

Francis City Council Meeting

**Thursday, September 9, 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/89297884496?pwd=WDRIUENhaZsM1FyWGdKMDJlaFhTZz09>

Meeting: 892 9788 4496 Passcode: 674247

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

**Council:** Mayor Byron Ames, Councilmembers Trilby Cox and Matt Crittenden

**Excused:** City Recorder Suzanne Gillett (attending via zoom), Councilmembers Jeremie Forman and Shana Fryer

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

**Others Attending:** Sherm Smoot, Rick Rapp, Jack Walkenhorst, Austin Smoot, Brad Bylund, Shilo Shields, Diane Proctor

**1. Welcome, Call to Order, Pledge of Allegiance & Thought---**The Mayor welcomed everyone to the meeting. He explained Suzanne was attending remotely and minutes are being taken. Councilmember Forman has been excused and he doesn't know where Councilmember Fryer is, she may still be delivering mail. He thanked the quorum that was present. He asked Engineer Kettle to lead in the pledge.

The Mayor wanted to express gratitude to the city staff, council and community members who helped. It's nice because so many people give countless hours of their time. He thanked Bob Murphey and all the volunteers that helped him in the shack. He thanked Trilby for helping Bob out in the snack shack. He thanked the public works guys for getting the facility ready. He thanked everyone in the ticket booth. Mandy went to Salt Lake many times going back and forth to Salt Lake. He thanked Scott for helping with bounce houses. Katie and her family for helping in the concessions. Suzanne for all the work on tickets and things. He is just appreciative to everyone.

## **2. Consent Agenda**

**A. Approval of Bills Paid---**The Mayor explained that we had most of our bills paid from Frontier Days, but not everything. We will have more on that next time.

Councilmember Crittenden said he didn't have anything on the bills, but he would really like to see the Brenn Hill concert come back again. It was a great concert and he wished there had been more people in attendance.

The Mayor agreed and stated we had someone call the office on that and wanted to post a review of how nice it was. He also talked with Brenn after the concert and told him he would love to have them back too.

Planner Henneuse mentioned she will be working on a grant for that.

The Mayor asked if there were any questions on the bills and he explained some of them he knew about.

*Councilmember Cox moved that we approve the check register for the month of August to September. Councilmember Crittenden seconded the motion. The Mayor and both Councilmembers voted in favor; motion passed.*

**B. Approval of Minutes from August 12<sup>th</sup> & 26<sup>th</sup>, 2021---**The Mayor said the minutes were circulated and he had responded to her. Councilmember Cox informed there were no further corrections.

The Mayor asked for a motion.

*Councilmember Cox motioned to approve the minutes from August 12<sup>th</sup> and 26<sup>th</sup>. Councilmember Crittenden seconded the motion. The Mayor and both Councilmember voted in favor; motion passed.*

**3. Public Comment---**The Mayor explained how the public comment period worked and opened the meeting for public comment and there was none. He closed the comment period.

**4. Public Hearings---**None

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

**A. Motion appointing Luke Thomas to Rural Water Board---**The Mayor explained this was to appoint Luke to the Rural Water Board. He asked Luke to explain what this was all about.

Luke explained for those that didn't now about the Rural Water Association of Utah. They are the organization that does most of the wastewater and water trainings in the State of Utah. He explained they have people that go around and help the cities with various issues. They are a great tool for any water or wastewater system.

He was asked to serve on their board with them. With that they ask that he get the City Council behind him supporting that. He said there are some benefits to the City that would come along with that. Part of his responsibilities would be attending all the conferences they put on and then they have two other board meetings throughout the year he would have to attend. The conferences, the City would not have to pay while he is on the board or the hotel rooms. There would also be the opportunity to attend the National Water Conference. Also, more opportunity for networking in the industry so he feels that opens the book for Francis.

Rural Water Association just asks for the Councils support on this, so he is here asking if they will support him on this.

The Mayor explained that Luke approached him before the meeting and asked his feelings on it. He said that he feels it is important for anybody working for the city to feel fulfilled in their job. Job satisfaction is a good way to keep their employees. He feels they need to support him, and he thinks it's a great idea.

*The Mayor motioned that we approve Luke Thomas serving on the Rural Water Association Board. Councilmember Crittenden seconded the motion. The Mayor and both Councilmembers voted in favor; motion passed.*

**B. Resolution No. 2021-10 Canceling Election---**The Mayor read Resolution 2021-10 to all in attendance and explained what it all meant. He explained how the law worked on canceling the elections.

*Councilmember Cox moved to pass Resolution 2021-10, A Resolution Made by the Francis City Council Cancelling the Francis City 2021 Elections for the Two City Councilmembers and Mayor.*

***Councilmember Crittenden seconded the motion. Roll call vote. Mayor Aye both Councilmembers voted Aye; motion passed.***

**C. Proctor Subdivision----**The Mayor explained that two meetings ago the Proctors came in to discuss their easement/right of way if they subdivide their lot. This is not something that the council usually deals with. We don't need a City Council to vote on this item.

He explained what the discussion was the first time they came in. He told the Proctors that he would get them a thorough explanation of whatever the decision was. Because of that he has had numerous conversations with the staff and city attorney to try and understand the moving pieces to this. This is not a normal situation. The Mayor explained why it wasn't normal. He explained the city right of way is a prior use and he explained his discussion with the city attorney. He explained Utah Code 72-5-104. This code deals with a constitution requiring a dedication. So, this is where we start. This was expanded over time clearly per use. Under this section of Utah Code at a minimum it establishes that the right of way constitutes a dedication of that road to the city.

Under this section of the Utah Code this establishes as a city the right of way constitutes a dedication of that road and where the utilities are to the city. The Mayor is not going to be able to give the city or Proctors an answer that tonight.

The Mayor said they need to get their own lawyer. Proctors said they already did. The Mayor said that the lawyers remove the emotion from the situation. Emotion makes it difficult.

The Mayor said they will need to sit down with some maps of the property and look through what Utah Code says. The answer is going to be between 30 feet and 60 feet, but he doesn't know what that is.

Shilo Shields asked a question and the Mayor said that's a fair question, but he didn't know the answer to that. The Mayor said he has had so many discussions on this, and the attorney called today and threw another wrench into it, so they need to get together with their attorneys. He has told everyone he does not have a specific outcome he wants it to be the right outcome either way.

The Mayor said we need to find a time for everyone to meet. Planner Henneuse will coordinate that.

There was a brief discussion with Proctors.

Engineer Kettle said he would get with Luke on the utilities. He asked Proctors if they had a survey already. It was decided they will get something scheduled with Planner Henneuse.

**D. Tifton Hills Annexation Amendment---**The Mayor turned the time over to Engineer Kettle.

Engineer Kettle explained back in 2006 they created a subdivision agreement with Tifton Hills on the water and sewer and it explained what they would need to do. Over the last 20 or so years we have made concessions over certain things. He explained what discussions have gone on. They were required to do a well and water tank previously and now they are trying to change that in exchange for money and other items. This document is amending the annexation agreement to allow certain things.

He explained how much it would cost to do a new well and tank etc. and what some of the variables could be.

The Mayor explained this is a moving target and it makes it difficult for any development process to move forward. This will give a road map for costs and the city around them. It will allow developers to pencil something out.

Engineer Kettle explained we need to add a sentence that states if we build our tank at a certain level its going to provide a certain level of service to their subdivision today, if the State comes in or the EPA or the Feds come in and say here are the new standards you have to meet, if our tank doesn't meet those standards, they will have to go back to building their own tank or well or whatever it takes. If it's ten years down the road this happens, we want to make sure the city is covered.

Brad Bylund said he would assume they all know the history of the property and if this amendment is approved tonight most of the items on the final plat are simple to fix and he would anticipate being back here next month.

The Mayor explained that he couldn't be at the meeting on the 14<sup>th</sup> so the date may change. Council decided to move the meeting to the 28<sup>th</sup> of October and vacating the 14<sup>th</sup>.

Planner Henneuse said she thinks they need at least three weeks to review and the CCR's throw a whole other level of review in it. Some of the comments were simpler and some weren't.

Councilmember Crittenden asked the number of lots up there and he was told 76. He asked if they all understand in the annexation agreement it states \$8,000 per lot and we need the money before we record the plat. There was discussion on the money and when things were due.

The Mayor asked council if there were any other questions.

Councilmember Cox said yes, section three was not complete. It is missing a word or second half of a sentence or something. She would like to see that corrected. Her request is section 3 get fixed before the city does anything. Engineer Kettle said to make that part of the motion.

Second question is what the significance of the square brackets in section two is. Engineer Kettle explained what it meant.

Brad asked for a breakdown on costs. Engineer Kettle said he would get that to him. Brad also said Katie is the best City Planner thus far he has worked with. It's been a great experience. Everyone has been good to work with.

The Mayor asked for a motion.

Councilmember Crittenden said on the lift station it is going to be upsized as a requirement, and can we ask for it to be bigger.

Engineer Kettle said right now the lift station accommodates what's there. There was some discussion.

***Councilmember Cox motioned to approve the first amendment to the annexation agreement for the Tifton Hills Subdivision subject with the addition of wording that states that if the well and tank that the city has constructed to not be sufficient that the city is not on the hook for any improvements and the cost of a new well and tank would be done by the subdivision, and that section three whose title is other provisions not affected be complete before signatures are affixed. Councilmember Crittenden seconded the motion. The Mayor and both Councilmembers voted in favor, motion passed.***

**E. Appoint Planning Commissioner---**The Mayor explained that Sgt. Sotelo has gotten a little busy with her responsibilities with the Summit County Sheriff's office and that has made her feel like she can't give the attention that she needs to her Planning Commission position, so she is resigning. The Mayor thanked her for her service.

The Mayor explained we had one applicant to fill her spot. He turned the time over to Planner Henneuse. Katie explained that Terry was not present, and she didn't know if it was because of the time change of the meeting, but she went ahead and explained what she knew about Terry.

The Mayor then explained what he knew Terry as well and felt that he would be a good fit.

***Mayor Ames made a motion to appoint Terry Perkins to the Planning Commission. Councilmember Cox seconded the motion. The Mayor and both Councilmembers voted in favor, motion passed.***

The Mayor explained that Jan Brussel will be leaving the Planning Commission to be Mayor in January so they will need to replace him as well. He has also had someone come to him with interest in filling Jan's planning position.

## **6. Council Business**

**A. Council Reports---**Councilmember Cox wanted to thank Bob Murphey for all his hard work. She stood by him the entire time at the shacks, and she feels he did a great job in the shacks.

Sam Hunter came in and they explained to him the meeting started at six. Councilmember Cox said she was just praising Bob for all his help in the shack. Sam was also in the shack for most of the time as well.

Jan Brussel came in and they teased them both about not getting the memo that the meetings had been changed to six. They missed all the good stuff.

Planner Henneuse explained that Terry Perkins was just appointed to the Planning Commission and the Mayor reviewed again that there was another position coming up in January and he had someone show interest in that position as well.

Councilmember Cox stated congratulations Mayor we just passed the Resolution for you to take office in January.

Councilmember Crittenden echoed what Trilby said, he appreciates everyone's help.

**B. Planner Reports---**Planner Henneuse started by saying we were awarded a \$5,000 grant from Rocky Mountain Power to go towards the Wild Willow bike park. It's a small drop in the bucket, but it's a start.

She submitted two grants for the Rap Bond. One for the bike park and one for our new city park. We should know on them around November.

The Mayor explained that they really want to help on the east side of the county. He asked if anyone had heard what anyone else had put in for.

Engineer Kettle had heard Kamas was applying for a new building where the old senior center was, and that Oakley was applying in conjunction with the school district for new ball fields.

There was discussion on the exact items that were applied for.

There was a main street revitalization meeting, and she is planning on attending that next week. One of the things they asked for was a Resolution and a letter from the county for economic development.

Next month she expects a full agenda. She explained what items she had coming next month. She explained that the Planning Commission is setting time limits on their agenda to try and keep things under control better.

**C. Engineer Reports**—Engineer Kettle explained he had the Jurisdiction Self-assessment in front of everyone. He reviewed the report with them and asked if they had any changes. Emergency response was an issue, and the homeless services was dropped to a two.

He also had a summary of Capital Improvements; this is mainly if we want to apply for certain projects. He reviewed the report with them and explained why he filled it out the way he did.

Scott discussed the new well. He received the bacteria test and it passed. Then they did the pressure test, and it didn't pass. They found one leak and did the test again and it still didn't pass, and they got that fixed. It has finally passed. He explained that Widdowson is concerned not what we were doing, but how we were doing it. Scotts recommending, he will come back next month with a plan on getting the well house building finished.

The Mayor said he is always pressing Scott on every angle possible. Apparently now we have the parts and now we need to build the well house and Scott is going to come back with a plan to have all this done by this calendar year. They are working on the design of the new tank.

Engineer Kettle is thinking with the ARCO money we apply for help on the well house. The Mayor said those kinds of costs are explicitly approved, so he feels we should try and get some of that money.

**D. Mayor Reports**---None

**7. Meeting Adjourned**---*Councilmember Cox motioned to adjourn. Councilmember Crittenden seconded. 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 \_\_\_\_ day of October 2021.

\_\_\_\_\_  
Mayor Byron Ames

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City Recorder Suzanne Gillett