

**Francis City Council Meeting**  
**Thursday, February 10th, 2021, 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=VWI3OGFTMFBTcXg2T2E4NDkwblVjZz09>

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, Shana Fryer and Clayton Querry

**Staff:** City Engineer Scott Kettle, City Recorder Suzanne Gillett, and City Planner Katie Henneuse

**Others Attending:** Elizabeth Reeder, Terry Perkins, Sam Hunt, Bob Murphy, Justin Harding, Nick Mingo, Mandy Crittenden, Brad Christopherson

**1. Welcome, Call to Order, and Pledge of Allegiance---**The Mayor welcomed everyone to the meeting tonight February 10<sup>th</sup>, 2022. He then asked Councilmember Crittenden to lead in the Pledge of Allegiance

**2. Consent Agenda**

**A. Approval of Invoice Register Dated February 10th, 2022---Councilmember Forman motioned to approve the invoice register dated February 19<sup>th</sup>, 2022. Councilmember Crittenden seconded the motion. All present voted in favor; motion passed.**

**B. Approval of Minutes from January 13<sup>th</sup>, 2022---Councilmember Fryer motioned to approve the minutes of January 13<sup>th</sup>, 2022. Councilmember Forman seconded the motion. All present voted in favor; motion passed.**

**3. Public Comment---**Mayor Brussel explained how the public comment period worked and opened the meeting for public comment. There were no public comments. Public comment period was closed.

**4. Public Hearings---Francis Cove Planned Development---**Withdrawn from the Agenda

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

**A. City Council and Planning Commission Open & Public Meetings Act Training---**City Attorney Brad Christopherson presented a Power Point presentation on the Open and Public Meetings Act. He answered and explained all questions that were asked.

**B. Appointment of Mayor Pro-Tempore---**Mayor Brussel explained the reasoning behind having a Mayor Pro Tempore. He suggested that they could have a discussion which they did, and Council all agreed with the Mayor that it was a good idea. The Mayor suggested Councilmember Forman.

**Councilmember Crittenden moved to appoint Councilmember Forman as Mayor Pro-Tempore. Councilmember Querry seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.**

**C. Re-Appoint Bob Murphy and Brain Henneuse to Planning Commission---**The Mayor explained that two members of the Planning Commission need to be re-appointed if the Council desires to do so.

Planner Henneuse explained that Brian Henneuse and Bob Murphy were the two candidates whose terms expired. She also explained that the Mayor has spoken with both of the candidates, and he proposes they both be re-appointed.

***Mayor Brussel motioned to re-appoint Brian Henneuse and Bob Murphy to the Planning Commission. Councilmember Forman seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed unanimously.***

**D. Stewart Ranch Phase 3 Final Plat---** Planner Henneuse explained that Stewart Ranch was granted Master Plan approval and Phase 1,2, and 4-7 final plat approval by the City Council. Stewart Ranches is an AG-1 Conservation Subdivision to be built out in 11 phases. The developer is requesting final plat approval for Phase 3 which has 23 townhome lots.

Staff reviewed the Phase 3 plat. The developer met the final plat requirements for Phase 3 with two outstanding items.

1. Enter into a moderate-income housing development agreement with Francis City.
2. Finalize the address tables after addresses are obtained from Summit County.

The Planning Commission is forwarding to the City Council with a unanimous positive recommendation.

Staff recommends approving the Phase 3 final plat conditioned upon developer entering into a moderate-income housing agreement with Francis City and finalizing the address tables on the plat.

Mayor Brussel wanted to make sure the moderate income housing was clear. Planner Henneuse explained that there was room for interpretation, and they are negotiating that. She feels that they can approve with that condition.

The Mayor feels that they should get 14 moderate income. There was a brief discussion on the interpretation of the code.

Engineer Kettle reported the following issues should be addressed:

1. Add address table to the plat once received from the County.
2. The required water improvements for this phase will connect to the water line in Rocky Mountain Way and Rockview Drive.
3. The developer has provided the required water shares for this phase to connect to the water system.
4. The required sewer improvements for this phase will connect to sewer main on Rocky Mountain Way.
5. The road within Phase 3 will be a private road that will connect to Rocky Mountain Way and Rockview Drive. The private road will provide a secondary access for a portion of Phase 2 until Rocky Mountain Way is extended to 1000 East
6. Storm water will be retained within the development.

***Councilmember Forman moved that we approve Phase 3 of Stewart Ranches with staff recommendations that they enter into an agreement for Moderate Income Housing as well as the recommendations from the Engineer. Brief discussion on whether they wanted to add a time line or not, no time line was added. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted unanimously in favor; motion passed.***

**E. Francis Commons Development---**Planner Henneuse explained that she didn't write a staff report on this. There are two issues that are still outstanding. She explained the sewer lift station and the costs and the phasing. Initially this was supposed to be one phase, but Ivory has changed things and want to phase it out and start with the cottage homes. After speaking with the City Attorney she doesn't feel that there is anything the City can enforce.

The Mayor explained that he had been in the discussions with the attorney. He feels that it's too bad, because the representation was that it would get done all at the same time in the first phase. Which is the reason the Council ended up voting for it. He feels that Ivory is showing an effort of bad faith as they are not keeping to their word on doing the commercial first, but he doesn't feel that it is worth attorney costs.

The Planning Commission will look at the plats next week.

Councilmember Crittenden asked if the property has changed hands. Planner Henneuse explained what had gone on and that Ivory Homes did still own the entire parcel.

Councilmember Forman wants to know if the things they need to have handled in this development agreement or have they handled that.

Engineer Kettle said he had made his changes.

Planner Henneuse and Mayor Brussel agree that Development Agreements should be contingent and part of the motion.

Councilmember Fryer said she wished that all of them had voted with her in the beginning.

Nick Mingo said he is sorry. Ivories intention is to build the commercial as soon as possible. He said as soon as it is viable it will happen.

The Mayor said what rubs the members is something was promised, and it was withdrawn. He explained that people here are used to doing things on a handshake.

***Councilmember Forman moved that they approve the Development Agreement of Francis Commons with the Development. Councilmember Querry seconded the motion. All voted in favor.***

**F. Frontier Days Discussion---**The Mayor reported that we had an initial meeting and got a lot done on the organization. The Mayor explained that Bob would not be in charge of the concessions, but that Sam Hunter would be. He also explained that the freezer door was open when they went to check on things and everything was spoiled, hazmat is needed in there. He also explained that the sponsorship letter is ready to send out.

Everyone reviewed the schedule. Friday is the Brenn Hill concert, and it will be free. Concessions will be open, and it will be sponsored by Blue Sky Ranch and Escaped Trailers.

Saturday is the rodeo, horse games, and bounce houses.

Sunday is movie in the park night and there was some talk of holding barrel racing during the day.

Mayor Brussel brought up having the American Mustang, on the political side where they support the BLM would like to do something at the rodeo. He has told them to bring a proposal to see what they would like to do. He explained that Jan Drake over at the NAC is heavily involved with this group.

Planner Henneuse talked with Trilby about the fun run, and Trilby told her it was probably not worth doing.

Councilmember Forman asked about still doing the horse clinic. The clinician can come, and he has it tentatively scheduled. Also the contract with Mascaro's is up this year, and they are working on a new proposal for the next three years.

## **6. Council Business**

### **A. Council Reports---None**

**B. Planner Reports**—Planner Henneuse informed Council that there is an illegal accessory dwelling unit on farm lot one in Hart Ranch. Gary Webster owns this property and she explained and showed the Council where the illegal building is located. She explained the building is halfway in and halfway outside the building envelope. They have admitted that they violated the City Code, the conservation easement and an ADU without permission. She explained that Rusty wrote a letter that she would like to read to them and that they have come up with two options. One is to do code enforcement on the conservation easement and other aspects of City code or get rid of the building immediately. The other option is to try to make it legal and that would involve amending the plat with a public hearing and amend the plat to change the building envelope to include the shed. Then they would have to apply for a building permit. They would have to pay a double fee and they would also have to apply for the ADU permit and separate connections.

She read the letter from the Webster Family. (See attached letter.) According to their letter they would like to keep the building. In order to make legal they will need a public hearing which Rusty does not want, but there is no way around it.

Councilmember Fryer said that she likes Rusty, but she thinks he is just sorry he got caught.

Councilmember Forman said for him there is a big picture here and this developer is doing a lot of work in the City and if it is not dealt with correctly, it could set a bad precedent. We have codes for a reason. It's more of a principal thing. He hates to be hard-nosed about it, but it's the principal.

The Mayor explained that Brad laid out the only two options and the developer will have to go through another public hearing and go through the whole process again if not torn down.

Planner Henneuse asked Council how they would like things to be public noticed, there are a couple of options. She normally posts a sign on the property for a normal plat amendment. The other option is to send letters.

There was discussion amongst the Council. The Mayor said whatever people would perceive as us following the rules without giving him any breaks that another person would not get. It was suggested to do both. The Mayors advice would be to do both and be as transparent as possible. Council all agreed.

Next month more coming on land use side of things, she explained what items were going to be coming.

**C. Engineer Reports**—Engineer Kettle is working on the well and tank and getting a time line. Lots going on with the park and lights for the soccer field. He is working on bathrooms for the playgrounds.

Tifton Hills wants to get their plats recorded so they can sell lots, so they don't lose their reservations.

Frontier Acres is getting going as well. Hart Ranch is working, and their water lines passed. They can start pulling permits now before being completely done. And, they have started working on the cell tower.

**D. Mayor Reports**---The Mayor informed Council that he has been going through the General Plan and he has highlighted a bunch of sections that he would like to see addressed. He asked Council to look through it and point out anything they see they might want changed.

**7. Meeting Adjourned** ---*Councilmember Fryer motioned to adjourn. Councilmember Forman seconded motion. All in favor, meeting adjourned.*

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Minutes accepted as to form the 10<sup>th</sup> day of February 2022.

---

Mayor Jan Brussel

---

City Recorder Suzanne Gillett