember Forman made a motion to approve and pay bills. Councilmember Melendez seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.*

E. Approval of Minutes from May 9, 2013—*Councilmember Forman made a motion to approve the Minutes from May 9, 2013. Councilmember Crittenden seconded the motion. All voted in favor.*

A gentleman wanted to know about irrigation and water and how things are working. Provo River has shut them down to only 30% and he wanted to know if the Council had heard anything. The Mayor explained what he has seen with the lakes in the higher elevations. The predictions he has heard is 60% of normal, but there is probably some credibility to it he thinks.

Councilmember Crittenden made a motion to go into closed session. Councilmember Crittenden seconded the motion. Mayor Snelgrove, Councilmember's Baldwin, Crittenden, Forman and Melendez all voted in favor.

Council went into closed session.

Council came out of closed session.

Meeting adjourned.

Minutes accepted as to form this _____ day of July.

Mayor R. Lee Snelgrove

City Recorder Suzanne Gillett

Executive Session on June 13, 2013

Went to executive session.

Attorney Kraig said that they are moving into depositions, Allison's was in from 8 am to 5 pm. Scott's was supposed to be today and he said his was moved, they would call him. Kraig's was changed. Discovery phase so everyone was scheduled up. He will keep Council updated.

Out of executive session.

Motion to go home.