**Francis City Council Meeting**

**Thursday, November 11th, 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=WDRIUENhalZsM1FyWGdKMDJlaFhTZz09>

Meeting ID: 892 9788 4496 Password: **674247**

**You can also comment by email to comments@francisutah.org**

**Council:** Mayor Byron Ames, Councilmembers Cox, Crittenden, Forman, and Fryer

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

**Others Attending:** Steven Keyes, Cindy Keyes, Ashely Niesporek, Austin Smoot, Sherm Smoot, McKinley Smoot, Juie Keyes, Robert McFadden, Rex L. Campbell, Brad Byland, (2) Randy Butters Daughters, and Barry Primos

**1. Welcome, Call to Order, Pledge of Allegiance & Thought---**The Mayor welcomed everyone to Francis City Council meeting. He started off with the Pledge of Allegiance by Planner Katie Henneuse. He then asked Recorder Suzanne Gillet to share the thought. Suzanne shared a thought thanking Veterans for their service, and she also thanked the City Council for their selfless acts of service as she knows they have a thankless job.

The Mayor explained he had attended a Veterans Day program at the school, and it’s really cool to see the kids get excited about the tribute they give to the Veterans.

**2. Consent Agenda**

 **A. Approval of Bills Paid---**Councilmember Cox asked why we are reimbursing Ryan Stevens? She was told because that was what was approved to do in the last council meeting. She said everything else looked good.

***Councilmember Forman moved to accept the check register and pay the bills. Councilmember Cox***

***seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted in favor; motion passed.***

 **B. Approval of Minutes from October 14th, & 28th, 2021---*Councilmember Fryer motioned to approve the minutes of October 14th, 2021, and October 28, 2021. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted in favor; motion passed.***

**3. Public Comment---**The Mayor explained how the public comment period would work.

He then opened the meeting for public comment.

Steven Keyes informed everyone that they own property that neighbors the town property. In May of 2019, my father and the family were approached by the Mayor to do a land swap. They thought they would be taken care of. There have been some serious issues and problems and terribly slow response, and he thinks the tournaments with the ball field went really well this summer with the soccer tournaments. But his water system is failing, and the quality of parts are not good. He and Scott have had several conversations on this. Now the work that’s been done is starting to leak and they still own a portion of that soccer field because that property has never been signed off. It hasn’t been signed off because there is still a list of things that have never been completed. He explained what he was talking about and concerned with. He said the attorney is really hard to get a hold of and you can call the Mayor and leave a message and get no response. So he just wants to make sure and see where the council was on knowing what was going on and he has talked to two councilmembers, and they thought this was all taken care of. That’s what his public comment is.

How do we move forward? His father has passed away and one sister is leaving town so it’s making it harder for them to do things. He stated that he is going to start doing some fencing and fence off their little piece of the soccer field and when this is taken care they can move forward. He doesn’t know what else to do. Light a fire! The water issue was news to him and the closing not happening was news to him.

The Mayor said there are certain things you are concerned about that he hadn’t heard about until very recently. He was under the same impression Steve was that things had been taken care of. The water issue was news to him and the closing not happening was news to him. He has spoken with the City Engineer and the City Attorney, and he has been told things were being taken care of. He realizes the ditch has been relocated. He is not aware of anything preventing the closing except the water issue.

Engineer Kettle explained that he was waiting for parts, and he will be getting a hold of Steve.

Steve said somewhere somehow there needs to be a little get together of things to do and get finished.

Councilmember Fryer asked if the water parts are leaking, is that because we used cheap parts. Engineer Kettle explained what parts they were looking for. Engineer Kettle said they need to work out the warranty language.

Councilmember Forman said it really needs to be fixed right.

Steve said he would have really appreciated a phone call. The Mayor gave his reasoning as to why he hadn’t returned the call yet.

The Public comment period was closed.

**4. Public Hearings**

 **A. ADU & Short-Term Rental Code Text Amendment/Ordinance 2021-19---**The Mayor explained what this item was about and then turned the time over to Planner Henneuse.

Planner Henneuse read and reviewed her staff report with all in attendance. The code they are looking at is completely replacing what they did last year. She said the Planning Commission is forwarding with a positive recommendation. The Planning Commission suggested adding a $500 fine per occurrence for having a short-term rental without a permit. The City Attorney recommended following the city’s code for civil penalties which is $100 per day.

Planner Henneuse read the Ordinance and reviewed where all the changes were that had been made.

Planner Henneuse moved on to Short-Term Rentals (See attached staff report)

Staff recommendation was to review the amendment and make revisions, as necessary. Approve the proposed amendment and ordinance.

Councilmember Crittenden asked if this followed State Code and he was told it complies with State Code.

Planning Commission is vested with authority to review and evaluate applications under this Section and to approve, approve with conditions, or deny any such application.

Councilmember Crittenden asked about the time period on code enforcement. Planner Henneuse explained how it would work.

The Mayor opened the meeting for public comment.

Audie Smoot said he has seen in other codes the language allows a couple to go on a mission then no family member lives in the house then they can’t rent it out. He explained his thoughts and feelings on this issue and what he felt the Council should look into.

There were no other public comments. The Mayor closed the public comment period.

The Mayor said speaking to Audie’s comment on the owner occupying the residence, he wonders if it fits in the existing language. He explained his thoughts on things.

Councilmember Cox said if you look at Section 3 doesn’t that explain things. There was a brief discussion. The Mayor wants to get things right. Councilmember Crittenden agreed with the Mayor.

Councilmember Forman said this only applies if you have a second dwelling in your home.

There was a lengthy discussion amongst the Council on who and what is considered immediate family.

Councilmember Forman explained this was talked about a couple of years ago and he is on both sides of the fence on this matter.

Councilmember Fryer asked if they leave things the way they are could they get a conditional use permit if they ever needed too.

The Mayor feels the old code is old and sometimes needs to be changed and sometimes we need to change the code. He feels a lot of this is efforts to control growth and keep it from happening. Is some of this left over in that old way of thinking or do we need to make some changes?

 The Mayor said this creates a very slippery slope and it’s not what cities or counties should embrace.

There needs to be some control, but not too crazy.

The Mayor said he is not seeing us define anywhere property owner in Title 18. He explained what owner was in that section.

The Mayor could talk his way in any direction with this.

Councilmember Cox doesn’t know which one she would choose at this moment. The third option is to define something which you really can’t do.

Council had a very extensive conversation on the definition of immediate family member and on short term rentals.

Councilmember Forman said you can look at it in two separate ways. One is just open it up. The other is this is just a narrow scope of properties that you’re looking at this is only those with a secondary unit. You can open it up to every home in Francis as a duplex, but the reality of it is that isn’t going to happen. But the potential exists. There needs to be some control, but it doesn’t need to be too crazy.

The Mayor asked if they defined property owner, Planner Henneuse was going to check into that.

Planner Henneuse said immediate family is very well defined.

The Mayor is not seeing anywhere a definition of property owner. Planner Henneuse suggested to use property owner but not capitalize.

Councilmember Forman said there is no guarantee an owner will keep it up either.

The Mayor said he could talk his way into any direction, and he explained why.

Councilmember Cox feels they would fail miserably to define something. You either need to do it and let it stand or strike it completely or no matter what happens. To her family is very well defined.

Councilmember Fryer said her vote is to strike it. Councilmember Cox said they argued that for three hours last time and they decided to leave it in.

The Mayor said according to Cornell Law School the definition of immediate family is limited to the spouse, parents, step parents, foster parents, mother-in-law, father-in-law, children, stepchildren, foster children, sons in law, daughter’s in-law, grandparent’s grandchildren, brothers, sisters, brother in laws, sister in-law’s aunt’s uncle’s niece’s nephews and first cousins.

Council liked that definition. So suddenly we are going to refer to the code of federal regulations. The Mayor thinks the attorney would hate that.

Councilmember Cox feels it needs to be in the definition section.

The Mayor said you either remove it or define what you mean by property owner. He would be fine with that, or you can say the owner doesn’t have to occupy the premises.

Councilmember Forman feels that they should do property owner or immediate family.

The Mayor asked if they wanted to pause on the issue, Planner Henneuse pushed for a timeline.

Councilmember Crittenden said whether it is owner occupied or not there’s other means if there is an issue to enforce them. There are code violations and things like that.

Planner Henneuse keeps thinking about the call on the 8 lots. The Mayor said the zoning prevents that and Planner Henneuse explained her thoughts.

The Mayor couldn’t find the deadline they were looking for.

Councilmember Cox said you can’t control who owns the property.

The Mayor said according to the city attorney they have to pass something, but they could punt it for 30 days if they wanted. There is no harm to sit on the issue either. The Mayor asked if we had the definition of immediate family again.

The fear is until they pass something they are allowed in all zones.

The Mayor asked if the Planning Commission addressed this much, and he was told no. They liked the short-term rental code.

The Mayor said he didn’t care if you rented your house or not. He explained his thoughts.

***Councilmember Cox moved that we approve Ordinance 2021-19, An Ordinance of the City Council of Francis City Amending Portions of City Code Relating to Accessory Dwelling Units and Short-Term Rentals. With the changes that we made, and Katie took note of as small grammatical errors and punctuation changes and striking Section 18-15-210, 2-A-3, and 2-B-2. Councilmember Forman seconded the motion. The Mayor, Councilmembers Cox, Crittenden, Forman, and Fryer all voted aye; motion passed.***

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

 **A. Nick Berry/Business License---**The Mayor gave some background on this and explained that Nick Berry would have been here, but he told him he didn’t need to be. The Mayor explained the issues that were going on with this project. The first phase is ready to close and there were two issues that needed to be addressed. He explained what those were. He came to the inspector and asked if they could move forward and finish the landscaping and fencing after he receives his occupancy.

The Mayor asked him how long he was talking, and Nick told him three weeks but who knows. So, he asked if he could put those items off until spring. The Mayor and Building Inspector discussed it and the building has its certificate of occupancy. There is a little bit of a difference on if the business license can be issued. The Mayor explained his thoughts on everything. He feels they should put a leash on it and give him a bit of time and that the landscaping is put in in the spring.

Everyone on Council was good with giving Nick 60 days to put up a wall for the sight obscuring fence, and the Planning Commission signing off on the fence and landscaping.

 **B. Tifton Hills Final Plat---**The Mayor turned the time over to Planner Henneuse. Planner Henneuse read the staff report and explained what had previously gone on with this project.

Executive Summary:

An annexation agreement for the Tifton Hills subdivision was signed in January 2007. The developer sought final subdivision approval at the December 18, 2007, City Council meeting.

The project had several open items, and the City Council decided to table the item and hold a work session. The open items concerned the following:

• Obtaining UDOT approval for access off SR 35

• The location of the new well and specifications for the new water storage tank

• Obtaining easements for the sewer line

• Finalizing the plat, CC&Rs, and construction plans

• Finalizing conservation easement agreements with a conservation organization

The developer decided earlier this year to move forward with the project and to seek an amendment to the annexation agreement. The City Council agreed to amend the annexation agreement in September. The amendment removed the requirement that the developer build a well and tank since a new well and tank are being built as part of the Stewart Ranches subdivision. Instead, a payment will be made to the city in place of the well and tank.

The developer is currently requesting final plat approval for all 76 lots. The development includes a 20-footwide preservation easement around the north, east, and south sides of the development and a 120-acre conservation easement.

Plat and CC&Rs Review:

Staff reviewed the Tifton Hills plats and CC&Rs considering City Code sections 17.35 (Final Plat) and the Planner’s staff report from December 2007. The plats and CC&Rs have undergone updates to resolve open items and to bring the plats in compliance with current code. Based on staff review, the developer has met the final plat requirements with the following outstanding items:

• Finalize the address tables after addresses are obtained from Summit County.

• Add illustrations to the CC&Rs.

• Finalize the conservation easement and holder of easement.

• Make payment to UDOT for SR35 access.

Planning Commission Recommendation:

The application for final plat approval was held by the Planning Commission at their October 24, 2007,

meeting, where it was approved on a three to one vote.

Staff Recommendation:

Approve Tifton Hills final plat with the condition that the open items be finalized prior to recording the plat. Advise the developer that the plats may not be recorded until fees agreed to in the annexation agreement are paid.

Engineer Kettle explained the irrigation company approval is only verbal. UDOT approval is approved and granted (See attached Horrocks letter). 76-acre feet of water needs to be turned in to the City. He explained they put in a low-pressure sewer system in parts of the project.

The Mayor is concerned with the walkways. Engineer Kettle explained how that would work.

Councilmember Fryer wanted to know how they were going to keep the storm water up there, because right now it runs through her barn. Engineer Kettle explained how that was all going to work.

The Mayor asked if Council or staff had any questions. He asked if Brad needed to add anything to this conversation and Brad said no, he didn’t really feel he needed to. He thanked Engineer Kettle and Planner Henneuse for all of their help.

Engineer Kettle explained the easements and access to this property and what had gone on back in 2007. They made sure there were no more future accesses up there. They wanted to keep the hill preserved. This will provide better access to our well and tank so it should help things out.

The Mayor asked for a motion.

***Councilmember Cox moved to approve the Tifton hills final plat with corrections stated in meeting. Councilmember Forman seconded the motion. All voted in favor motion passed.***

Robert McFadden is the new owner of the Tifton Hills project, and he feels that they have level headed the meetings tonight. He wants to know if he is able to get up there and start staking as soon as possible. He would like to change the name to the Foothills at Francis Gates. He would also like to change the road names. So he is asking what he needs to do. The Mayor told him he could change the names.

Engineer Kettle said that in Summit County they will not duplicate names so check with the county.

He wanted to know when he needed to provide the annexation money. He was told before the plat was recorded.

 **C. New Building---**The Mayor said this is something Katie and Cooper have been helping on and staff and everyone in the office.

Planner Henneuse presented her power point presentation.(See attached)

Council decided to take the next step and figure out what layout they would like and talk with some architects.

 **D. Stewart Ranches 5,6,7 Final Plat---**The Mayor turned the time over to Planner Henneuse. Planner Henneuse read her staff report.

Executive Summary:

Stewart Ranches was granted Master Plan approval and Phase 1, 2 and 4 final approval by the City Council. Stewart Ranches is an AG-1 Conservation Subdivision to be built out in 11 phases. The developer is currently requesting final plat approval for Phases 5, 6, and 7. The developer has not applied for final plat approval for Phase 3 (23 townhome lots). Phases 5, 6, and 7 have a total of 41 single-family lots.

Plat Review:

Staff reviewed the Phase 5, 6, and 7 plats considering City Code sections 17.35 (Final Plat) and 17.60 (Conservation Subdivision). The developer met the final plat requirements for Phases 5, 6, and 7 with one outstanding item:

• Finalize the address tables after addresses are obtained from Summit County.

Planning Commission Recommendation:

The Planning Commission is forwarding this item to the City Council with a unanimous positive

recommendation.

Staff Recommendation:

Approve the Phase 5, 6, and 7 final plats. Advise the developer that the plats may not be recorded until the remainder of the annexation fees for Stewart Ranches are paid, HOA by-laws and CCRs are finalized, and a conservation easement for the open space is finalized.

The Mayor asked Engineer Kettle his thoughts. Engineer Kettle shared that the trail and the open space need to be constructed as part of this. They agreed to have the trail as part of the open space. Engineer Kettle explained he needs to double check and make sure that they have turned in all of the water for all of the phases that we will be recording.

The Mayor asked if staff or council had any questions and there were none.

***Councilmember Forman moved to approve Phases 5,6, and 7 final plat for Stewart Ranches with the completion of the tasks from staff and engineer. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted in aye; motion*** ***passed.***

Engineer Kettle wanted to talk about something really quick while Rex was here. He wanted to talk about Lone Rock, and he said they couldn’t act on it as it wasn’t on the agenda, but he would like to get a feel from the Council how they would feel. He explained that there were four extra lots not in City limits that would like to hook onto city water and sewer and why and where they would hook. He explained if this wasn’t in our source protection zone, he wouldn’t be too worried. But since they can already have wells and septic tanks and it could affect our water source it would be better to let them hook on. They just wouldn’t be part of the City.

Engineer Kettle said if this wasn’t in our source protection zone, he wouldn’t worry about it.

Councilmember Fryer asked Rex if they wanted to annex, and he said no.

The item was not on the agenda so they will bring it back next month.

 **E. Blind Rabbit Concept Plan---**The Mayor read the executive summary. He then turned the time over to Planner Henneuse. Planner Henneuse reviewed the rest of her staff report. (See attached)

The Planning Commission had three recommendations: Add additional parking spaces to the site plan. Coordinate the building architecture with Wes Harwood, the owner of an adjacent lot whose commercial development concept plan was recently approved and move structure out of a 10-foot easement on the east side. Show the easement onsite plans.

Staff recommendation: Discuss the project with the applicant and review the architectural rendering. Answer any questions that the applicant may have. Approve the concept plan with the Planning Commission recommendations.

The Mayor asked about the pictures in the staff report. Barry Primos explained that he has watched Quinn’s Junction develop and he would like to do something like that. He has no preconceived ideas of what he should do. He said this is just a starting point and he will work with the City any way he can. Wes Harwood has missed two appointments with him. He will do whatever he needs to make things look like the storage units if necessary.

The Mayor felt these looked like an appropriate use with the building that is there and everything behind it.

Planner Henneuse explained what the Planning Commission liked and what they were looking for.

Councilmember Fryer asked if they were going to have an Olive Garden. Barry explained what some of the businesses where that were over at Quinn’s Junction.

Councilmember Cox said it’s interesting that he mentioned the Quinn Junction area. She has been over there and seen the buildings, but she doesn’t really understand the need for the garage doors. She would prefer if there were the 5 buildings that there was more of a mixture in the buildings. If she were going to put something there, she would not want the garage doors, that is just her personal suggestion.

Barry wanted to do one building and then see what the market dictates. He is very flexible.

The Mayor wanted to know what we were doing tonight. He was told feedback. As a general concept the buildings are attractive. The Mayor told him to keep going and continue.

Planner Henneuse said when they bring in a site plan for the first building, they want to see a concept plan for the landscaping.

Barry said he was surprised; the Council was very functional.

 **F. Hidden Meadows Annexation/Resolution 2021-11---**The Mayor reviewed what had gone on in the last meeting.

Planner Henneuse said we needed this approved as we need to get this to the Lt. Governor’s office in 30 days. She explained what had gone on with the Planning Commission. She explained they were fine with all the conditions except the one on the Cities obligation on the tank and well. They didn’t want to tie themselves to that.

She told Council to look for the Nick Bracken edits. She discussed the trails and South Summit Trails Foundation being involved and that Rusty’s attorney didn’t like that. They all agreed that the City should own the ground. It should be dedicated to the City.

One thing they want to do is keep the conservation easement in the Hidden Meadow Ranches name so they can use it for grazing.

Councilmember Cox wanted to know if the trail is over the conservation easement, who exactly would be over the trails. She explained her thought process and thinking on the matter.

Engineer Kettle explained why things were the way they were on the other trails in the City.

He explained the difference between the private and the public easements. He felt that Francis could hold the easement and they could use the ground just for grazing. He didn’t feel the City should be liable for the land.

The Mayor doesn’t want liability for the land either.

Councilmember Crittenden wanted to know if the ground is going to be fenced. He doesn’t want the City to be liable for anything either. There was conversation on people walking through the livestock. Councilmember Cox said it happens all over the State of Utah.

Councilmember Forman feels we just need to make sure the land stays open, but we don’t need to control anything ourselves.

Planner Henneuse put in the agreement that it was a public non- motorized use. She wants to verify and make sure it is a public trail.

Planning Commission didn’t want the City to have the maintenance responsibility. The Mayor agreed he doesn’t either. But he wants the trails and conservation easement to stay open. He wanted to know who was liable to maintain the trails. The Mayor said we could have someone else maintain the easement and trails.

Planner Henneuse explained another item she was concerned with was where they added some language to the City’s obligations that the City will install a municipal well and water tank capable to supply water to the development subject to the developer’s compliance to the City Ordinances and Policies and State law. They want assurance that the well and tank will be constructed. She explained that the Planning Commission did not like that they felt that required us to develop the well and water tank on a certain timeline for the development. That is the one of the things they didn’t like.

The Mayor doesn’t see the law implying a time where it is silent. He explained his thoughts on the subject. It is the City’s intent to do it, it just doesn’t say when.

Engineer Kettle explained that the City’s current system will feed that, everything will be connected. We don’t need another well and tank right now. Do we have to do it today, no.

The Mayor feels there is more to this than what the statement says. Council all shared their thoughts on the matter.

Councilmember Cox feels the trails easement just needs to be granted to the City and it’s up to the City to do whatever they want after that. It should not be in the annexation agreement.

Planner Henneuse will make sure everything discussed will get changed in the development agreement.

Councilmember Forman wanted to make sure that it says that the conservation easement would remain in perpetuity forever.

Councilmember Cox wanted to point out the detail that has been overlooked in 2C1, two things she would say 4 miles of trail if you hard code four we may run into a little bit of trouble. She doesn’t want somebody to come back on that. They decided to say approximately, but no less than is the verbiage they want. In Section C on the first page the 102 only needs to be listed once.

***Councilmember Cox moved to pass Resolution 2021-11, A Resolution of the Francis City Council Approving An Annexation Agreement With Hidden Meadow Ranches Utah, LLC. For The Hidden Meadow Ranches Utah, LLC. Annexation Development, with all of the changes as discussed in the discussion tonight. Councilmember Crittenden seconded motion. The Mayor and Councilmembers Cox, Crittenden, Forman and Gryer all voted aye, motion passed.***

 **6. Council Business**

 **A. Council Reports---**None. Councilmember Cox would like the record to reflect that she has no conflicts with next year’s meeting agenda schedule. The Mayor also has no conflict.

 **B. Planner Reports—**Planner Henneuse only hasone item for next month.

**C. Engineer Reports—**Engineer Kettle explained the Roper building materials have been delivered so they are closer to getting that started. The well, were closer, it’s been a rough two weeks

 **D. Mayor Reports---**The Mayor said next month we are going to discuss Frontier Days.

**Councilmember Ames motioned to adjourn. Councilmember Cox seconded. All in favor, meeting adjourned.**

**7. 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 November 2021.

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Mayor Byron Ames City Recorder Suzanne Gillett