

Francis City Council Work Session

Thursday, October 26th, 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 Forman, Councilmembers Shana Fryer, Sam Hunter, Clayton Querry and Clint Summers

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

Others Attending; Rusty Webster

1. Welcome, Call to Order, and Pledge of Allegiance---Attorney Christopherson started the meeting. He explained that the truck lease company has changed banks so everyone needs new documents so in the next meeting they will need to sign a Resolution for that.

Attorney Christopherson brought up the hotel representative that came and spoke with the Council. They want some incentive to come here. Planner Henneuse has done some background work, and the City of Ephraim did not consent to incentives, but Morgan did. He explained that the law changed in 2022 and you cannot provide tax incentives for retail. He explained the exceptions for a City to be able to do that. So, we cannot give them an incentive. We do not have to approve or deny because we cannot. We do not have any need to upsize anything. So, there is nothing we can offer.

2. Moderate Income Housing---Attorney Christopherson explained they talked about this briefly in the last Council meeting. They have three conservation subdivisions they are working on. He explained that when Stewart Ranch came to get their development going, they agreed to Moderate Income Housing through, through the conservation subdivision and ordinance.

Some negotiations occurred and to resolve the ambiguity they moved the number size down and he will get that to staff for the next council meeting. We have two others, one with Hidden Meadows and the development agreement is not signed. And one with Hart Crossing, they do have a signed agreement and there is a provision in that agreement that provides a defense related to penance. This has not been tested in court, but they need some direction from Council. The issue comes down to Moderate Income Housing, what is in the code and what interest rates are. That causes a bit of a dispute on compliances.

Attorney Christopherson asked if they were good talking with Rusty.

Rusty explained years ago when they signed the agreement it was acceptable to do. Now he does not feel like it is acceptable in today's world between cost and interest it is impossible for him.

What he proposed is to truly buy down 30 years fixed, he then explained what that would do. He explained how he felt things would work out depending on FHA or conventional. He feels that buying down makes things more possible. He thinks it is going to help a lot more than trying to cobble down what Summit Counties definition and numbers for moderate income are. He does not want to make a plat amendment every time interest rates change.

He is willing to try and comply with everything. He said he and Planner Henneuse talked about Francis achieving affordable housing is with Francis and the developer agreeing on both contributing.

Attorney Christopherson said with the incentive they try to develop older areas or buildings to help the developer out. He explained how that would all work with CRA's. We are not required to because of our size.

Planner Henneuse explained that we need to decide how we are going to handle townhomes in conservation subdivisions going forward. We also need to figure out how we will handle the three we have now.

Attorney Christopherson feels that he, Planner Henneuse and the Mayor produce some recommendations and solutions.

Planner Henneuse feels that they need to talk more about it tonight.

Councilmember Fryer feels that Rusty wants to work with the City.

Planner Henneuse said they are where they are, but they need to produce some options.

Hart Crossing options are to change the definitions, amend agreements, change definitions in ordinance, re-negotiate, or make a new agreement. Doing nothing is an option as well.

One Hidden Meadow option is to reduce density and revise the annexation agreement. Water issues still need to be resolved.

Stewart Ranch has an agreement with red lines to work through. The agreement has never been signed, but Attorney Christopherson does not think they need to change the agreement. 7 out of 23 deeds were restricted.

Councilmember Summers asked what Stewart Ranch is asking. Stewart's attorney calls twice a week wondering where they are at. They would like a reduction in numbers. They had an agreement, but their attorney revised another one.

Planner Henneuse explained the code and said that all townhomes had to be moderate income housing in the old code. But because the definitions were not great it has come up to 7 from 23 so that is a fairly good rate.

Councilmember Fryer wanted to know what year Stewart's contract was. She wants to know if the rates and things were good when they started, so is it because they did not move on it?

Planner Henneuse explained Stewart is a little unique because it is not in their development agreement, it was in the code.

Councilmember Fryer feels they should take the 7 and 7 is better than nothing.

Councilmember Hunter wanted clarification from Stewart Ranch on building the 7. But Attorney Christopherson said they will redline the contract and make them build throughout.

Planner Henneuse feels affordable housing really is an issue. She told Council about a teacher at the school that is leaving and bought a house in Payson, and he will try to get in a school down there because they cannot afford any housing here. It sad to see a good teacher leave.

Councilmember Summers is glad that Rusty is here trying to work things out, but he does not want to change things. If we are going to move the goal post it needs to be both sides working on things. He feels they should leave Hart as it is and stick to the original agreement.

Councilmember Hunter agrees with Councilmember Summers. Moderate Income is an option. At least it gives them something to strive for. He does understand Rusty's situation. He said with Hidden Meadows, they could allow them to be taken out.

Planner Henneuse explained the idea of the Conservation Subdivision and what it was meant for.

Councilmember Hunter asked how many townhomes at Hart are constructed now. He was told 4 complete and 4 in process out of 16.

Council discussed back and forth between the three different projects and the different options available.

Rusty is trying to bridge the gap between what was agreed on and what is possible.

Planner Henneuse asked if we give density incentive how much do you make average income on single family vs townhomes?

Rusty said they would lose 36 units and gain 20 or 21 single family. They will lose 15 or 16 townhomes. Rusty's intent was three different price points.

The Mayor said love or hate the problems the Hart Development is nice.

There was a lot of reference to the City Codes and how things have been done and what has worked and what has not.

All projects were annexed into the City and without the Conservation Subdivision they would not have been.

Councilmember Querry wanted to know why we are even doing any of this if we are not deed restricting things. He feels that the City should get more out of things, he just does not feel that with Hart the City should take the hit. So, he gets it. He is hardline on things. He is hearing from the citizens that everything is growing too fast and why does the City keep doing things?

Attorney Christopherson said this is where it is hard.

Planner Henneuse totally agrees moving forward we need to have deed restrictions. She does not love the extra work, but she does agree with it. On the hotel she wants to let them know the zoning is in place.

Council was told their marching orders are bring back recommendations.

Stewart Ranch make sure they are good with the contract. Rewrite it so they must do things as they go.

The other two will produce three options.

Hidden Meadows take out the townhomes only if we do not lose the hill. It will reduce the density. If you just say no then you do not create a situation for teachers, police men and firefighters. It is a balance on all of these, so they need to find a compromise on both sides.

Our Ordinance is aggressive to require things. Planner Henneuse feels that we should produce a few options for the code.

Hidden Meadows will just have to follow the code, whatever the options that they produce for that.

Councilmember Hunter thinks the developers are targeting townhomes because of the moderate income. They can get more out of them.

What concerns the Mayor is that the legislature is going to say who cares about what you think.

Planner Henneuse feels that they are trying to build a community and what kind of people do they want living here?

Planner Henneuse thought that deed restricting was the medicine.

Councilmember Querry wants to know how we determine pandemic and what it really caused.

3. (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.

Motion to go into the closed session.

Councilmember Querry motioned to go into the closed session to discuss the professional competency of an individual. Councilmember Fryer seconded the motion. All voted in favor.

4. Meeting Adjourned---Council adjourned after closed session.

Minutes approved as to form this_____ day of November 2023.

Mayor Jeremie Forman

City Recorder Suzanne Gillett