Francis City Council Meeting Thursday, February 9th, 2023, 6:00 p.m.

2319 So. Spring Hollow Rd. Francis Utah

The meeting will be streamed via Francis City YouTube channel https://www.youtube.com/channel/UC-9wahpEELShvGQZShXGIXg
You can also comment by email to comments@francisutah.org

Council: Mayor Jeremie Forman, Councilmembers Fryer, Hunter and Querry

Staff: Engineer Scott Kettle, City Planner Katie Henneuse, City Recorder Suzanne Gillett, and City Attorney Brad Christopherson

Others Attending: Steve Fitzgerald, Dana Shepard, Tim Shepard, Bob Murphy, Collett, Clint Summers, and Kimberly Lawson

1. Welcome, Call to Order, and Pledge of Allegiance---At 6:02 p.m. the Mayor started the meeting. He asked Councilmember Hunter to lead in the Pledge of Allegiance.

2. Consent Agenda

A. Approval of Check Register Dated February 9th, 2023—Councilmember Hunter motioned to approve the check register. Councilmember Querry seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

- B. Approval of Minutes from January 12th, 2023---Councilmember Hunter motioned to approve the minutes of January 12th, 2023. Mayor Forman seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.
- **3. Interview and Appointment of New Councilmember---**The Mayor informed Council that they needed to interview and appoint a new Councilmember and he stated that the candidates were Clint Summer and Kimberly Lawson. He reviewed the State Code that explained the process of how things would work.

The Mayor gave each candidate 3 minutes to state why they wanted the position.

Kimberly Lawson asked if anyone had a chance to read her letter of intent. The Mayor and Councilmembers had read her letter. Kimberly stated that she has lived here two and a half years. She loves it here and wants to see it grow smartly and she has the time to put into the position. If she doesn't get it, she is not going to lose sleep over it. She has retired from the military after 36 years of service. She explained that her biggest adversary was the Marines, so there may be a dog fight over this after. She never plans on leaving here. She currently works with the FAA, and is currently working there full time. She volunteers with the church, boy scouts, baseball, United Way, and March of Dimes and many entities like that. She has the time and energy, and she will be committed.

Clint thanked Kimberly for her years of service. Clint stated that he was here last month and his message if pretty much the same. He loves being here. He explained that he has been here about two and a half years and the people he has met are a lot like him. His biggest concern was seeing openings unfilled to serve. He misses serving his Country and he wants to serve his community. He wants to as a new comer

bridge the gaps between the old and new commers. He loves service and wants to be part of this growth. He wants this meeting to be standing room only.

Question 1---Why do you want to serve on the Francis City Council?

Kimberly explained that she moved into Bluffdale 23 years ago. She explained that they looked at Herriman and Bluffdale and she feels Herriman has destroyed itself and she doesn't want to see that happen here.

Clint said he was born and raised in Bluffdale, and he shares the exact same sentiments. He wants to help smartly grow this community.

2. What qualifications and or experience do you feel you have to bring to the Council?

Clint feels his time in the military has helped him to lead and provided him with empathy. The last ten years he has worked with a truck repair company, and he has helped lead them and grow from 10 employees to over 100 employees and he feels he is able to see both sides of things and that has helped the company to come to positive solutions.

Kimberly enlisted in the Air Force and later in life she commissioned to an Officer and then retired as a Lieutenant Colonel. And she spent a lot of time working with people going through a process to determine what action needed to be done to turn over to the commander to make the decisions. She likened that to City Council with the Mayor being the Commander and the City Council being the team. In addition to that she has worked for UPS as a supervisor for fifteen years and worked with a team of other supervisors there and every day was a challenge especially at Christmas.

Question 3---What do you believe is the biggest challenge facing Francis today and why?

Kimberly stated that she thinks the resources and she listed them. She just really wants to grow the community smartly, so we aren't fighting each over animal rights or water rights. Why does affordable housing have to be high density. She doesn't think that high density is necessarily the answer. Can we explore other options.

Clint said he felt growth is the biggest problem that we are encountering, and we need to have a City plan and helping to form that plan for the next five, ten or twenty years and vet each decision by that plan to support the entire community. He wants every decision in the Council to be a win.

4. What is your vision for future growth in Francis and the surrounding areas?

Clint doesn't want to completely change the landscape that we have. He doesn't want to see a lot of high density housing. There needs to be intelligent addition to commercial in a pleasing way without affecting the landscape.

Kimberly feels that they have done a great job with the growth so far. After seeing how Bluffdale managed their community growth to include high density and the way they did it, it allowed everybody that had an acre to keep it that way. She feels as long as we keep to the code they agree upon and protect the land that is rural, she doesn't see that they can't make it a thriving community.

5. What do you consider the most important values of living in Francis?

Kimberly loves the small community. She feels safe here in the community and there is a warm community feeling. There is no concern about locking your doors at night. She doesn't want to see a City conglomerate.

Clints feelings echo Kimberly's. He also thinks it is important to rub shoulders with the veterans. He has been to all of the cemeteries, and he wants to help add culture and tradition. He would like to have a veterans celebration.

The Mayor asked about Frontier Days and explained what a huge undertaking that is, so his question is what time do you have to invest in Frontier Days?

Clint explained that his wife carried a flag on horseback last year and he helped with the veteran's program a couple of years ago. He explained that his family has changed traditions with his family in the City so that they can be here for Frontier Days. This is where they live, and they are here to support Labor Day.

Kimberly stated that she also volunteered for two Frontier Days Celebrations. She worked with Bob in the concessions, and she has also helped with taking tickets at the gates. So most of her life she has worked two jobs and she just retired last year from the military has one job, two sons out on their own, and she has all the time in the world to help.

The Mayor asked Council if they had any questions.

Councilmember Fryer stated that maybe she should step down and they should both come up here.

Mayor Forman thanked them both for being interested and wanting to volunteer and he appreciated their willingness to be involved and serve.

Councilmember Querry stated that he ran unopposed, and he kept getting bugged to put in. He stated he has been here a year and it is eye opening and he still doesn't feel that he knows it all yet either. He then thanked them both for their military service and he appreciates both of them.

Councilmember Querry motioned to put in Clint, he knows Kim has expressed a desire to work on the Planning Commission so we can get two for one. He said that the Planning Commission makes a lot of decisions for discussions that come to Council, and they rely on their experience and hard work and all that they do to bring them stuff that works for Francis. If she is willing to do that, that would be great. Kim said yeah. Councilmember Fryer seconded the motion and added that the Planning Commission does way more work than we do. They do all the backbones and digging and figuring out all of the law's, and rules and everything and bring it to Council. The Mayor asked for a vote. The Mayor and all Councilmembers voted in favor; motion passed.

The Mayor asked Clint to come up to the Council table after he was sworn in.

Recorder Gillet swore Clint Summers in as a City Councilmember.

Open and Public Meetings Training---The Mayor explained that they had to have a yearly training on the Open and Public Meeting Act and that the County Attorney Margaret Olson was here to give that presentation. He then turned the time over to Margaret Olson.

Margaret thanked the Mayor and explained that she asked to be here. The reason she asked is that she is charged by statue to do the training. So she goes around and does basic yearly training.

Margaret went through her slide presentation.(See attached)

Margaret explained that we "exist to aid in the conduct of the people's business." We need to conduct deliberations and take actions openly. OPMA covers the following topics: Notice, Location, Conduct of Meetings (Open and Closed), Emergencies, Recordkeeping, and Enforcement.

The Notice needs to include the following: Minimum 24 hours advance notice. Posted in two places, include an Agenda and the Date, Time and Place of the meeting. The notice needs to be posted on the City website and The Utah Public Notice Website. Also required for Notice: A Newspaper of general circulation or Local Media Correspondent. An Annual meeting notice must also be published in all of the above places. Public Bodies are "encouraged" to develop and use additional electronic means to provide notice of their meetings. Your Notice must include an Agenda with Date, Time, Place of meeting and "Reasonable Specificity" to notify the public as to topics to be considered at the meeting".

Location of meeting may be electronic if the public is able to participate. A "Meeting" is the convening of a public body... with a quorum present, including a workshop or an executive session, for the purpose of discussion, receiving comments from the public about, or acting upon a matter over which the public bod has jurisdiction or advisory power.

There was discussion on the Kinds on Meetings, What is Not a Meeting, What is a Quorum? She explained that there should be No Zoom Chat, No Group or Individual Text Comments to One Another and No Email Deliberations.

She discussed what should and shouldn't be discussed Outside of Meetings. Emergency Meetings, Closed Meetings, Procedures for Closing a Meeting, a Quick Reference Guide for Closed Meetings. Closed Meetings are Protected Records Under GRAMA. What is Forbidden During Closed Meetings. She reviewed the Recordkeeping Details and Deadlines. What happens for Intentionally Violating the Open Meetings Act and what can happen if you do.

Margaret explained that The Presiding Officer of a Public Body shall ensure that the body receives OPMA training on an annual basis. She reviewed the Violations of OPMA and left with parting tips and helpful suggestions. Margaret thanked the Council for allowing her to come tonight and she thanked the Council for contributing to the Children's Justice Center.

The Mayor and Council thanked Margaret for coming and giving the training.

4. Public Comment---The Mayor opened the meeting for Public Comment and explained they may or may not respond and this again is for items not on the agenda.

Kimberly Lawson stated that last softball season she used the field and there is too much road base on the field. So, if they can look at that. She also wanted to know about signage in people's yard. She has a neighbor who has some very vulgar signage in his yard, and she would like to see it removed.

Planner Henneuse explained that she has talked with the City Attorney, and he can explain it.

Attorney Christopherson explained that if it fits with the signage size in City Code then there is really nothing that they can do. We can't take away people's constitutional rights just because we don't like it.

Public Comment period was closed.

5. Public Hearings

A. Online Express Concrete CUP---The Mayor turned the time over to Planner Henneuse. She reviewed a map that was presented on screen. She reviewed her staff report (See attached), and she explained that Clover Leaf already had 2 businesses on that property. She reviewed some of the conditions on the businesses that were already on site.

She reviewed the Code Analysis (18.55.020):

Concrete batch plants are an allowed use in the LI-1 zone with a conditional use permit.

Per Utah law, "A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." 10-9a-507(2)(a)(i)

She then reviewed the CUP conditions for the other two businesses on the property along with the Planning Commission Recommendations and Staff Recommendations.

Planning Commission Recommendation:

The Planning Commission reviewed this item at their January 2023 meeting. They are forwarding this item to the Council with a positive recommendation with conditions 3 through 6 above and with the following revision to the hours of operation (condition 1 above):

1. Hours of Operation. To minimize the impacts on Francis residents, operations may be conducted from 6:00 am to 8:00 pm Monday through Saturday with no trucks exiting until 6:30 am. No truck traffic is permitted on Sunday.

Staff Recommendation:

Discuss the CUP and modify or add any conditions to mitigate the negative effects of this business on Francis residents. Approve with the following conditions:

- 1. Hours of Operation. To minimize the impacts on Francis residents, operations may be conducted from 6:00 am to 8:00 pm Monday through Saturday with no trucks exiting until 6:30 am. No truck traffic is permitted on Sunday.
- 2. Operation Fees. To offset the disproportionate costs of road maintenance caused by large trucks, the license will include an annual fee for a stockpile-only site per Section 7 of the Fee and Rate

Ordinance (Unique Conditional Uses). The fee is set by the number of maximum annual truck loads entering or leaving the site while loaded. A truck load count shall be provided annually to Francis City.

- 3. Dust Control. To minimize air quality impacts on Francis residents, the business may only operate with a current air quality permit from the State of Utah.
- 4. Spring Hollow Road. Trucks may not back up on Spring Hollow Road. Trucks shall wait on the business's private road until Spring Hollow Road is clear.
- 5. Violation of this Permit. Any violations of the conditions of this permit by the applicants will constitute grounds for revocation and/or suspension of the conditional use permit and an order to cease operations, either temporarily or permanently.

Planner Henneuse turned the time back over to the Mayor.

The Mayor asked the business owners if they wanted to add anything.

Dana from Concrete Onsite Express stated that she is excited if they would allow them to be in Francis. She explained that they will be shut down over Frontier Days so they will be able to come and help.

Steve Fitzgerald stated that for two years now he has stated that he would like them to specify Frontier Days. He explained his thoughts on things.

Engineer Kettle stated that on the water right they need to verify that it is listed on the water right what exactly it is used for and if that it is actually for what they are going to use it for.

The Mayor opened the public hearing.

Steve said down in back of his mom and dads house the cement is breaking up and he can't get a load of cement so he is assuming that this would help that situation quite a bit.

Danny Johnson felt that concrete is a nightmare, and he feels it would be a great asset to Francis.

Steve Zabriskie sent a letter that he asked to be read in the meeting. (See attached letter)

Planner Henneuse explained that she and Engineer Kettle had discussed this, and it will be hard to enforce. She feels it puts them in a hard position to enforce or not enforce.

There was a brief discussion on the Spring Hollow access.

The Mayor is a fan of not having rules that are difficult to enforce.

The Mayor closed the public hearing.

The Mayor asked Council for questions.

Councilmember Hunter asked if the batch plant was made for the big trucks to come in and load, and is there a way to do smaller loads.

Dana explained that they are expensive to get into and they don't have the funds for that right now.

The Mayor said they talked about the dust control and do we have something in place to define that. Planner Henneuse explained what they had. The Mayor asked about the reported truck loads annually and how do you ensure the load count is accurate?

Councilmember Fryer was concerned with the time and shared her thoughts. She knows the earlier the better.

Councilmember Hunter wanted to know how long it took to fill a truck. He was told maybe ten or fifteen minutes.

The Mayor is comfortable with that time, but it is the balance.

The Mayor asked for a motion.

Councilmember Hunter moved to approve the conditional use permit. He would agree with the conditions that the Planning Commission passed on. Mayor Forman seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed unanimously.

B. Code Text Amendment---Planning Commission Meeting Time---Planner Henneuse proposed the changes to the time of the Planning Commission meetings. She also reviewed the Ordinance change.

Public hearing was opened and closed.

Councilmember Summers motioned to approve the code text change for the Planning Commission meetings. Councilmember Hunter seconded the motion. All voted in favor; motion passed.

C. Code Text Amendment Eave Lighting---Planner Henneuse reviewed her staff report. (See attached report). She then reviewed the Executive Summary.

Executive Summary:

The Planning Commission and City Council reviewed the preliminary plans for the Hidden Meadows development in September and October 2022. During these discussions, a recommendation was made to consider changing the City's Outdoor Residential Lighting code to restrict eave lighting. Planning Commissioner Bob Murphy suggested amendments at the November 2022 Planning Commission meeting. The item was tabled so that the amendment could be researched further. Staff researched codes restricting eave lighting in Summit County, Midway, and Elk Ridge, Utah. Portions of codes from these cities were incorporated into the attached proposed code.

Planning Commission Recommendation:

The Planning Commission reviewed this item at their January 2023 meeting. They are forwarding it to the City Council with a unanimous positive recommendation.

Staff Recommendation:

Discuss the proposed amendment and if agreeable to the City Council, approve the amendment and corresponding ordinance.

She explained that the Ordinance is not retroactive, and that a lighting plan needs to be submitted.

Attorney Christopherson asked if this meant the jelly lighting and things like that. Planner Henneuse said the Planning Commission discussed this and potentially it could mean that. They thought about adding more to it, but they didn't.

Mayor opened the public hearing.

Rowdy Thompson said that you will have to hire more code enforcement if they are making all these changes. He wanted to know if someone complained about not seeing the stars.

Planner Henneuse said this was a dark sky initiative.

Public hearing was closed.

Councilmember Fryer said she felt they should leave things alone. If they want eave lighting, then let them have it.

The Mayor explained how he felt about the lighting. He is really torn on this, and he is not sure where the balance is. Someone should be able to have lights, but he also believes that it's nice to see the night sky.

Councilmember Summers asked about the agriculture lighting. The Mayor said the agriculture lighting is exempt.

Councilmember Querry said that the lighting had to be directed down. His thought process is he likes people to have their individual rights, but he likes the nature and the dark sky. He is torn a little bit, but he doesn't like looking at the people with lights on all of the time.

Councilmember Hunter said it would be great if people would turn them off, but that's not going to happen. He said he has talked with people on Gines Lane and there lighting doesn't turn off.

The Mayor asked where the priority was for the Council, are they more concerned with being able to see the dark sky or having all the lighting. Are we preserving what we have and that is not going to change with this code, but for new builds and as things grow then we are going to have a lot of light and no dark sky at all.

Councilmember Querry wants to preserve the feel of Francis. He can see 7-11 from his house, and he doesn't like that. As a kid he would go out and stare at the sky.

Councilmember Querry motioned to pass Ordinance 2023-02, AN ORDIANACE AMENDING THE RESIDENTIAL LIGHTING CODE. Councilmember Summers seconded the motion. The Mayor and Councilmembers Hunter, summers and Querry all voted aye. Councilmember Fryer voted nay. Motion passed 4-1.

6. Discussion, Updates and Approval on Potential Action Items

A. Francis Commons Phase 2 & 3 Final Plat---Planner Henneuse reviewed her staff report. (See attached).

Executive Summary:

Francis Commons is located at the intersection of SR 32 and Scenic Heights Road. The zoning of the property is City Center (CC) along SR 32, Multi-Family (R-M) across the middle of the development, and Residential Cottage (R-C) at the back of the development, near the River Bluffs neighborhood. Ivory Development was granted Preliminary Plan approval for the Francis Commons subdivision in October 2021. The project will be built out in five phases. A Development Agreement was recorded for this project. The final plat for Phase 1 (single family homes) was approved in May 2022. The applicant is moving forward with getting final plat approval for Phases 2 and 3 which includes the City Center portion and sections of the Multi-Family portion of the development. Commercial development plans will have to be approved for lots 210 and 301 (City Center zoning) before a building permit is issued for these lots.

Plat Review:

Staff reviewed the Phase 2 and 3 plats considering City Code sections 17.35 (Final Plat), 18.57 (City Center Zone), and 18.58 (Multifamily Housing). The developer met the zoning and final plat requirements for Phases 2 and 3 with one outstanding item which is to finalize the address tables after addresses are obtained from Summit County.

Planning Commission Recommendation:

The Planning Commission reviewed this item at their January 2023 meeting. They are forwarding it to the City Council with a unanimous positive recommendation with the condition that the address table be completed before recording the plat.

Staff Recommendation:

Approve Commons Phase 2 and 3 final plats with the condition that the address table be completed

Engineer Kettle said the biggest thing is the address and he reviewed the water and the road with Council.

The Mayor asked if they had the water to turn in and he was told yes.

Councilmember Query asked if this was the development that was supposed to have affordable home or not.

Councilmember Hunter motioned to accept the Final Plats for 2 and 3 with inclusion of proper water right and address table. Councilmember Fryer seconded the motion. All voted in favor; motion passed.

B. Johnson's X Commercial Site---Planner Henneuse reviewed her staff report. (See attached report)

The report reviewed the Executive Summary, Analysis/City Code, Parking Areas, Site Plan, Architectural Design and Materials, and Lighting Plan.

Planning Commission Recommendation:

The Planning Commission reviewed this item at their January meeting and are forwarding it to the City Council with the following recommendations:

Parking – Unanimous positive recommendation.

Site Plan – Unanimous positive recommendation with the conditions that they get Army Corps approval to move the wetlands and they submit construction plans.

Architectural Design - Unanimous positive recommendation.

Lighting Plan – Unanimous positive recommendation.

Staff Recommendation:

Parking - Approve

Site Plan – Follow City Engineer's recommendation. Approve with conditions, table, or deny. If approved, condition on submitting construction plans, an approved wetland delineation, and approval from the Army Corps of Engineers to relocate the wetlands/irrigation easement.

Architectural Design – Discuss whether the renderings meet the intent of code. Approve, approve with conditions, table, or deny.

Lighting Plan – Approve

Engineer Kettle shared that they have some wetlands, and they need the core of engineer to approve. Then once they get that taken care of the can move on to the construction drawings and finish their design. They are tying onto existing water and sewer lines. The developer will either need to detain or retain the storm water from this development. The irrigation company approval is required to discharge storm water from the site. Submit storm drain calculations and plans.

Councilmember Hunter motioned to approve Johnson's X site plans with the conditions be met from Engineer Kettles staff report (See attached staff report). Councilmember Querry seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

C. Skyway Towers--Attorney Christopherson explained that the rent from Skyway Towers goes into our Frontier Days fund. He explained that Skway Towers sent in a lease agreement that they would like the City to consider. What they are proposing is to pay a lump sum and give them a permanent access to ground and tower. The short term amount they are seeking is \$207,500 and they are done. Which covers about 13 years of the normal lease and then they don't pay rent and you are giving up the long term rent.

The Mayor explained he would rather have the long term rent. Councilmember Hunter would rather keep the long term rent.

All Councilmembers were against the buyout.

D. Assign two new members to Woodland Hills Board---The Mayor explained with Matt and Jan leaving they have the Woodland hills mutual water company that the city owns 51% and users 49 % and they need to replace those two members.

Councilmember Hunter volunteered and Councilmember Summers volunteered as well.

They appointed Sam, Jeremie and Clint.

The Mayor said they would meet in March and get things set up.

7. Council Business

A. Council Reports---Councilmember Querry wanted to know when we are asking for affordable housing what does that mean. Attorney Christopherson explained that to him.

Moderate income is 80 to 120% of median income in Summit County. Council had a brief discussion on how all of this was figured out. The Mayor said we need to find a balance there too.

Attorney Christopherson said the City has a couple of tools they could use, but the City doesn't have one tool available because we don't have commercial. He explained that they are trying to bring down the price of homes. The Utah League of Cities and Towns has been working on some ideas.

Councilmember Fryer said Kamas reached out and wanted a set date for the queen contest and it will be June 3^{rd,} 2023. She said that Lily usually runs the queen contest, and she has reached out to Lynsi Stone to see if she would help with the Queen contest.

Councilmember Hunter wanted to know if he should reach out to John on the concessions again. The Mayor said that he has heard some grumblings, but he would like a little more input on what they are serving. He is not going to turn down the help. But there needs to be some options.

Council had a brief Frontier Days discussion.

Recorder Gillet asked the Council to start thinking about the budget.

B. Planner Reports---Planner Henneuse ordered a new playground for the park, and we will need to budget some money for that. The other thing is the basket with sponsor letters, she asked that they pick out some of the businesses they would like to go to.

She explained that the bulk of the park needs to be done this year. They have a contractor for the water and sewer, and they are working on the architecture landscape. She explained everything that was going on. She said they were planning an open house around April.

Councilmember Hunter wanted to know if we settled on an architect for the new building and Engineer Kettle explained what was going on.

C. Engineer Reports— Engineer Kettle explained that the irrigation company wanted to talk about flooding as they don't have control until April. Then the adjudication and everyone that has a well needs to make sure they are using their water rights. The tank plans should be ready for March.

The Mayor asked about the Woodland Hills rate study and said he had to have that by March, for sure by March we have got to have it.

D. Mayor Reports—For Frontier Days he reached out to Circle J Rodeo and typically we have been on a three year contract, but they will only do yearly now. He has received the new contract and for Monday and it was \$6,000 and has gone up to \$8,500 and then we have to pay the announcer. It is his recommendation to continue working with Circle J.

Recorder Gillett, Attorney Christopherson and the Mayor have been going through policies and procedures and are working on updating the changes and that will be coming in the next meeting or two.

Planner Henneuse and the Mayor and trying to work on getting the General Plan going. His plan was to have a general idea, so they are not just starting from scratch. Attorney Christopherson explained how things like that would normally work.

Attorney Christopherson explained that we were looking at doing a wage study to find out if we are where we should be and that should not exceed \$3,000.00

The Mayor went to the COG meeting a couple of weeks ago and they discussed the transportation sales tax, and he is meeting with the County. The Mayor then brought up the sewer ponds and that we have a couple of contracts that have expired. That will come to next month's meeting.

- **8.** (As Needed) Closed Executive Session to Discuss ss 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.
- 9. Meeting Adjourned---Councilmember Hunter motioned to adjourn. Mayor Forman seconded the motion. All in favor; meeting adjourned.

Minutes accepted as to form the 9 th day	utes accepted as to form the 9 th day of February 2023.	
Mayor Jeremie Forman	City Recorder Suzanne Gillett	
City Seal		