**Francis City Council Meeting**

**Thursday, December 10th, 2020 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/87266130534?pwd=YTE1ZTZaMXIrUFp5eEFOa2lYdzlBQT09>

**Meeting 872 6613 0534 Passcode 815563**

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

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

**Excused:** Councilmember Fryer

**Others Attending:** Mark Durham, Ben Probst, Shauna Demars, 81566, Ed Molitoris, 1-435-293-3310, David Simmons, Katherine Beal, Nick Berry

**1. Welcome, Call to Order, Thought & Pledge of Allegiance—**TheMayor apologized for the delays and technical difficulty. The Mayor thanked everyone for being here. The Mayor asked Councilmember Cox to lead in the pledge of allegiance. He then explained that Councilmember Forman would give a thought.

Councilmember Forman shared a thought that he found by Thomas Jefferson. He appreciated this thought, and it sums up the fundamental principal he tries to keep at the forefront while working as a member of the Francis City Council. “ A wise and frugal government shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned, this is the sum of good government.” Councilmember Forman feels that this is the fundamental purpose of our existence.

The Mayor thanked Councilmember Forman.

**2. Public Comment—** The Mayor explained that today at our meeting we have three public hearing items. He reviewed those with everyone. He then informed everyone if they had something that was not one of these public hearing items, they could speak during the public comment period. He then opened the meeting to public comment.

Nick Berry asked about signs in the agricultural zone. He was told they would discuss that the during lighting.

The Mayor closed the public comment period

**3. Public Hearings**

**A. Building Permit Expiration Fees and Business License Fees, Fee & Rate Ordinance 2020-16—**The Mayor explained what this Ordinance was about, and he explained the Ordinance in the packet did not have the number on it, but that we would get one on it. The Mayor feels that Ed is trying to be fair and we are only covering the fees for him and those working in the office. He then asked Ed to explain the building permit expiration.

Ed explained that since he has been here the staff has gone back through all of the records and we have found that there were a lot of records that had over 180 days with no inspections. He explained some of the situations that we came across and there has been no resolution on them. He again explained that there should be an inspection before the 180 days was up. He explained that Mandy sent out letters to all of these homeowners and asked them what their status was and that they needed to get incompliance and get things finished up. They had a few responds, but not many.

Ed informed Council that we had no policy on this at all. He explained that he had checked with a bunch of other cities to see what they do. He would like to implement a $100 fee for reinspection after the 180 days for the final, and on other projects where nothing has gone on for three or four years and nothing has been done at all, he would like to charge a $200 fee to re-start the permit. He explained that Wasatch County charges 50% of the permit fee. Ed felt this was an appropriate way to handle things. He feels his job is to protect life and safety on these jobs and why he felt that way. He feels that he is trying to be very fair with our fees to cover office staff and his time.

Ed asked if anyone had any questions and there were none.

The Mayor explained that we were not going to talk about the business license fee option at this time as we feel it needs more work and time.

The Mayor asked if the public had any comments. There were none and the public comment period was closed.

He then reviewed Ordinance 2020-16. He discussed some of the changes and asked who drafted the Ordinance. He was told Brad. Suzanne explained that we added a Resolution to the Fee and Rate Ordinances that had been done previously so the changes in the blue text are from that Resolution. We were trying to get everything in one spot. It appears that this Ordinance does not include the two fees that we discussed. We need to add the $100 re-inspection fee on an expired permit and the $200 fee to re-start the permit.

Council discussed the changes and decided that we needed to get the correct information added to all of the other corrections and then bring the Ordinance back for approval. Everyone was ok the with the missing changes.

***Councilmember Forman moved that we postpone the enacting of this Ordinance regarding building permits until next meeting or when the Ordinance reads as it should. Councilmember Cox seconded the motion. The Mayor and Councilmembers Forman, Cox and Crittenden all voted in favor, motion passed.***

The language will be fixed and will be brought up next month.

**B. Accessory Dwellings, Ordinance 2020-15---**The Mayor turned the time over to Planner Henneuse. She read the staff report to all in attendance. She recommends that they add a definition for an accessory apartment, and she read what that was. She also recommends they add a second definition as read in the staff report. (see attached staff report)

She said they would remove the conditional use in the zones allowed.

The Mayor said we are requiring separate hook ups on these items right now. He wanted to clarify when the hook ups were required. In the future we would require separate utility hook ups.

The Mayor also asked if the three conditions for when a rental property is permitted could be seen as “choose one, but not all”. This is making the code construction law come into his head, he explained what that was. He suggested adding “and between conditions 1 and 2 and 2 and 3 to make it clear that all the conditions must be met.

Councilmember Forman is torn on separate hook ups. He explained what those reasons were. He does not feel there is reason to have separate connections, but he also sees why we should, and he does not know what the happy medium is.

The Mayor thinks that the basement apartments should not require a separate utility connection for that.

Councilmember Crittenden agrees with the Mayor on that, but if it is a separate dwelling, he feels that in the long run it will protect both the city and the property owner. If it is separated, they have the ability to shut one off and not the other.

Planner Henneuse explained that Attorney Christopherson said in a basement they could not do that.

Councilmember Crittenden still feels if it is a separate unit then we need to require it. He strongly believes

that. Even if it is rented by family or friends and he explained why.

Councilmember Cox thinks that before she has stated that she preferred separate hook ups regardless. She would like to know the answer to the question of why you could not have a separate hook up for the basement.

Planner Henneuse asked Engineer Kettle if he felt it would be necessary. He explained that the line could handle two dwellings on it. If there are two families it could tax the system. It would be helpful and beneficial to get the extra fees.

Councilmember Forman sees the impact on the system, but he does not know what the best way to go is. It seems like if the city puts two dwellings on one lot it puts the lines close together. But he does feel that we need some sort of fee.

Councilmember Crittenden is for a separate connection. He doesn’t disagree with Councilmember Forman, but he does feel we need to have a fee.

The Mayor does not know if there is a golden right or wrong. But if you add more users to the system then there will be more costs if something goes wrong so we need to make sure we are adequately reserved.

The Mayor asked Attorney Christopherson to join the meeting. Attorney Christopherson explained that you could not charge an impact fee when the dwelling is in the basement. But if it is a separate dwelling then you could. You have to tie impact fees to proper usage.

Councilmember Cox asked if they could charge a different impact fee for that. She was told yes, but it could cause a lot of issues. To clarify is that just a basement building or anywhere within the residence.

Attorney Christopherson said this is a little out of his expertise. He explained what studies had been done and how they based their impact fees. He explained what a family was according to the State of Utah. We only get charged on the basic and not the average.

He said they should be getting a building permit and some of the other things that should be required.

Councilmember Crittenden explained that his issue is not if it is in the house, but if it is outside of the home dwelling. He wants to make sure the city is taking care of the impacts that are there.

Attorney Christopherson said yes, you will use up the sewer capacity faster. He discussed how often we should do fee studies.

Councilmember Cox wanted to know what would stop everyone from putting the apartment in their house then.

The Mayor felt that he would not want renters living in his house he would rather have a separate dwelling.

Councilmember Cox explained what would make her feel comfortable.

Councilmember Forman explained his thoughts on this. He feels the impact exists and that we should cover our costs on that. His only hang up is do we really need to require all the extra infrastructure. But we should charge the fee.

Councilmember Cox said that Councilmember Crittenden made a really good point and she explained why.

She would want a very clear distinction in billing if she had renters.

Councilmember Crittenden wanted to know if they only wanted a separate water connection or do, they want a sewer one too.

Attorney Christopherson said we need to look at census data as well. Maybe we should go back and look at a small revision of our impact fees/utility monthly charges.

The Mayor discussed his concerns and thoughts on the parking.

There was consensus among the Councilmembers that the proposed code should be clarified that the designated apartment parking is separate from what is required for the homeowners.

The only things being discussed that are different is the detached having to have a separate hook up.

Councilmember Forman wanted to know why the property owner had to live there. The Mayor explained he feels that if the owner lives in the house then he cares more about the neighbors and what goes on around him. If it is all renters, they may not care. It is better for the overall general plan for the city. Councilmember Crittenden feels that the owner needs to live on the property.

The Mayor opened the public hearing.

Ed Molitoris asked if he had a detached building in the rear of the property and another building could he have two apartments. He was told no. He asked if you would have to have another address. No one knew the answer to that. He wanted to know if he would need a separate entrance. In the definition is states you would need a separate entrance or entrances.

The definition of a single-family house is for a single family, but if you have an apartment and family lives in it then it changes the definition of a single-family house.

Mark Durham 89 Wild Willow Drive has a question, he has considered building an outbuilding but does not know if he will rent it. He explained what it might be for. So is there a difference in renting to a blood relative or someone else. He also explained an issue on a sewer hookup on his property.

The Mayor said what was the origin of the stub. Does it go to a separate house or did it go somewhere else, what did it go to? No one knew.

Mark feels to put in a separate connection is a lot.

The Mayor explained this accessory apartment thing has been discussed with the city for years. The Mayor does not feel that we should continue to kick this down the road. He said what if you have a homeowner or whatever and they have a building in the back and they choose to go on a mission, or something does that mean you have to kick someone out.

David Simmons wants to agree with Councilmember Forman in that he feels you should be able to rent out your home and an apartment.

Attorney Christopherson explained in code how things worked and why they work that way. Absentee landlords just collect the rent check, and they do not care how things look and that is why they want the owner to live there. It just makes things so much better and that is the reason why you regulate it that way.

Mont Lundgreen wanted to know why we could not just charge a monthly overage.

The Mayor closed the public comment period and thanked everyone for their comments.

Councilmember Cox stated with a slight wording change with basement she thinks she is pretty well liking it. She just has an issue with the word basement.

Attorney Christopherson said they could take that wording and tweak it a little bit.

Councilmember Cox said if we agree with these three conditions, this is how she would like them to read.

Attorney Christopherson explained that they could make the changes that Councilmember Cox wanted.

The Mayor said he did talk with Councilmember Fryer and she thought the language in the proposed statute was good and she was ok with it.

Councilmember Cox feels this is just general enough to get things going in the right direction.

The Mayor wanted clarification on the rented units and the off-street parking.

Councilmember Cox feels they have had so many round robin discussions on this, and we have a viable option on this right now.

The Mayor said as a council sometimes they over think things and with this code as it has come to us after speaking with the Planning Commission, he feels that a lot of work has been done on this and we need to move forward.

Councilmember Forman does appreciate their efforts as well and he is not discounting anything else that was done.

Attorney Christopherson explained that Sandy City works on a quota basis in districts or divisions and he explained how it worked with their accessory dwellings.

The Mayor read Ordinance 2020-15 and asked for a motion.

***Councilmember Cox moves we approve the code text amendment for accessory apartments as outlined by the red lines in the code with the modifications that were discussed, remove basement, and only require separate utility connections for detached and rented units, and one, two, and three need to be clearly marked as and coma and comma, and the parking being required separate from the main residence. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, and Crittenden voted in favor and Councilmember Forman voted against. The motion passed 3-1.***

The Mayor thanked Attorney Christopherson for joining the meeting.

**C. CDBG Public Hearing---**The Mayor read the public hearing notice on the CDBG Grant and then he reviewed with Council some of the items that city has done with the grant in the past and how much money the city contributed as well.

The Mayor opened the public hearing and there were not comments, so he closed the public hearing and brought it back to Council.

Engineer Kettle explained what we did this year and what he is recommending and that is taking the application from last year and re-applying for the same thing.

The Mayor asked for thoughts or proposals, he is good with doing it again.

Councilmember Crittenden is good with presenting the same one again. Then we do not have to go out and do the surveys again.

***Councilmember Cox moves that Francis City applies for the 2020 CDBG Grant improving the culinary water lines on Foothill as the project with Francis City Contributing up to $65,000 on the grant. Mayor Ames seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman voted in favor, motion passed.***

**4. Discussion, Updates and Approval on Potential Action Items**

**A. 2019-2020 Audit---**The Mayor explained they were going to take this one item out of order as Ben has another meeting to go to.

Ben introduced himself as working with Gilbert & Stewart and he stated he was here to present the financial audit. He wanted to thank Suzanne for all of her help with helping provide the information he needed.

He proceeded to page 1 of the audit report and he explained that was the opinion. He continued to review the pages of the report. He then went to page 15, 16, and 17 and explained what was on all of these pages.

CDBG was brought up and Engineer Kettle explained what he is recommending and that is taking the application from last year and re-applying for the same thing.

Ben stated that financially the City is in a pretty good position. He then reviewed the sewer and water funds and reviewed the notes. He highlighted pages 35 & 36 on the capital assets. Page 38 shows the debt structure of things. That is a summary on the financials.

Ben explained that they did have one finding that is related to a new program the state is requiring to be filled out by the city on a fraud risk assessment. The state would like that submitted every year. He explained that he gave Suzanne a copy of that and it will need to be presented to the state. They are finding it an issue with a lot of the other governmental cities as well.

Ben again thanked Suzanne for her help, and he feels that she does a good job on maintaining the records.

The Mayor said he agreed, he knows she loses sleep over this and she does a good job.

**B. Nick Berry Lighting---**The Mayor explained what this was about, and he turned the time over to Planner Henneuse.

Planner Henneuse read the letter that Mr. Berry had presented to the City. She then read her staff report and analysis. Staff recommends approving the lighting plan after discussing the lumen usage.

The Mayor did not know if Mr. Berry wanted to add anything. Mr. Berry said he is using the lowest grade of lumens for this project. He explained they are trying to block the lights from the neighbors, and this is the lowest light usage they can have for security in this area.

The Mayor thinks that looking at the staff recommendation the code said they need to be cut off by 11:00 p.m... Do these codes apply and does this apply for security purposes? He feels that is the only thing they are left with. Any thoughts on the security issue?

Councilmember Forman said it is hard for him to decide without seeing it for himself. He wants it to be secure and safe, but he would like the light to cut by half if it is secure. Councilmember Crittenden agrees with Councilmember Forman and would like to see it as well, but he is fine with it.

The Mayor feels the business itself needs adequate security. All were in agreement.

***Councilmember Forman moved to approve the lighting plan for Nick Berry on the Storage Facility on SR35. Councilmember Crittenden seconded the motion. The Mayor and Councilmember Cox, Crittenden and Forman all voted in favor, motion passed.***

Nick asked about the code on signage. What he would envision is to wall mount them on the fence 4 x 8. A monument sign is not going to work. But the way the code is currently written it will not allow him to do that legally.

The Mayor said this would not be decided at this meeting, but they will look into it.

**C. Approval of HVAC in both buildings, garbage cans, and playground equipment---**The Mayor needs formal approval with the cares act money. He explained all of the money will be spent in Francis with the exception for about $10,000. But with that he needs formal approval for these items.

***The Mayor made a motion that he be able to use the cares act money on these items. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.***

**D. Resolution 2020-11 218 Referendum---**The Mayor turned the time over to Recorder Gillett to explain what this was about. She explained everything that had gone on with this since 2012.

The Mayor clarified that it was the employees that voted on this and he was told yes. So, in 90 days the employees will vote.

Suzanne explained she was trying to find the Articles of Incorporation and was having no luck with that.

The Mayor read the Resolution 2020-11.

***Councilmember Forman made a motion to approve Resolution 2020-11 the 218 Referendum. Councilmember Crittenden seconded. The Mayor and Councilmembers Cox, Crittenden and Forman all voted aye, motion passed.***

The Mayor informed Council that they needed to pass the Ordinance 2020-15 in regard to accessory apartments. They missed that doing that when they were talking about them. He then read Ordinance 2020-15.

***The Mayor motioned to pass Ordinance 2020-15 regarding amending sections relating to accessory apartments. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, and Crittenden voted in favor and Councilmember Forman voted nay, motion passed 3-1.***

**D. Kathie Beal Plat Extension---**The Mayor turned the time over to Planner Henneuse. Planner Henneuse read a letter that Kathie Beal’s sent. She read and reviewed her staff report.

The Mayor asked Kathie if she had anything to add and she said no just what is in the letter.

Councilmember Crittenden said he did not have a problem with it, he would be happy to extend it.

Planner Henneuse explained that the extension would be one year from September 12, 2020 so it would go to September 12, 2021.

***Councilmember Cox moves that we grant Katherine Beal’s HH Acres parcel FT-2088B an extension on her plat submission for one year ending on September 12, 2021. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.***

**5. Council Business**

**A. Council Reports---**None

**B. Planner Reports**—Planner Henneuse explained what would be on next month’s agenda.

**C. Engineer Reports**---Engineer Kettle reported that Stewart Ranch is hoping to start construction next month. The project on, highway 35 wants to get going and Hart Ranch did install the water line down Lambert Lane hoping they get their plan improved. He is also working on getting the well design out.

The Mayor said he pressed Engineer Kettle on this, and the well will be ready to go before it is needed.

**D. Mayor Reports---None**

**E. Report and Approval of Bills Paid—*Councilmember Forman made a motion to approve the bills. Councilmember Cox seconded the motion, the Mayor and Councilmember Cox, Crittenden and Forman all voted in favor, motion passed.***

**F. Approval of Minutes from November 12th, 2020---*Councilmember Crittenden approve the minutes of November 12th, 2020. Councilmember Forman seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Forman all voted in favor, motion passed.***

**6. Meeting Adjourned---*Councilmember Forman moved to adjourn. Councilmember Cox 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 this \_\_\_\_\_\_, day of January 2021.

Mayor Byron Ames City Recorder Suzanne Gillett

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