

Francis City Council Meeting
Thursday, September 12th, 2019 7:00 p.m.
Francis City Community Center
2319 So. Spring Hollow Rd.
Francis, Utah 84036

Attending: Mayor Byron Ames, Councilmembers Jeremie Forman, Matt Crittenden, and Trilby Cox. City Engineer Scott Kettle, City Recorder Suzanne Gillett, and City Planner Mandy Crittenden

Others Attending: Renee Atkinson, Jane Wilford, Brandon Withers, Todd Wirthlin, Bob Murphy, Wayne Pillard, Natalie Atkinson, Sherman Smoot, Joanne Aplanap, Leslie Hart Canfield, Kim Atkinson, Marilyn, & Chad Mitchell, Colette Madsen, Elaine Robb, Scott Johnson, Bill Crystal, Loraine Flygare, Sam Aplanap, Ruth Ann Lloyd, Valerie Mifflin, Sheila Atkinson, Lavell Atkinson, McKinley Smoot and three other unreadable names

1. Welcome, Call to Order, Pledge of Allegiance & Thought—The Mayor welcomed and thanked everyone for coming to the council meeting tonight. The Mayor started with having Councilmember Crittenden lead in the pledge of allegiance. Councilmember Cox gave a thought in regard to 9-11 and she was thinking of life in small town and how we are all connected, unless you are the town Mayor or Dr. and it's not really what you know, but who you know. She feels that as a community we are all connected, and she reached out to someone she knew who knew someone who knew someone that got things done for Frontier Days. She likes the community feel and the home-grown spirit that she has felt that you don't get in big cities.

2. Public Comment—The Mayor turned the time over for public comment.

Joanne Alplanap said she was listening on the radio today and in cottonwood they discussed the development that they were doing. She would like to encourage people to really think about the referendum and not signing it. She explained what she thought all of the benefits would be. She feels they will lose all control and all benefits. You really need to look at things because they are going to change.

Leslie Hart Canfield said her office is in Holladay and she gets to see the affects of that referendum down there. On behalf of her sisters Julie and Kathy Hart she would like to read a letter. (see attached). She explained their family has owned and loved the property for over 45 years, she has buried animals there and its hard to keep it. Its time for their family to exercise their property rights and she then explained some of the things that will be happening with the property. She stated that Francis City has planned to annex this land and they do not like the idea of doing this in the county. She explained the concept of the Hart Plan. She appreciates everyone for listening. Agreeing to the referendum will raise taxes for Francis City.

Colette Madsen lives on Gines Lane and she started the referendum and she wanted to state and clarify why they started the referendum. She said this proposal is against the general plan as it should have been annexed at Ag-2. She feels the more residential development you have raises taxes. She hopes Francis residents follow the general plan as they spoke when the general plan was done. She said if anybody has any questions she will be willing to talk with them outside of the meeting.

The Mayor clarified that secondary homes are taxed at a significantly higher rate not residential home.

Elaine Robb stated that she is in the group that is against the referendum and she explained her feelings.

Kim Atkinson said he has lived here his whole life and he is a big property rights guy and he stated that he was around when these people moved in that are starting the referendum and they want responsible growth. It blows him away that anybody can try to stop things like the growth.

Renee Atkinson said responsible growth is what we need and there are a lot of good people that have come here and there are a lot that have never attended a meeting.

The Mayor closed the public comment period.

The Mayor explained for the Council's benefit that he received a letter or note to the council that thanked them for all that they do.

3. Public Hearings

A. Zone Change from Residential Half to AG-1/Ordinance 2019-08---The Mayor explained that this item is linked to the conditional use permit. He turned the time over to the City Planner Mandy Crittenden to review the staff report with all in attendance. Mandy read the staff report and explained what codes this fell under. She also explained they are contracted with Summit County Animal Control. The Public Hearing was held in the Planning Commission and it a Public Hearing tonight.

She explained that the property is under contract and if they cannot do this then they won't purchase the property.

The Mayor asked Engineer Kettle if he had anything. Engineer Kettle explained they will just need to do the subdivision process if this passes. The Mayor asked if the council had any questions. Councilmember Forman just clarified which direction the road was, and he was told east and west.

The Mayor opened the public hearing to the zone change only.

McKinley Smoot stated that if anyone needed to see the property, he had a big picture of it. So, he just wanted to ask some questions because he is just trying to understand it. The plan was explained to him. So, he is saying that in the future they could turn this into a half acre subdivision, he was told yes. He wanted to know if water, sewer and roads were there.

Engineer Kettle explained to him what was already there and what would potentially need to be done.

There were questions on how the sewer system would work and Engineer Kettle explained what had gone on in the past and how it would work and what would be required in the future.

Councilmember Forman explained what he remembered needed to be done when a sewer system was put in.

McKinley said so right now only 3 homes could be put in and he was told yes.

Sherm Smoot said he represents the owner of the land contingent to this property. He explained his understanding of things. He feels that putting in a kennel would make it difficult to sell the piece of property that he is trying to sell. His thing is if you change this thing over here you could change land value issues. This again was zoned for possibly 20 lots, and he feels this current situation hurts others.

The Mayor asked if they had a potential buyer and he was told yes, and he asked what the current buyer would like to do.

Sherm said the buyers are going to build and they want to live there.

The Mayor wanted to know the concern about the crux of your opposition to it. But, is the opposition to the fact that someone wants to change or is it what they could do with the dog kennel or is that the bigger issue.

Sherm says if you have 20 homes here he would rather have the homes than a kennel. The Mayor said with that many homes each homeowner could have 3 dogs and you could have up to 60 dogs.

Lorraine Flygare lives right over there by where Kathy wants to build her house and everyone over there has a dog and they bark because people are in their yards and she would rather have Kathy in there with one house and a bunch of dogs than to see 20 houses. She doesn't want people in there that are going to start making trouble for everybody.

Todd Wirthlin stated he was from Montana and they do things a little differently. He is a real estate broker in Kalispell Montana and what he is here for is to talk about a zone change and a program not conducive to a program not in the area. Going back and forth on this and when dogs communicate they bark. He stated that he has worked with dogs in the past and been around them. He feels that what is being asked is to take and change the zoning for this one use and he sees clientele that come look at the property and find out about the kennel and then not want to buy.

The client he has right now is only wanting to put in a couple of residences.

The Mayor asked as a developer what does he feel the down zoning does, does he feel that it increases or decreases the value in a property in his opinion. Todd asked positively or negatively, and he said negatively on the dog program. So, if somebody wanted to change the zoning to have just a home is that positive or negative, he said positive.

Jane Wilford lives across the holler and has expressed in the Planning Commission several times her feelings on this. She feels that the concept of kennel and zone can't be considered together in this circumstance. She is addressing the dog kennel and the potential noise; it does reduce property values she feels. It's just the concept of a kennel, all you have to do is say those words and everyone starts to back off. It's just the concept of a dog kennel. She feels that 22 homes would not be as good as having a dog kennel, they would rather have a dog kennel than 22 homes. She feels that 22 homes are fictitious and doesn't feel that there will be 22 homes.

The Mayor closed the public hearing on the zone change.

Councilmember Forman said personally all he has heard for the past several years is that why are we adding density and down zoning and people complaining and now someone wants to change from Residential Half to AG-1 so in his opinion they should just change everything to AG-1, but that's not what they are asking for.

The Mayor says he feels the need to understand everything first. He is not opposed to the concept of the zone change. He wants to make sure if this change makes sense.

Motion will be made after the Conditional Use Permit for a Dog Kennel

B. Conditional Use Permit for a Dog Kennel---Councilmember Forman asked if there was a concept plan, but Planner Crittenden stated that these dogs are mostly in the house and they are disabled dogs that are rehabilitated until they can be adopted out.

The Mayor opened the public hearing.

Dave Robinson is the applicant and Kathy is the one saving the dogs. Dave shared a picture with the council of where Kathy currently lives, and he explained there have never been any issues with her neighbors or anything.

Councilmember Crittenden clarified that the conditional use permit stays with this owner only. No one else could come in and do a kennel. Whoever bought the property would have to re-apply for a conditional use permit for things. He was told that was correct.

The Mayor asked if the dogs are inside or outside. Kathy stated they are never outside without here out there with them. Kathy explained that she would not put them in a outside Kennel and just leave them. She is trying to rehabilitate them to go to families. There is not a concept because they live with her. All of her dogs are typically herding dogs with disabilities.

This is not something where animals are just going to be running wild. Dave said he does development in Salt Lake and he never sees anyone complaining on the zoning when they want to increase it. Kathy just wants to come and be part of the community.

Colette Madsen wanted to ask the City Council what they did if the noise is intolerable for people. What do they do when complaints are made.

Planner Crittenden explained that she is the code enforcer and she goes out on complaints and she does have a decibel meter.

Councilmember Forman explained how things all fall under the Summit County Code and everything would come from the county.

Todd Wirthlin said there are a few things he has concerns with. A lot of time with public programing you do have problems when you run out of money. That does happen a lot in the country. He feels that it brings a lot of animosity with people. He feels if it does go through then she could move her building site.

The Mayor asked if there were any other comments. There were none and the public hearing was closed.

The Mayor brought back to the council for discussion.

The Mayor said it was helpful to hear the context of the application.

Councilmember Crittenden feels with the type of dogs they are is different from a full fledge kennel and he agrees with Jeremie on the lower density part. So, is there some sort of stipulation that this stays with rescue type dogs and never a full fledge boarding facility?

Councilmember Cox feels they are just getting hung up on the word kennel. If you had pet dogs that lived in your 7000 sq. foot house, you would still be required to have a kennel permit. She feels reassured by the business and the type of work she is doing, and she has lived next door to a kennel and her in-laws have kennel licenses and she feels people are getting hung up on some idea of what may be that is not.

Councilmember Forman feels first off, he believes in America and people of rights to do what they want on there property. He is jealous his permit was only 12 dogs and this one is 15. For someone else to move their home because it's close to the property line they should be able to do it wherever they want. He doesn't even understand this discussion.

The Mayor agrees with Council and the Planning Commission on this.

Councilmember Forman made a motion to approve the zone change on Ordinance 2019-08 as is laid out in the application, I also move that we approve the conditional use permit with the restrictions and the requirements suggested by the Planning Commission as well as the requirement to obtain a kennel license from the county as is required by law. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.

4. Discussion, Updates and Approval of Potential Action Items

A. Vote on New Planning Commissioners---The Mayor informed Council that there are three applicants for the Planning Commission.

Natalie Atkinson stated that she originated from the east coast and she explained everything that she has done up to this point. She feels that she is an advocate for the people, and she feels she is at a stage in her life where she could volunteer. She feels that she is uniquely qualified to see all perspectives. She wants to be part of the community in a different way.

Kim Atkinson said he has lived here his whole life and he hasn't been an active member and he feels that he needs to have a voice with the way things are going. He feels there are people in the town don't have a voice.

The Mayor asked who he felt was being pushed around and he said the people that have lived here the longest feel like they are being pushed around. He explained his feelings on that.

Bob Murphey is a newcomer and east coaster as well. He said he is a commonsense kind of guy that will look at all the facts. He doesn't like growth either and it needs to be done responsibly.

The Mayor asked for a little background. Bob said he went to college in the east and ski raced in high school. He came out here as a ski bum and went back east and married and moved his family back out here. His wife has since passed away and he likes it here and wants to be more involved. He is willing to look at all facts of course. He just wants to be more involved with what goes on.

The Mayor stated that he and Mandy interviewed all three applicants and they are all great people.

Councilmember Crittenden made a motion to appoint Kim Atkinson to Planning Commission. Councilmember Forman seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.

Councilmember Cox motioned to approve Natalie Atkinson for Planning Commission. Councilmember Crittenden seconded the motion. All voted in favor. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.

Planner Crittenden explained that she didn't feel that Kimmie or Natalie would come back if they weren't appointed and Bob would. She told Bob please don't feel bad and come back again and stay involved.

B. Resolution 2019-04 to Cancel Elections---The Mayor read Resolution 2019-04 to cancel the election.

The Mayor made a motion to approve Resolution 2019-04 to cancel the election. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.

C. Ordinance 2019-07 Surplus Property---The Mayor read Ordinance 2019-07 to all in attendance.

Councilmember Forman said it is three chutes and he feels it will go to an individual who needs practice pens not a city. Council all discussed what they felt minimum bids should be and who they thought may put a bid in.

Councilmember Forman motioned to approve Ordinance 2019-07 with the minimum bid being \$3,000.00, and council will accept sealed bids. Sealed bids need to be turned in to the city no later than close of business on Wednesday Oct. 9th, 2019. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed. (Bid ended up being posted until Thursday Oct. 10th, 2019 until close of business that day).

D. Approval of Circle J Contract for 3 more years---The Mayor turned the time over to Councilmember Forman to explain the contract. Saturday still includes all of the events and then Monday they talked about whether they wanted to do another full rodeo or keep doing the bare backs, broncs, and bulls. The only change in the contracts are the contracts don't include the clown, and announcer. The clown would cost roughly around \$400 to \$600 and the announcer roughly \$600 to \$800. This would add about \$1,500 at most for the whole weekend.

They also had some discussion with the contractor after the rodeo about whether to keep doing the same things or do they change things up. If the city went to a two-day rodeo and then bulls on Monday, the contract could go up about \$2,500 and then the clowns and the announcer would go up a little bit as well. They are willing to change and negotiate even if we accept the three-year contract.

Councilmember Cox said that ticket sales don't cover the expenditure for the rodeo, so where do you pull the money from? She was told Sponsors and concession sales.

Councilmember Forman made a motion to approve the Rodeo Contract from Circle J for the next 3 years and for the Mayor to sign the contract. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.

E. Lawn Mower Bids---The Mayor explained that the lawn mower is old, and parts are no longer available. This was in the budget. The Mayor sent the Councilmembers the two bids available and they are comparable pieces.

One bid was from United Services and Sales in Salt Lake and the other from Valley Kubota in Heber. These are comparable machines. Valley Kubota bid was for \$17,549.02 and United Service and Sales was \$18,786.16. Council discussed each machine and the options that they had.

Councilmember Crittenden stated that Valley Kubota is a sponsor and they are a very good company and good to work with, he has worked with them quite a bit.

Council again discussed what was included with each machine. Councilmember Crittenden said when you go to re-sale the machine Kubota has a good name, no one knows who Hustler was.

Councilmember Cox moves to go with valley Kubota bid for lawn mower. The Mayor seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all in favor, motion passed.

F. Children's Justice Center---The Mayor wanted to re-visit the idea. He said at the time we would have had an annexation with money coming in, so they followed up with him. He told them our hearts were big, but the money was slim. He wanted the council's input, so do we wait or hold off until next meeting.

Councilmember Cox would like more time knowing what we know in light of recent events she would like to think about it more.

Councilmember Crittenden wondered if there was a deadline. The Mayor informed him they are still working on things no specific deadline, but the need is now, and they would like some level of buy in from everybody. Councilmember Crittenden feels they need to do something, and he feels that it needs to be as high as Kamas gave \$10,000. He feels they should definitely donate.

Councilmember Forman feels it's a worthy cause, but we need some options based on budgetary restraints. As there are still bills coming in from the arena project and celebration.

Tabled till next month.

G. Potential Property Tax Increase---This is not truth in taxation or anything, but if annexation is put off until next election then we don't have the luxury of waiting and the need is now. He would like council to look at that. Money for a well and a tank would be close to 2 million dollars.

H. Costs of dirt haul off in the park--- wasn't in the bid The Mayor said this is an issue with the soccer field. There was more dirt and sod that were pulled up, more than anyone anticipated. We eventually found someone to haul all that dirt away and that was \$8,677.25. He hauled across the street and reduced his rate down for the city. The price is not a bad number the problem is the contractor set it. The Mayor explained what went on back and forth. We have options, we can tell the contractor no or something else. His fear is if we tell him he has to pay he won't and if we sue, he doesn't think he has the money. He tried to split the cost and the contractor wouldn't. He doesn't want to pay an attorney money for this. In any event he would not propose that they pay all of this and if he didn't bid his job properly that's his fault.

He would propose a hybrid if we tell him you pay \$2,000 the city pays \$6,000, but what that would mean is, we would not be putting in the fence by the shop.

Councilmember Crittenden feels that we need to get Chad paid.

Forman said there is a way to figure how much to determine how much needed to be hauled off. So, if he is a contractor and he didn't account to haul off enough loads and I didn't allow enough to haul off and have equipment to use. He feels we have to pay Chad and he doesn't want to fight it legally and half of this is beyond generous.

The Mayor totally agrees that we do have a problem to address. Forman how much money do we still own the contractor. He was told \$20,000. He feels we just withhold \$8,000 from the job.

Engineer Kettle said you have to take the low bid.

The Council agrees that the city pays Chad.

Councilmember Forman moved to give the Mayor the authority to pay Chad Reidhead \$8,677.25. Councilmember Cox seconded, all in favor, motion passed.

I. Discussion on Frontier Days---Councilmember Crittenden thanked everyone and thought it was great. Planner Crittenden wanted to thank everyone for all they did for her family on Frontier Days.

Councilmember Forman stated there will be extra money needed for the park arena area out back.

Councilmember Crittenden wanted to thank the Forman's for all their hard work.

5. Council Business

A. Council Reports---Councilmember Cox wanted to remind everyone they need to work on water meter, and water tier rate schedules were brought up.

B. Planner Reports---Planner Crittenden explained that Kim Atkinson put in a conditional use permit for a building in the city center zone. She asked council how they would feel about a code text amendment.

The Mayor said to discuss in the office with staff then it will be on as an agenda item for the next city council meeting and then they can check the temperature. Or, he can submit the application and go through the formal process. They can't discuss it tonight.

C. Engineering Reports---CDBG, they are starting on water projects. He reminded them it is the one where they are redoing fire hydrants on 35 by dean Frantz house.

D. Mayor Reports---The Mayor informed council that he has had a lot of people ask him about city clean up. He really, really would like a way to do spring clean-up with dumpsters. He asked council to think about it.

E. Report and Approval of Bills Paid---***Councilmember Forman moved to approve the check register. Councilmember Crittenden seconded the motion, all present voted in favor, motion passed.***

F. Approval of Minutes from August 8th, 2019---***Councilmember Crittenden made a motion to approve the minutes of August 8th, 2019, Councilmember Cox seconded the motion. All present voted in favor; motion passed.***

6. Executive Session---***Mayor Ames moved to go into executive session. Councilmembers Crittenden & Cox seconded the motion. All voted in favor Council went into executive session.***

Mayor Ames motioned to return to regular session. Councilmember Forman seconded the motion. All voted in favor. Council returned to regular session.

Councilmember Cox motioned to adjourn. Councilmember Crittenden seconded the motion. 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 this 10th, day of October 2019.

Mayor Byron Ames

City Recorder Suzanne