

Francis City Council Meeting
Thursday, September 14th, 2023, 6:00p.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 Forman, Councilmembers Fryer, Hunter, Querry, and Summers

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

Others Attending Council Meeting: Gracia Eisman, Robert McFadden, Julie Black, Tim Shefchick

Welcome, Call to Order, and Pledge of Allegiance---Mayor Forman asked where Suzanne was. Planner Henneuse explained they were working on the hard drive in her laptop as there were issues with it. She explained that things were being recorded so we could still start the meeting.

Mayor Forman asked Councilmember Fryer to lead in the Pledge of Allegiance. The Mayor thanked her. He then moved to the consent agenda, he explained what some items were for and that they were grant items.

1. Consent Agenda

A. Approval of Check Register Dated September 14th, 2023, and Approval of the Minutes of August 10th, and 24th, 2023—Council discussed the items on the register and then Mayor Forman asked for a motion.

Councilmember Hunter made a motion to approve the invoice register dated September 14th, 2023, and the minutes dated August 14th, and 24th, 2023. Councilmember Fryer seconded the motion. The Mayor and all Councilmember voted in favor; motion passed.

2. Public Comment---The Mayor opened the public comment period. There was no public comment. The Mayor moved forward with the meeting. He explained that he would take a couple of items out of order as the City Attorney was here and needed to be done as quickly as possible. So, he was going to move to items B and D to start off.

3. Public Hearing---None

4. Discussion, Updates and Approval on Potential Action Items

A. Discussion on Building Height---The Planner said this is not a code text amendment yet. She explained that most of the Council has met with Tim. She said as they met with him, they have a couple of items that they need to look at. She stated that she has looked at all the other Cities around us and she has investigated a lot of things important to this project.

She explained we measure the height from natural grade. Kamas measures from the center of the road on the highway. She thinks that is something Francis should adopt. Any business that comes in will need to build up, so they are not swimming. She would like natural grade or from the center of the road. (See attached paperwork.) She explained that Francis allows forty feet in height and then there are options for towers etc.

Planner Henneuse reviewed how Francis compared with the other Cities. She reviewed the code changes that she would like to see and why and what inconsistencies there were. She feels that they do not need to go into all the details tonight in the code.

Attorney Christopherson said one of the things when he was a Councilmember in Salt Lake was to try to recruit hotels into the City. He explained why they did that. He feels it is an offsetting benefit to commercial growth.

Planner Henneuse asked Attorney Christopherson to explain in more detail about the Councilmembers meeting with the developer.

Attorney Christopherson shared that the code requires that you cannot meet as a quorum with a developer, but you can individually or a couple of you, but no more than two. Two or fewer.

The Mayor asked if there were any questions concerns or comments. There were none.

Attorney Christopherson said Francis is the City that is going to grow the most according to the County, but the County does not control what the City does. It is up to the Council to make those decisions. One of the concerns is we like the rural feel. One of the neat things Francis has done is the Conservation Subdivision. But as you look and contemplate these types of things is that commercial does not get reduced on your property tax.

The Mayor said to be clear, there are some things in this code that need some tweaking whether there is a hotel or not. He is supportive of simplicity and would like to have something that makes sense and there is no guessing of what the interpretation is. He is comfortable with sending them to the Planning Commission to make changes and for them to review things.

Planner Henneuse asked for thoughts on from where to measure grade. Should the parapet wall be an architectural element so that could be above building height, or you just follow building height? One or the other. The Council decided on the center of the street. Engineer Kettle said that would make it hard for residential. But the Commercial and City Center will be the center of the road.

Tim Shefchick said listening to the comments he would like to offer something to consider. He feels simplifying the code makes it easier. He knows there are conditional use codes, but he thinks that it would be in the best interest to review some of the codes to review that in detail.

He explained his thought on the natural grade height measurements and that most use finished grade at the foundation of the building. The finished grade would be the average of the finished grade. He

explained his thoughts and experience on this. He feels finished grade at the foundation would be the best way. He then explained his thoughts on the parapet wall.

The Mayor thinks that the Planning Commission should look at it and get everything figured out.

B. Discussion and Possible Acceptance of the Interlocal Agreement with Summit County regarding EMS Services---Mayor Forman explained that he has been working with the Summit County EMS and he has been in discussion with Julie Black that is here and with Dave Ure and Mayor McCormick. He explained that they have changed some of the definitions quite a bit. He explained some of the changes that had been made and reviewed the red lined Interlocal Agreement. He explained that Dave Ure was comfortable with this, and he stated that Oakley and Kamas will also be signing this document.

He opened the meeting up to the Council for questions or concerns.

Councilmember Querry explained that he had been to a meeting last night and talking with Julie he feels comfortable with it. He asked if everyone was going to sign this, and he had been told yes.

Mayor Forman explained that the City is not bound for anything. He asked if this was a Resolution. Attorney Christopherson explained that we can sign this without a Resolution, and we can create it after the fact and still approve this tonight.

Mayor asked for a motion.

Councilmember Querry made a motion to approve the contract and allow the Mayor to sign on behalf of the City. Councilmember Summers seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

C. Foothills at Francis Gates Annexation---Planner Henneuse said at this meeting it says we need to accept or reject the petition. Right now, we are at step 3. If we decided to accept the petition, we will move forward with the process. She explained what those steps were and that there would be public hearings. This is just to decide if we want to move forward with the annexation or not.

Planner Henneuse reviewed her staff report and slide presentation. She reviewed where the parcels were and why it would be good for the City. She reviewed where the roads were and what had been changed. There will be two access roads on Foothill instead of one on HWY 35. They would like five one acre lots. She explained when Jan was the mayor, they agreed they would do five lots. She reviewed her staff report. Her recommendation is to keep in mind that this is a legislative decision. This meeting is not a public hearing, but there will be some later.

Councilmember Hunter asked about the irrigation that is in this annexation area. Engineer Kettle said we would pipe the ditch and it would help them better.

Attorney Christopherson asked about retaining walls and explained a horror story that ended up being a two-million-dollar fix, so he would rather the City not have any retaining walls.

Robert McFadden explained, as you know they bought this property two years ago in November. He feels they have tried to make this the most accommodating development for the City. One reason they bought the Prescott piece was to change the road access to be safer. Annexing this will make it, so they do not have to have such heavy grades. He said they did receive an offer for the property that they may or may not accept.

Engineer Kettle explained the sixty foot right of way and why this makes things much better.

The Mayor asked if this minimized things on the walls. He was told yes.

The Mayor feels this annexation makes sense and he is not one to jump on annexations. He does not feel that we are taking it in the shorts. He asked for a motion.

Councilmember Hunter motioned to accept the petition as it is stated for further study.

Councilmember Summers seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

D. Moderate Income Housing Component to the following Conservation Subdivisions: Hart Ranch, and Hidden Meadows---Planner Henneuse explained this also includes Stewart Ranch.

Attorney Christopherson explained that a couple of weeks ago he individually talked with the Councilmembers about the Conservation Subdivisions two major purposes. One, to conserve the rural feel of Francis. Two, if you wanted to build a townhome product the City Council could approve the Conservation Subdivision, but they had to be for Moderate Income Housing.

We have two subdivisions that are building the product but are unable to sell them to meet Moderate Income requirements.

Attorney Christopherson reviewed his power point presentation with the Council. (See attached). The Moderate-Income Housing component this year makes it not affordable. Economic challenges are for prices and materials. He compared the graphs. He said things are worse than they were. He says that what we have done with Stewart Ranch and Hart is not economically possible. He then explained the consequences of what had gone on. He feels that they cannot make the City code work with Moderate-Income Housing. He then shared some real-world examples. He then reviewed options that we could do, or we could do nothing. Option one, we could make it pencil for developers by changing the percentage of moderate income. Option two, we could amend the agreements to reduce the number of units that would be deed restricted. Option three, eliminate the townhome component all together. He feels that is the most complex of all of them. The last thing is we could do nothing. He feels if we do nothing, then one developer is in violation. He said we could wait it out and see what happens. We are not required to do anything.

Planner Henneuse explained the real issue with Hart, and they realized they were not being sold at the correct price. She feels option four works for a couple of them, but not all of them, not Hart.

Attorney Christopherson said some may feel we are doing developers a favor; he does not think we are. These are things that no one expected to happen. He feels the Council should think about it and discuss it at the next meeting.

The Mayor asked if there was anything we needed to consider as far as legal issues? Attorney Christopherson said sure, but it should be discussed in a closed session.

Planner Henneuse said for Hart to be in compliance there are a couple of options for Rusty. She said he could buy down rates and then amend the code that works for every other situation besides Hart. She would like to see things become deed restricted and more enforceable.

Planner Henneuse explained in speaking with Rusty he felt 10% to 20 % would be workable.

Councilmember Summers asked if we are letting this dictate the decision. The reason we are all here is because we are representing the people that live here. Is Francis going to take a hit?

Attorney Christopherson said that no matter where you live the developer built the house and he made money on it. So, he thinks that creates a recognition that we all live in homes that somebody made money from.

Councilmember Summers felt if we make the change, we are pushing out people that grew up here and then letting people from California buy and pay the higher price.

Councilmember Query feels in his mind this was done for someone's kid who grew up here to stay here. Now, two or three years later it is not feasible to change something for me. But what about the people it was intended for in the first place?

Councilmember Query has said before, Rusty gets caught and keeps producing excuses. Planner Henneuse said Rusty claims that he thought he was doing things correctly.

Councilmember Query would prefer to have time to think about it, but he feels they should wait it out. That is his first impression right now is waiting.

The Mayor does not feel there is any reason to rush into this.

Councilmember Hunter asked if he has sold two homes and wants to make sure we are ok with it?

Attorney Christopherson does not want to get into things in a public meeting.

Councilmember Hunter would like to wait for it to be resolved next month.

Councilmember Fryer felt Runaway Ranch is ugly, but she does not feel that it will look like that because there are already other homes there.

The decision on Hart needs to be made as soon as possible and the others can be a little out.

The Mayor just wants to make sure we are moving to some solution at some point. He feels we need to hold off on deciding until the next meeting.

The Council decided to think things over until the next Council meeting.

E. Mayor Pro Tempore---Mayor Forman shared when Jan was Mayor, he appointed him as Mayor Pro Tempore and he feels that it is really a good idea to have someone step in when he is not around. He would like to ask or nominate Councilmember Hunter to be his Mayor Pro Tempore.

Councilmember Hunter said he would be glad to take the position, but if anyone else would like to step in he is good with that too.

Mayor Forman motioned to appoint Councilmember Hunter as his Mayor Pro Tempore. Councilmember Querry seconded the motion. The Mayor and Councilmembers Fryer, Querry and Summers all voted in favor. Councilmember Hunter abstained. Motion passed four in favor and one abstained.

F. Rap Grant 2023---Planner Henneuse explained that last year we got money for the playground and what has been done with all that money. Restrooms were delivered today. So, it is time to see what we want to ask for money for next year's projects. She feels that we should ask for the rest of the money to finish the bike park.

Councilmember Querry asked about the City park if we had tables and things, and he was told yes, we would be getting them. He feels that we should just get the parks finished.

Planner Henneuse explained that is what she is planning on and wanted to make sure the Council was good with it.

G. Frontier Days---The Mayor explained this discussion is just preliminary.

Recorder Gillett explained that she did not have all the bills and things taken care of yet. The Mayor stated that it takes a lot of people and a lot of stress to deal with the celebration and he appreciates the fact the Council was highly involved from his perspective. He knows there were some issues and that it was a stressful weekend. He thanked everyone for all their help.

Planner Henneuse reviewed the survey results from Frontier Days. She said one conversation we had in the office was that you keep trying to get vendors etc. and maybe we need to minimize the all-day activities. It takes a lot of work, and it requires a lot of volunteers.

Councilmember Querry said we should change it to Friday and Saturday. Planner Henneuse said it is in the code for Saturday and Monday.

Councilmember Querry said that he and Councilmember Hunter butted heads on the concessions and Councilmember Hunter did most of the work. The shack is crazy, and he has done it two years in a row, and he is done. He says it is not feasible any more to run the shack the way they have.

The Mayor feels there are some things we can look at. He still likes the Monday tradition. Recorder Gillet suggested just doing Saturday night rodeo and then keeping all the Monday activities then. The Council will think about it.

5. Council Business

A. Council Reports---None

B. Planner Reports---Planner Henneuse reminded Council the of meeting on September 26th in Kamas.

C. Engineer Reports---Engineer Kettle shared that the bathrooms showed up today for the parks. They started the one thousand east water line project, and they are working on the tank and the lines that go from the well up to the tank. Working through some sewer issues. He is trying to get the building plans done, and we had another bidder that wants to put in. So, is the Council willing to allow them to be added to the list? The Council was good with it.

D. Mayor Reports---None

6. (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.

7. Meeting Adjourned---*Councilmember Hunter motioned to adjourn and Mayor Forman seconded the motion. All in favor, meeting adjourned.*

Mayor Jeremie Forman

City Recorder Suzanne Gillett