

Francis City Council Meeting
Thursday, July 29th, 2021, 6:00 p.m.

Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592
<https://us02web.zoom.us/j/83784141895?pwd=bDF5ZngvTS9yY3FPczZGcFAzWWIsUT09>

Meeting: 837 8414 1895 Passcode: 702959

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, and City Planner Katie Henneuse

Others Attending: Jill Gawreluk, Chyanne Gawreluk, Adyson Knight, Isla Bell, Rusty Webster, Dianne Proctor, Shilo Shields

1. Welcome, Call to Order, Pledge of Allegiance & Thought—The Mayor welcomed everyone to the meeting tonight Thursday July 29, 2021. He then asked Councilmember Fryer to lead in the Pledge of Allegiance. He then gave a thought. He explained this week he was in Washington DC for a week, and it was just great to walk around and see the symbols that make up our awesome country and one of the things he saw on the US Commerce Building, there was a quote engraved in the building and he shared that quote and explained why he liked it.

2. Consent Agenda

A. Approval of Bills Paid---None for this meeting.

B. Approval of Minutes from July 8th, 2021---*Councilmember Forman moved that we approve the minutes from July 8th, 2021. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Crittenden, Forman and Fryer all voted in favor, motion passed. Councilmember Cox was not yet in attendance.*

3. Public Comment---There was none.

4. Public Hearings

A. Title 18 Zoning Code Text Amendments---The Mayor explained what this item was about, and he turned the time over to Planner Henneuse.

Planner Henneuse explained we had a whole bunch of amendments to our subdivision code and some of these items are part of the list that hasn't been fixed yet. She explained that all of these items are within the Title 18 zoning.

She went through each item from her staff report and gave the code number and explained a little bit about what had changed. She said the Planning Commission is forwarding this with a positive recommendation. She explained their thoughts and concerns. They want to reference state code and follow state code. (See attached Staff Report).

She went through sections of Title 18 and all of the changes that were being made.

The Mayor opened the meeting for public hearing. There were no comments, public hearing was closed.

Councilmember Forman motioned that we pass Ordinance 2021-15 and that we send letters with the utility billing that public notices will no longer be in the paper. Councilmember Cox seconded the motion. There was no further discussion. The Mayor and Councilmembers Fryer, Forman, Crittenden, and Cox all voted aye. Motion passed.

5. Discussion, Updates and Approval on Potential Action Items

A. Introduction of Kamas Valley Rodeo Royalty---Councilmember Fryer thanked the Royalty for all that they have done. She said that they had done everything that they have been asked. She then asked each Royalty member to introduce themselves.

Cheyenne Gawreluk thanked the Council for the opportunity to serve. She lives in Francis, Utah and is happy to serve her community and stated she was so excited for Frontier Days. Addison Knight is the second attendant to the Rodeo Queen, and she is really excited to participate as well. Paisley Blazzard is from Peoa, Utah and loves being in the parades and helping out. Isla Bell, she is from Heber City, and she is so happy to be here and serve as well.

B. Stewart Ranches Phase 4 Final Plat---The Mayor explained there is a folder in the dropbox and turned the time over to Planner Henneuse.

Planner Henneuse read her staff report to all present. She stated they hadn't recorded any of their plats yet. She explained that there was a note on the plat that needed to be updated before they brought in their Mylar.

There was discussion on the roads and easements.

Planning Commission reviewed in their June 17th, 2021, meeting and they are forwarding with a positive recommendation.

Her recommendation is to approve the Phase 4 final plat with the condition that the annexation fees for Phase 4 of \$64,000 be paid before the plat is recorded.

The Mayor asked Engineer Kettle his thoughts. Engineer Kettle said that the infrastructure is almost in, and they have turned in some of their water shares, other than that it's pretty straight forward. He explained that Rex had called him, and he was sick so he couldn't make the meeting.

Councilmember Forman moved to approve the final plat of Phase 4 of Stewart Ranches with the conditions of the Engineer and staff. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted in favor. Motion passed.

C. Proctor Subdivision Right of Way---The Mayor turned the time over to Planner Henneuse.

Planner Henneuse read her staff report and explained where the property was located, she explained that the property line goes clear across the road. She explained that the standard practice of Francis City and other cities is to require the right of way to be dedicated to the City when the plat is recorded.

The Proctors have requested not to dedicate any land to the City and would like to discuss with the Council. Planner Henneuse recommends adhering to the standard practice as we have done with others in the past and not allow and set a new precedence in this case.

The Mayor asked Planner Henneuse to explain how these two things tied together. Planner Henneuse explained how things were tied together and this is a City right of way.

Engineer Kettle said the City could condemn the property and say we have run everything down the road, and they have a perpetual easement that's how it should be anyway. He explained that a lot of times this only arises when a subdivision or something like that comes along.

The Mayor asked if we know if when this road was allowed to be built if the City paid for that right to build the road and have easements and things. He wants to avoid something like a government taking.

Engineer Kettle doesn't know the whole history of it and explained that when they were dealing with the River Bluffs subdivision, and they were wanting to vacate that right of way and move the road they had farmers that came and said it used to be a cattle trail. He doesn't know if they were ever compensated or anything.

Councilmember Crittenden asked if it could have been a county road forever and he was told it could have.

Councilmember Cox asked if it was City on both sides and she was told yes.

The Mayor asked if it is subdivided are there any issues because of the road easement the City is requesting.

Planner Henneuse said this is in the Ag-1 zone so the minimum lot size is one acre. She reviewed the property map with everyone. Lot 2 would not be conforming. A 1-acre lot would be conforming.

Engineer Kettle explained if they tried to do 3 acre lots it would not work.

The Mayor stated that he loved the view from Hilltop.

Diane Proctor said they were planning on giving the City the road on Hallam. They just don't want to give the property on Hilltop.

The Mayor wanted to know how far it extends into their property.

Shilo explained her thoughts and feelings on how the property laid out and can't understand why they can't leave it alone.

Engineer Kettle explained that the road is 60 feet wide.

Recorder Gillett stated that it's the precedence that it sets when the code or standard practice says we can't. We can't do it for one and not another.

Diane Proctor said we are double dipping on them.

Engineer Kettle stated that the person behind her had to do the same thing with his property.

Diane said he didn't buy that property they built their home. It's just not fair, why do you need that property.

Councilmember Crittenden said one we are not being consistent and second if the City needs to do something on the property, they need to be able to do it.

Diane Proctor explained that years ago they wanted to do this and then they didn't, and she explained why they didn't do that.

Councilmember Crittenden's concern is not being consistent. We have the right to maintain the water line etc. He feels we should have that in writing.

Engineer Kettle explained that we do have a perpetual easement, that is usually not in writing.

Councilmember Forman said the $\frac{3}{4}$ of the acre is the whole L on the map, so where does their property line get pushed.

Shilo Shields explained where and how it all worked and what they weren't disputing.

Councilmember Cox asked if this changes hands does the City go in and take down fence lines? Engineer Kettle said he didn't see a problem with that.

Mayor Ames said his internal conflict is he completely agrees with the concerns of Council and staff setting bad precedence with everybody. Having said that we have to treat people equally who are in a comparable situation.

The Mayor would want to understand how this road came to be.

Engineer Kettle explained that with a perpetual easement if there are fences on both sides all along that would be the perpetual easement. He will say he had a problem in the past with the water and sewer line and the City thought they had an easement, and they didn't. He explained the City got in trouble because of the attorney of the landowner saying that they didn't have an easement.

Councilmember Fryer asked where the water line was. Engineer Kettle explained.

The Mayor's position on this is he agrees with Scott we do need to come to an answer to figure out what's happening here. Personally he is not comfortable making a decision right now and he would like more information on the road and the perpetual easement. He would like to get that information.

Councilmember Fryer doesn't want to make a motion either, but why can't we take from the property line on the south to the edge of the road on the other side.

Councilmember Forman asked what the distance from the eastern side to the proposed property line was and Engineer Kettle told him it would be 9-10 feet.

Councilmember Cox wanted to know why it was disproportioned.

Engineer Kettle explained to her why.

Councilmember Forman wanted to know what it would change if they sucked the 9 feet back to the fence line.

The Mayor asked the 9 feet, he was told yes it would make it 50 feet wide and not 60.

Engineer Kettle explained it's the precedence of the other subdivisions.

There was a lengthy debate on the issue.

Councilmember Forman understands the Proctor's attachment to their property, but then if we allow it, it says there are no rules, and it breaks precedence, and he doesn't want to do that either. The only thing you are changing is the paper.

Diane says we have been paying on this for 30 years.

The Mayor explained how the City standard worked. He said the road has been used for a perpetual easement. He explained his thoughts on this issue. He feels this is a historical use.

Councilmember Crittenden was interested in how the road got there. Councilmember Forman feels that doesn't matter. We need to find out about the perpetual easement, because they are now applying for a legal subdivision, he wants to know is it legal, is it proper to require this change.

The Mayor proposed that we if it doesn't create a significant hardship to Proctors, then he would like to wait until the council meeting in six weeks.

Shilo said that's what we are looking for.

Councilmember Crittenden wanted to know if the 60-foot road requirement was in our code, and he was told yes.

The Mayor said when it was first brought to him it was a hard no, but now he's not sure.

Councilmember Forman moved to table until the next meeting in August. Everyone jumped back at him and said no, not until September. Councilman Forman felt it would be a quick resolve when the attorney looked at it. Everyone chimed in that the attorney does not get things done very quickly. The motion died.

Councilmember Cox moves to postpone the Proctor Subdivision right of way discussion until the meeting on September 9th, 2021, City Council meeting. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Fryer voted in favor and Councilmember Forman opposed. The motion passed 4-1.

D. Possible Renewable Energy Resolution---The Mayor explained that we had to do a letter and an Interlocal agreement to sign into this program. We will need to pay \$900 over the next two years. This is no commitment other than the \$900. We could have done a Resolution, or a letter and we opted to do a letter. He explained what the letter said.

What the Mayor needs is approval from Council to sign this letter and agreement.

Council gave approval for the Mayor to sign the letter and agreement.

E. Hidden Meadows---The Mayor reviewed what was in process. Recorder Gillett explained all the changes in the annexation procedure and everything that has gone on.

Councilmember Forman moved to accept the annexation petition for Hidden Meadows Councilmember Crittenden seconded the motion. The Mayor and all Councilmember voted in favor; motion passed.

F. Reminder of Truth in Taxation Meeting on August 26th, 2021---The Mayor reminded everyone of the date and that it is the only item on the agenda.

G. Frontier Days---There has been a request for one more Frontier Days meeting. Council decided on August 15th, 2021, 6:00 p.m...

Councilmember Crittenden needs animals, and he also got a couple of sponsors.

Councilmember Forman has Brenn Hill lined up and he has taken care of the jackets and buckles.

6. Council Business

A. Council Reports---None

B. Planner Reports---Planner Henneuse said one thing coming up is Wes Harwood has a Commercial Development he's bringing to Council. Then something Councilmember Forman was talking about is on Willow Way you go down Alley's Lane and Kirby Woodard wants to build a fence on his front property line to block out the neighbor. The issue is the City code is not completely clear on this.

Planner Henneuse read and reviewed the code and explained how she read the code. There was Council discussion on being allowed to put a fence on the property. She just wanted direction on which way to go. Council discussed the code and agreed that the code allows a fence on the front property line in this case.

C. Engineer Reports---Engineer Kettle explained that the water line is across 35 and that was a surprise on the re-action from the residents on the road closure. UDOT may fix the road down the line a little. They got the patch fixed on Willow Way and 1000 East and they are having a little bit of an issue on the water line passing tests and they are hoping to have that resolved in a couple of weeks.

The well tested fine, but when they run through the water line, they don't pass the test, so they are working on that. That's where they are at.

The Mayor said he has had a lot of compliments on the new bridge.

D. Mayor Reports---The Mayor is happy with what is happening in the park today. He then informed Council that there will be a meeting with all the Mayors of this side of and County Congressman Moore.

7. Meeting Adjourned---*Councilmember Cox motioned to adjourn. Councilmember Froman seconded the motion. All 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 ____ day of September 2021.

Mayor Byron Ames

City Recorder Suzanne Gillett