

Francis City Council Meeting
Thursday, May 13th, 2021 7:00 p.m.

This meeting will be held as an electronic meeting without allowing the public to enter the Community Center or another anchor location to participate, pursuant to Governor Herbert's Executive Order 2020-5.

Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592
<https://us02web.zoom.us/j/81514938782?pwd=cTF6MUxCT0g4NmJLbWtuTmtrMjJCUT09>

Meeting: 815 1493 8782 Passcode: 453414

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

Council: Mayor Byron Ames, Councilmembers Trilby Cox, Matt Crittenden, Jeremie Forman, and Shana Fryer

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

Others Attending: Rick Rapp, Jill Perkins, Troy Thomas, Eric Langvardt, Andrew Backstein, Sam, Preston Campbell, Tom Flinders, Bob

1. Welcome, Call to Order, Pledge of Allegiance & Thought—The Mayor welcomed all to the meeting. He then asked Councilmember Cox to lead in the Pledge of Allegiance and Councilmember Crittenden to give the thought. Councilmember Crittenden read a thought by Theodore Roosevelt titled Man in the Arena.

2. Consent Agenda

A. Approval of Bills Paid---*Councilmember Crittenden motioned to approve the check register. Councilmember Cox second the motion. The Mayor and all Councilmembers voted in favor; motion passed.*

B. Approval of Minutes from April 22, 2021---*Councilmember Fryer motioned to approve the minutes for April 22, 2021. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.*

3. Public Comment---The Mayor explained how the public comment period would work. He opened the public comment period. There were no public comments. The Mayor closed the public comment period.

4. Public Hearings

A. Code Text Amendment City Center Zone---**Ordinance 2021-08**---The Mayor turned the time over to Planner Henneuse. She explained that the purpose of this amendment is to expand the code for the City Center (CC) regarding the regulation of residential mixed-use development.

The summary of the proposed amendment follows: Set maximum residential density limitations. Require each dwelling unit to have a bathroom kitchen, separate utilities, parking and address. Specify that residential development is permitted on the second floor or higher. Specify that structures are limited to three stories.

Planner Henneuse read, reviewed and explained what they were looking for in Chapter 18.57 City Center Zone. Staff recommendation was: Discuss the attached code text amendment. Make revisions, as necessary. And approve the code text amendment.

The Mayor thanked Katie and explained that the Planning Commission recommendation was not attached. Katie informed him that it was a unanimous vote in favor of the code text amendment.

Councilmember Fryer stated that she liked it and thanked the Planning Commission for all of the hard work they have put into this.

The Mayor opened this up for public comment. There was no public comment, so he closed the public comment period, and brought it back to Council.

The Mayor explained there was also an Ordinance to go along with the code text amendment, he reviewed Ordinance 2021-08.

Councilmember Cox moved that we approve Ordinance 2021-08, An Ordinance of The Francis City Council Amending Section 18.57 Of the City Code Relating to The City Center Zone. Councilmember Crittenden seconded the motion. The Mayor aye, Councilmember Cox aye, Councilmember Crittenden aye, Councilmember Forman aye, and Councilmember Fryer voted aye. Motion passed.

B. Francis Commons Zone Map Amendment and Development Agreement---The Mayor explained there was a staff report, an engineer report and potential Ordinance in the drop box. He then turned the time over to Planner Henneuse.

Planner Henneuse explained that the developers had come in March and the motion then was to table the item while both the city attorney and their attorney discussed the settlement agreement on the property.

She explained that the developer has decided to move forward.

The developers are moving forward with an application to rezone 17.87 acres within the boundaries of Francis City from Residential Held (R-H) to 1.63 acres City Center (CC) 7.58 acres Residentials Multifamily (R-M) and 8.66 acres Residential Cottage (RC). Based on feedback from the Planning Commission, staff and the public, they have amended their concept plan to decrease the number of mixed-use units in the City Center zone.

Planner Henneuse reviewed the background on this property. She explained that Francis City approved a development plan similar to this concept plan in 2008 for a mixed-use development. A lawsuit was brought against Francis City by the landowner's and a condition of the settlement agreement was to return the land to the R-1 zone, which is referred to as the R-H zone in current code.

She explained that the developers had spoken with the City Council and Planning Commission on October 15th, 2020 during a joint work session. Then again on January 21st, 2020, the zone map amendment and updated concept plan were presented to the Francis City Planning Commission. The Planning Commission gave a negative recommendation (0-5). On March 24th, 2021 a joint work session on the topic of multifamily housing was held. Then on March 11th, 2021, a public hearing with the City Council was held. The Council motioned to table this item until the attorneys discussed the settlement agreement.

The developers also sought direction from the City regarding the zoning of the front of the property and whether to keep it as CC or request C-1 zoning instead. The developers felt that if CC zoning were granted, they would be able to construct the zone in Phase 1, but if the property were zoned as Commercial (C-1), they would construct it in a later phase. Staff recommended that the developer continue with the request for CC zoning and that it be constructed in Phase 1. The developer has elected to move forward with the application with a reduction in the density in the CC zone.

Planner Henneuse explained the Francis City General Plan highlights several factors that should be reviewed. She reviewed the Community Vision, Land Use, and the Commercial Zone. She reviewed and shared a map online.

The Mayor asked her to give a geographic location in the City and she explained where this project was at.

She explained that this parcel is outside of the City Center Zone. If approved, the CC Zone would need to be extended. She then went through each Zone. 18.57 City Center Zone, 18.58 Multifamily Zone, 18.40 Residential Cottage Zone and 17.05 Subdivisions/General Provisions. She gave an analysis of each of those sections and discussed the parking, height of buildings and the explicit purpose of the zones.

The Mayor asked if they are proposing to not do any affordable housing right now or would they still consider it. Planner Henneuse said that right now they are not planning on it, but they are willing to look into it.

Planner Henneuse also gave an analysis of both the positive and negative factors of allowing this change.

She explained that the Planning Commission did not make a recommendation on the current concept plan. A summary of their recommendation on the previous concept plan with a larger City Center Zone that includes 35 additional multi-family units follows:

In making their recommendation, the Planning Commission expressed concern that this proposal allows for additional density and does not promote balanced growth in Francis, especially considering the quantity of approved developments. They discussed the negative impact of this proposal on water systems, roads, policing, and schools. They commented that they do not want to set a precedent of approving zone changes and would like to see the City follow its zoning map. Concerns were expressed that the mixed-use apartment and townhomes would not be affordable and that the commercial space would not be viable. Public comments echoed many of these concerns, and while not a primary deciding factor, the Commission felt they could not ignore the overall negative public sentiment. After deliberations, all five commissioners expressed a negative recommendation for the proposal.

Staff Recommendation is to discuss the following questions with the developer and Council.

Is it acceptable for the CC zone parking to be in the M-F Zone?
Does the Development Agreement adequately set density limits?

Using the General Plan, along with the codes for the applicable zones, discuss the benefits and drawbacks of this zone change proposal. If the benefits of the proposal outweigh the negative factors, approve the zoning map amendment with the following conditions:

City Engineer will perform analysis to demonstrate adequate and resource availability for this added density in consideration of the other projects that have been approved within the City. If the analysis shows that the infrastructure is not adequate, the developer will agree to provide infrastructure upgrades.

Developer will provide traffic impact study showing no significant impact. If impact is significant, the developer will agree to provide modifications to roads and signage.

Sign and record Development Agreement.

The Mayor said Scott had a report and also asked him to review the walkway they would need to have between the parcels.

Engineer Kettle explained like Katie mentioned if we are going to add this much density to our Master Plan that we did awhile ago it didn't have this included in the plan or calculations. This subdivision or plan would be connected to the lift station on Hallam Road so if we do this we need to look at those items a little closer as we will need to do some upgrades. He feels the developer would need to be responsible for that. The water line was sized bigger when they put it through River Bluffs so the line itself should be ok. If you do this you will definitely need to look at the water and sewer. The trail on UDOT will have some issues. Getting to the corner wouldn't be that big of an issue, but you may have problems with the corner and the turning lane. You would need to work things out with the property owners as well.

The Mayor said we would make the Mitchell property on the corner develop a trail or walkway anyway.

The Mayor wanted to reconcile two statements that Scott made. First, the General Plan did not anticipate this density at this location and may require some adjustments, but then you also said and its fact that this was previously considered and proposed to be a project very similar to this one. He doesn't know if something was ultimately approved or not, but there was an anticipation that something similar to this project might go in there. Do we know what the density difference between this and the original plan was?

Engineer Kettle explained that when that plan was approved it was more of a pretty picture, there wasn't a lot of density to it. They talked a little about mixed use, this would have higher density housing and it didn't really say ok we are going to have 150 units. He said they didn't really have how many units decided like with this development. But they did upsize the waterline to help when developed, but nothing was done with the sewer line or lift station. So that is something that is going to need to be looked at. They will also need to look at the traffic issues.

The Mayor informed everyone that the applicant was present, and he had some time if he wanted to talk about the proposal.

Eric Langvardt said he thought Katie did a good job explaining things. He asked Rick if he had any comments and Rick explained that with the changes in the code text amendment that they may need to make a couple of changes with the development agreement so they would be in code compliance.

Councilmember Forman stated that in the staff report it stated that this had not been reviewed by the Planning Commission again and he wanted to know if there was a reason for that.

The Mayor said he consulted with the City Attorney on that and since this is already had a public hearing and the general proposal was the same and just a change in density in a specific location then it was not necessary to send it back to the Planning Commission.

Attorney Christopherson explained that the changes were minor. The feedback was they wanted less density and that was the only change. So, it doesn't make sense to start the process over. He tried to explain his thought process on it. He said this was not a new proposal it was a minor change; it was still a three-change re-zone. We are not at the preliminary plat or final approval. The reason the development agreement is on the agenda is to put a cap on things.

The Mayor thinks this is just a re-zone request. He thinks the concepts are proposing less density.

Councilmember Forman said that makes sense to him, but what he is hung up on is what's the difference between this one and the one on Gene Atkinson property. Attorney Christopherson explained that there were significant enough changes that they should go back and this one is not.

Councilmember Cox asked if her comments and questions should come before or after public comment. The Mayor said it didn't matter. She said if we are talking about extending the City Center Zone to this piece of property it would have to also continue through that piece of property between it and the current City Center Zone.

That means on the west side of SR32 the CC would extend farther north on the east side than on the west side. Would it make sense to extend the boundaries on both sides of the road. The Mayor explained his thought process on that. Councilmember Cox feels like if we want some kind of City Center you need a little bit of symmetry. Its already weird to have commercial and residential all mixed in on that.

Engineer Kettle said on the east side of the road that is where Circle T comes out and it would not work.

Councilmember Cox thinks it's worth discussing having that parking moved to the City Center Zone, she is not sure she likes the idea of parking in one zone for another. Then regarding the sidewalk or trail connecting this piece to the existing City Center. She said the Mayor mentioned temporary, because they would let the Mitchell property design their own walkway, but if you do put this in the City Center Zone then whatever sidewalk, trail or path has the potential to set the precedence for the rest of the zone, so a good bit of thought needs to go into that. She would be curious to hear from the developer to see if they would be willing to decrease the density of this project and or moderate-income housing and the multi family housing zone and would they be willing to add deed restrictions on some of these properties.

The Mayor opened the meeting to the public. There was no public comment, the Mayor closed the public hearing portion of the meeting.

The Mayor asked Council if they had any thoughts or questions. He said he has concerns about the connectivity of the City Center Zone with this location and what we already have in place. If this one passes and gets built first before the stoplight then it would negatively impact the corner location. He would want connectivity across the residential parcel. He agrees that the parking should be in the correct zone. He appreciates Ricks comments about not being concerned about the amended code text today. He is also concerned with the thought of adding the multifamily housing, deed restricted. The Mayor appreciates the engineer's issues and that Katie addressed in her staff report how this both met and conflicted with the general plan.

Councilmember Forman informed everyone that as he has stated in the last couple of meetings he is not interested in a lot of zone changes. In this circumstance he would only be interested in changing residential half to a commercial zone. The only real benefit he see's right now to the City when it comes to zone changes is providing more opportunity for commercial and while this partially does this it also adds a lot of residential. It concerns him because of everything already buildable. He thinks the Hwy. corridors are good locations, so he has concerns on the density and residential vs the commercial. He doesn't have a problem with extending the City Center Zone.

Councilmember Fryer honestly thinks she could go for changing it to the City Center Zone. She can't justify putting that many more homes on. They already have to many on their plate. She feels they need more commercial.

The Mayor asked in your comment you are ok with the City Center being extended, if the zoning were different with a larger City Center with more commercial space with living above. Does that move it more in the direction that you would be comfortable with. Councilmember Fryer said maybe, but not really.

Councilmember Crittenden likes the City Center Zone being extended. It is a pretty dense project, but his biggest concern is. He feels the parking needs to stay in the zone it was meant to be in. He would like to see more information and more of a guarantee on the affordability. He feels the only way they are going to achieve some

what of affordability is not half acre lots. It drives everyone out of the valley, but it takes a lot to maintain them. He is not opposed to the zone changes, but he would like to table it and see what they can come up with.

The Mayor asked Attorney Christopherson if he wanted to add anything to this. Brad said this is a zone change only. The developer and builder have made comments that they are willing to work with them. Brad said he proposed to Katie that to reassure he would suggest rather than doing this process for a zone change they should look at an SSD Zone. A custom build your own re-zone. He explained that zone and how it would work.

The Mayor said 17 acres in Francis feels like 17,000 acres if it were a much more developed City. There is a fear in the residents, council and staff of rushing into zone changes and things like that. They want to make sure when they do these things they want to do it right. It makes everyone extra cautious.

Eric said he thinks in summary what they are proposing is that everyone wants the commercial, but you need the beds to provide that. He thinks they can fix the parking issue and he feels it fits their balance. The hard part is trying to provide this mix to add to the community. This plan tries to hit all of the components. He feels they transition into three different body types. He thinks this preserves the cities rural character. He thinks this is good planning in his mind. He doesn't feel they are that far away.

Rick said they will be working hand in hand with Brad, Katie and the Mayor to protect the cities interest as well as theirs. He would like this vote done so he can move on with this process.

The Mayor said if he had to pick a spot in Francis that is the best for something like this he feels this is the spot.

The Mayor asked for a motion to approve, approve something else, or to table.

Councilmember Cox said when we talk about this development agreement and this is actually where we set the limit on this. She feels they are saying they could make the limits in the zone smaller than what qualified for.

Attorney Christopherson explained how all of that would work. He would caution changing that without the developer's request. If the developer or applicant offered to do that then it would be ok.

Councilmember Forman thinks he agrees with the Mayor that with all the locations in the City this is probably the best for this type of development. But again, his concern is, he wants the commercial, but he thinks we also have in place the beds now or coming so he doesn't believe Eric saying that is the only way to support it. His biggest concern in and of itself is the zone change.

Councilmember Crittenden liked the clarification that Brad has made on a few things and with what Trilby brought up he would kind of like to see where it goes.

Councilmember Crittenden made the motion that they approve the zone change Ordinance number 2021-09 from Residential Half to City Center Residential Multifamily and Residential Cottage Zones for the acreage with the cap in the development agreement. Councilmember Cox seconded the motion. Councilmember Crittenden voted aye, Councilmember Fryer voted nay, Councilmember Cox voted aye, Councilmember Forman nay, and the Mayor aye. The motion passed 3-2.

The Mayor wanted to start with the appointment of Planning Commissioner first, so we will jump down to item G first.

Council came back to item A. The Mayor asked for a 5-minute break and then we will continue.

5. Discussion, Updates and Approval on Potential Action Items

A. Patrick Campbell---Annexation Inquiry---The Mayor turned the time over to Attorney Christopherson to explain how some annexation issues worked. Attorney Christopherson explained that they could hook on to city water without being annexed.

Patrick Campbell explained why it was that he wanted to be annexed in. On a personal level he would rather have his taxes go to Francis than the County. He explained the three options that he felt he had.

The Mayor said in the context of we have restraints on what we can and can't do. As we are contemplating the Hidden Meadows to the west of this there are many properties coming in with that. He explained that if we annexed this piece and not the other pieces then we would be creating an island and we can't do that. The Mayor explained his thoughts on everything related to this matter.

This is not a vote to approve, but what direction do we want to go. Council discussed many options they could use.

The Mayor said because of the nature of his property we allow Mr. Campbell to hook onto the system

B. Budget Discussion---The Mayor explained the budget paperwork was in the packets. He explained that he and Suzanne have been working on this. He told Council to look at things and see what they think and let him know. The Mayor discussed getting ARP money and some of the items on his list that we could possibly use the money for. Any suggestions the Council has on those items please get with Suzanne or the Mayor.

The Mayor said item F on the agenda could be included in those costs. The Mayor explained an incident that happened in the City office where staff felt their safety was in danger. He doesn't know what security system means, but he feels they need to do something. Do we want to start making funds to allocate for those items? Also, Katie has been helping him with USDA grants on trying to get money for a new building. The point is there are a lot of big picture things here we could use. With this budget we need to be thinking about those type of improvements.

Councilmember Crittenden said Jeremie mentioned a water truck. Councilmember Forman said he didn't like used equipment, but he thought we could get by with a used water truck.

The Mayor asked for any thoughts on security, or do you want to think about it? Councilmember Crittenden said to have Luke look into security systems. There was a brief discussion on the matter.

C. Water Discussion---The Mayor reviewed the Governor's order on water, and he has requested the City to enact similar orders like he has. The Mayor said basically we have already done that with our water restrictions. The Mayor feels we can make a better effort as a City to educate people on how to be better water wise. What he wants to get from Council is are they comfortable leaving the restrictions they have in place? Council was comfortable with leaving in place. Councilmember Cox was concerned with the watering schedule. The Mayor said he gets what she is saying, and that our schedule is easy. Councilmember Cox said she was good with leaving it the way it was.

The Mayor explained that Oakley enacted an Ordinance recently that would impose a \$10,000 fine if people were filling there ponds or swimming pools after May 15th. He didn't feel we had many ponds in the City and he was only aware of one swimming pool and the homeowner is working with the City.

D. Municipal Wastewater Planning Program MWPP---Engineer Kettle explained that every year we have to do this. He reviewed the report with Council and told them it was in their drop box. It says our system is in good condition and we haven't had problems with anything. The Mayor asked if there were any questions and there were none.

E. Community Renewable Energy Program---The Mayor explained that coming up in the near future there is going to be a first board meeting that will have more specifics with the plan moving forward. There was a brief discussion and Council decided to just keep moving forward.

F. Security System---See item B. There was discussion with this during the Budget discussion.

G. Planning Commission---The Mayor took this item first. He explained there were three applicants and that he and Katie sat down and interviewed all of them. He said the quality of the applicants was uniformly good this time. He feels we have an excellent group of Planning Commissioners right now. He referred them to there packets.

Sam Hunter, Terry Perkins and Julie Hooker are the three candidates. He explained that Julie was unable to attend tonight and why.

Sam introduced himself and stated where he lived. He is a relatively newcomer to the valley but driving through three years ago they fell in love with the valley and moved here. He is watching all of the development going on in the valley and he would like to help with his expertise.

Terry Perkins said he appreciated the opportunity with Katie and Mayor Ames. He feels that they only have one chance to get it right. He feels this is an opportunity and would love to be a part of it. He has lived here for three years. He wants to work together to make Francis a great place to live and visit. He wants Francis to be on the map. He believes they have a great opportunity.

In the packet it explains where Julie lived in Francis and that she worked in Park City. The Mayor reviewed her background. He feels that anyone of them would make a great addition.

Katie found it refreshing to sit down with all three candidates and that they are all interested in helping Francis. They all want to serve and help. She said she would take all of them.

Councilmember Forman motioned to appoint Sam Hunter to the Planning Commission. Councilmember Fryer seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed

The Mayor requested a five-minute break, then continued with item A under item 5 above.

6. Council Business

A. Council Reports---Councilmember Crittenden said he talked to Trent Graham about using his sheep for Frontier Days. Trent told him he didn't know where they would be at that time, but he would try to make them available. Matt will keep checking with him. Jeremie said he still hadn't received the sponsorship letter. Matt said he hadn't either. The Mayor explained that he thought he had sent them, but he will send them again.

Councilmember Fryer said she is working on the queen contest. She hasn't had anyone sign up for the Queen contest yet, but after the Summit County contest this weekend she believes she will get some after that. She explained Suzanne is working with Kamas on the invoicing.

They will keep doing the light parade in October due to lighting issues

B. Planner Reports---Planner Henneuse reviewed the grants that she has been working on.

C. Engineer Reports—Scott explained Roper Building keeps sending out messages that they are having a hard time with garage doors and windows, but they are still planning on doing the project. He is worried about them asking for more money.

Councilmember Forman asked can't they just get the building up and we will get the rest put in when we get it?

The well they are still working on getting some parts. He is working with Delco Western on the pump.

The Mayor asked about the issue on Lambert Lane. Scott told him he was still waiting for Derrick to get back with him and he hasn't'. He said that is something they need to look at with all of these annexations.

D. Mayor Reports---The Mayor reminded everyone that they are meeting in person at the community building next month.

7. Meeting Adjourned---*Councilmember Fryer motioned to adjourn. Councilmember Cox seconded the motion. All voted 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 10th, day of June 2021.

Mayor Byron Ames

City Recorder Suzanne Gillett