

## Minutes

### Francis City Council Meeting Thursday, September 8<sup>th</sup>, 2022, 6:00 p.m. 2319 So. Spring Hollow Rd. Francis Utah

Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592  
<https://us02web.zoom.us/j/87811573128?pwd=VWI3OGFTMFBTeXg2T2E4NDkwblVjZz09>

**Meeting ID: 878 1157 3128 Password: 715816**

You can also comment by email to [comments@francisutah.org](mailto:comments@francisutah.org)

**Council:** Mayor Jan Brussel, Councilmembers Matt Crittenden, Jeremie Forman, and Clayton Querry  
Councilmember Fryer not in attendance.

**Staff:** Engineer Scott Kettle, City Planner Katie Henneuse, City Treasurer Antini Henderson, and joining via zoom City Recorder Suzanne Gillett

**Others Attending:** Jason Jensen, Tom Flinders, Rick Rapp, Gracia Eisman, Rusty Webster, Bob Murphy and Querry.

**1. Welcome, Call to Order, and Pledge of Allegiance---**The Mayor welcomed all in attendance and asked Councilmember Crittenden to lead in the pledge.

#### **2. Consent Agenda**

**A. Approval of Check Register Dated September 8<sup>th</sup>, 2022---***Councilmember Crittenden motioned to approve the check register dated September 8<sup>th</sup>, 2022. Councilmember Querry seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.*

**B. Approval of Minutes from August 11<sup>th</sup>, 2022---***The Mayor motioned to approve the Minutes of August 11<sup>th</sup>, 2022. Councilmember Forman seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.*

**3. Public Comment---**There was no public comment.

#### **4. Public Hearings**

**A. Code Text Amendment on Road Grades Ordinance No. 2022-08---**The Mayor turned the time over to Planner Henneuse. She explained what had gone on in the last meeting in regard to this matter. She read and reviewed Ordinance 2022-08 with the Council.

The Mayor explained an 8% grade would make it difficult to get a public road in so Scott and Luke went and looked around and decided under certain circumstances we may make a little change in code.

The Mayor opened the public hearing. There was no comment so public hearing was closed.

Councilmember Forman wanted to know if this is a special situation for one person. He was told no. The Mayor explained it to him and why they wanted to make the change. The road was at 8% and it made it really difficult and if they went a little more than 8% it would make the road safer.

Engineer Kettle explained the things that he went and looked at and why he felt the way he did.

*Councilmember Querry made a motion to approve Code Text Amendment Ordinance 2022-08. Councilmember Forman seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.*

**B. Fee & Rate Ordinance No. 2022-03---**Planner Henneuse explained that these were all changes that had been presented to the Council before. This will make it so that we are current with ICC fees and this Ordinance will make it so we don't have to make changes every single time the ICC changes fees, it will automatically change whenever it changes.

She then reviewed the remaining fees that had been changed or added and why they were changed or added.

The Mayor opened the meeting for public comment and there was none.

*Councilmember Forman made a motion to approve Ordinance 2022-03. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.*

## **5. Discussion, Updates and Approval on Potential Action Items**

**A. Burton Ranch Annexation---**Planner Henneuse reviewed her staff report with all present. She pulled up a map that showed where the parcels were located and how much ground there was. She also pulled up a Development Data Map that showed the zoning and she went through what zoning they were looking for. (See attached Staff Report) This report explains everything that has been presented by the Planner during the meeting. She explained that they may either deny or approve this annexation. She reviewed the benefits and the drawbacks of this annexation proposal. She then reviewed the zoning map of the City and showed the areas that would be affected.

Staff Recommendation is Annexation is legislative---The decision to accept or deny the petition is up to the discretion of the City Council. If the proposed annexation is consistent with the goals of the General Plan and if it provides an overwhelming benefit to the community, the petition may be accepted for further consideration.

Public hearing is not required now, but will be in the future.

The Mayor asked if the applicants had anything to say.

Rick Rapp spoke of concept and the advantage of having the road the County is planning to run through their property. Clearly this would add a lot for the City. He explained that the existing landowner has no desire to allow the road and they would.

Tom Flinders feels that this is greatly beneficial and there would be 35 acres of open space and agricultural. The other thing is the water. He feels they could do an ecstatic water system. He feels there are a lot of net positives to this project. He feels they have paired down the development.

Rick said the County is going to bring a road through and why not take advantage of that.

The Mayor asked for questions or comments from Council.

Councilmember Crittenden would like to see more open space he would like to see 50%. But he does appreciate what they have done, he just wants more.

Councilmember Querry said that gives them nine open developments all at once. He likes the plan, but he feels this is a hard pill to swallow and add on to what they already have. At some point they have to say no.

Tom said what is already approved is a reality, but this project will be in 2-4 years. This road will be going through, and they feel that is pretty important. He feels the timing of this is important.

Rick doesn't feel that they can let the projects on the books affect this. He thinks this is an opportunity.

Councilmember Forman, personally the General Plan is to preserve the agriculture and that is not preserving it anymore. If we annex this, we know that we are approving more than double what could be there now, and then one more development on the City in a matter of years. Personally, he can't begin to consider this. He feels at the current rate it is impossible for the City to maintain. For him he can't even begin to consider the annexation. He can see some benefit with the road, but he is not interested in it.

Tom asked if it was 50 acres for Ag use would that be the breaking point.

Councilmember Forman explained that they discussed this last council meeting, and if this only remains one house, he is fine with that.

Tom said it is safe to say they have overestimated the usefulness.

The Mayor said Francis shouldn't bear the burden of any of that road and he explained his thoughts on all of it. He asked Engineer Kettle about the water and sewer maintenance. The Mayor wanted to know if we could handle that many homes. He was told well yes, but then Engineer Kettle explained what water and sewer lines would be affected and what the City would have to do.

The Mayor explained we already had one of our water pumps go out and we need the structures today that can handle what we have and adding more would make it worse. It doesn't follow the General Plan and those are his thoughts.

Councilmember Forman said we can go on and on, but the reality of it is right now it's not a good idea.

Councilmember Crittenden expressed the biggest issue is the goal to preserve the agriculture as much as we possibly can.

The Mayor said first step is whether Council thinks this is property they want to bring into the City. He understands he is fairly new to this. He personally doesn't have the appetite to make the City bigger, larger and more houses.

Councilmember Crittenden again expressed he is not against development itself he wants to see more open space. He doesn't feel it's enough open space.

Tom expressed his thoughts again on why they had done the things the way they had

Councilmember Forman can see a future benefit, but the reality is what he is tasked with as a City official, and he explained his thoughts on that. He does not see an overwhelming benefit to the community as a whole. What does he tell them?

Tom said the road is the overwhelming benefit.

The Mayor feels the only real benefit is they can be in control of the change. If they annex it, then they are responsible for that road. Brief discussion on the road.

Councilmember Forman expressed this is not a personal thing at all it's just a matter that guys like him, the lifestyle that he lives for is agriculture and that is hard to make money at.

The Mayor asked if they accept the application or deny it.

***Councilmember Forman moved to deny the application for annexation. Councilmember Querry seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.***

**B. Town Center Site Plan---**Planner Henneuse reviewed her Staff Report. (See attached Staff Report) She discussed the Site Plan and Code, Parking Areas, and Architectural design.

She shared the Planning Commission Recommendations:

- They approved the trash storage plan and tabled approval of the landscape plan.
- They are forwarding the site plan to the City Council with a positive recommendation.
- They are forwarding the parking plan to the City Council with a positive recommendation with the condition that the reciprocal and shared parking are incorporated and a pass-thru to the City's parking is added to the site plan.
- They are forwarding the architectural plans to the City Council with a positive recommendation with the condition that the City Council review a rendering that meets the 40' height provision.

Staff recommendation is to review the plans and address any question or concerns with the applicant.

For Councilmember Crittenden this does not fit or incorporate with what is already here at all. For him it is the old looking buildings. He wants more of a Frontier look.

Russ explained that they have been trying and they can't figure out what it is they are looking for. Russ's dream is he needs to start doing the utilities and things like that. He feels he has been working on this for a year and if they could give him a picture of what they want it would help.

Councilmember Forman wants to know how they get around the height. This is one of those designs it's going to be here, and the 3 foot 6 inches extra isn't good.

Russ said he was told to keep this plan and not do less. Planner Henneuse explained that it was Brian Henneuse from the Planning Commission who said that, and she explained what he said about the height. Planner Henneuse asked if we had to do three stories, couldn't we do two. Russ explained his thoughts. There are 14 residential spaces on second level and 7 residential spaces on the third level. Russ feels it will take time to fill the commercial, so he definitely needs the residential.

Councilmember Forman explained this is the first in Francis and we can't screw this up.

The Mayor asked Planner Henneuse about the height provision. Engineer Kettle explained how they came up with the height provision. The Mayor doesn't hate the 40 foot building, but he really likes the 43 foot.

Councilmember Forman feels it's the City Center and they need to check make sure how it would look.

Planner Henneuse said we would definitely need to talk with the fire department before we could change anything.

Councilmember Forman felt it does make sense, but they need to do what's best.

Rusty said they need a leeway.

The Mayor suggested that he knows his architect doesn't want to do 40', but there are architects that would.

Councilmember Forman's biggest thing is they talk about curb and gutter and Udot and all that, the only real issue is the height. This will be the first and literally the center of town and it needs to be right.

Councilmember Querry felt there is a protocol, and we can't go around that and say this is nice, and go ahead and do it on this one. Something different always comes in, are we going to do this for everyone.

The Mayor wanted to have their architect look at making the building a little shorter.

Councilmember Forman wanted to know if they could approve with making changes.

Planner Henneuse said they would have to do code text amendment and that would take a couple of months.

Councilmember Forman wanted to approve the site plan and the parking, and then work out the other issues.

If they do a code text amendment it will be a minimum of three months.

Councilmember Forman wants to make it nice and make it work.

***The Mayor motioned to approve the parking and the site plan on the condition that the curb and gutter, Udot and other items in the engineer letter are followed. Councilmember Querry seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.***

***The Mayor motioned to have the developer come back with his architect to work with the Council and look at the code height. Councilmember Forman seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.***

Russ wanted to know if there is something else, they would like to see. Councilmember Crittenden tried again explaining what he would like to see.

**C. H & H Acres Extension---**Planner Henneuse explained they have had two extensions already and they are requesting a third extension until November 30, 2022. She turned it over to Engineer Kettle and he explained they are working on it and why it would be a good to give the extension. She is working hard and wants to get it done by November.

***Councilmember Querry motioned to approve the extension until November 30, 2022. Mayor Brussel seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.***

**D. FT-34-Re-Zone Discussion Jason Jensen---**Jason said he didn't have much of a site plan. But he would like to open a bar/restaurant. He explained that a portion of the property was zoned commercial

and the rest Ag 1. In order to make it work he would like to change the back of the property to a multi-family zone.

Councilmember Forman asked when you say multi family what are you talking about.

Jason said 4-plexes and townhomes.

Councilmember Crittenden asked if they had approached Udot yet and he was told no. Councilmember Crittenden liked the restaurant/bar idea.

Planner Henneuse said he was coming to discuss things with them before he pursued anything further. There was a brief discussion.

Councilmember Forman likes the business part of it. The Mayor supports the idea of the commercial, but not so much the multi family.

The Mayor feels there is a need for multi family and it's a real issue, but not where it is being proposed. They need to sit down and plan more on this matter.

All of Council liked the business idea, but not the multi family housing.

**E. Hart Crossing Park/Rusty Webster---**Planner Henneuse explained that she didn't write a staff report on this. She reviewed the discussions about the ditch the dog park and what kind of material would be in the park. She stated that Rusty would like to change his plan. She reviewed the changes that he would like to make. He would like to have a Tennis Court, Pickle ball Court, and Pavilion. This is going to be a City Park and these items need to be addressed as they were not originally approved.

Rusty was under the impression that a lot of this had already been settled, but apparently it hadn't. He said the courts had eliminated a bunch of grass. He said they are trying to make it as easy on Luke as possible. He said they tried to make it low maintenance and low water.

The Mayor said the first he realized they weren't doing what they said is when he toured the property. He is pissed that he did this without asking the City. Rusty tried to explain that he felt this was the direction that they wanted to go. He explained his thoughts and reasoning. He wasn't aware in the conservation easement he had to address the Council.

The Mayor said this is strike two, so he needs to communicate better. This is where the Council had the plan approved and Mr. Webster decided to do something different. He feels it is mean and nasty to make him tear everything out, so what do we do.

Councilmember Crittenden said less grass is good. He doesn't see an issue with it, and it should be approved.

Councilmember Forman wanted to know what they do with the concrete; has it been approved. Rusty explained what he had done, and it was the highest level possible. Everything they have done he has looked at as if he had to maintain it.

Planner Henneuse asked about the warranty on things.

Councilmember Query likes the diversity.

***Councilmember Forman moved to approve the new concept for the park. Councilmember Querry seconded the motion. The Mayor and all Councilmembers present voted in favor; motion passed.***

## **6. Council Business**

**A. Council Reports---**Councilmember Querry feels that Paige and John should be re hired every single year to do the concessions. The Mayor said it was incredible they run out of so much stuff. All the food they had for all of the days they sold on Saturday.

Councilmember Forman thinks everything went really well. He thinks the City staff should be given some time off or something because they get stuck doing so much. The Mayor feels the City staff should be given the Tuesday after Labor Day off. So they need to get that changed. Also, we need to get the other changes made in the Policy and Procedures Manual.

**B. Planner Reports---**Planner Henneuse explained that Route 32 will be coming to the next Council Meeting along with Johnson's who want to purchase lot 2 from the Born to Run subdivision that is going to Planning Commission next week. So you will see them both next month. There was also discussion on the berms that are in the bike park area. They discussed a lot line adjustment or selling the property to the City. Planner Henneuse showed a picture of one of the parcels. Also, Dave Robinson is coming to Planning Commission again and this is the last time, and they will see him. So he will be at City Council next month.

**C. Engineer Reports---**The Pet Lodge needs to get gas to their project. The gas company said they needed to put a road in, and he told them no. They also wanted to cut the road and he told them no. This is a Council decision, but he told them no.

He is working with Brent Peavey to look at Gines Lane. He has a call into Radke to do something on 1000 East. Then we had a problem with the Woodland Well. They have the electrical replaced and they should replace the pump and motor on Tuesday. He explained what they are doing in the meantime to supply water. He is also working with the State on the tanks and providing access to Foothill with Francis Gates.

**D. Mayor Reports---**The Mayor said that Councilmember Querry stole his thunder. Kudos to everyone that worked on the Rodeo. Councilmember Querry and Sam Hunter worked every hour of the shack. He was there morning noon and night. He thought Italian night went off very well. He feels they made \$10,000 to \$12,000 in the shack. He is almost certain they will do it again next year.

Planner Henneuse stated they are having a meeting on Monday. She said they didn't want to do anything on Friday night or Sunday. She thought the music was great. The Mayor said the other thing they can reflect on is there were very few people there listening to the live music and a lot of times they were playing to an empty house. Planner Henneuse said she saw several people. The Mayor said he feels they need to look at it, it wasn't cheap.

Councilmember Forman's only concern is the problem of having something all day. We need to fill that time with something that draws people or eliminate it. He feels it is better to fill the time.

Planner Henneuse said staff has talked about it, but do we need to fill all four days. Katie said that Suzanne has mentioned to her that we need to stay consistent, because every year we are tweaking things, because Kamas and Oakley are always consistent, and they do well.

Councilmember Forman thinks everyone enjoyed the Horse Clinic and he feels they need to do that annually. There was a lot more participation in the Trials on Friday than he expected.

Councilmember Query mentioned pouring a concrete pad out where the dumpsters were and then opening up the fence a little more.

The Mayor informed Council that they had purchased the Williams property and what his intentions were with fencing it.

**7. (As Needed)** Closed Executive Session to Discuss Pending or Reasonably Imminent Litigation, Purchase, Exchange, or Lease of Property and/or the Character, Professional Competence or Physical or Mental Health of an Individual.

**8. Meeting Adjourned---*Councilmember Forman motioned to adjourn. Councilmember Crittenden seconded the motion, the meeting was adjourned.***

Minutes accepted as to form the 13<sup>h</sup>, day of October 2022.

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Mayor Jan Brussel

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City Recorder Suzanne Gillett

City Seal