

MINUTES

Francis City Council & Planning Commission Work Session Wednesday, February 24th, 2021 6:15 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://summitcountyut.zoom.us/j/94504959000?pwd=cDlvN3kvaEhpQTVUTS9Uc05PeDQ3Zz09>

Meeting ID: 945 0495 9000 Passcode: 923567

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

Attending: Mayor Byron Ames, Councilmembers, Matt Crittenden, Jeremie Forman and Shana Fryer. Commissioners ,Chair Brian Henneuse, Vice Chair Jan Brussel and Commissioners Bob Murphey, and Felicia Sotelo. City Engineer Scott Kettle, City Recorder Suzanne Gillett, City Planner Katie Henneuse & City Treasurer Mandy Crittenden

Excused: Councilmember Cox

Others Attending: Summit County Attorney Margaret Olsen, Rick Rapp, Tom Flinders, Pete Gillwald, Justin Harding, Vicki, Kimberly Lawson, Melissa Thompson, Dr. Shauna Demars

1. Welcome, Call to Order—The Mayor welcomed all in attendance and explained that Margaret agreed to this meeting as we were unable to attend the other public meeting training that she presented. He then explained the other items on the agenda tonight.

2. Annual Public Meetings Training Provided by Summit County Attorney Margaret Olsen---Margaret explained that she was presenting a Power Point Presentation on Open and Public Meetings (See attached Power Point Presentation). Margaret discussed items such as Open Meetings Act Statement of Public Policy, How many Notices needed to be posted and the Locations to be posted, Annual Meeting Schedule, What must be included on an Agenda, Reasonable Specificity, Electronic Meetings, Conduct of Meetings, What is not considered a Meeting, What a Quorum is, Discussions Outside of Meetings, Emergency Meetings, Closed Meetings, Procedures and a Quick Reference Guide for Closed Meetings, What is Forbidden during a Closed Meeting, Recordkeeping, Deadlines, Enforcement, Intentional Violations, Training, and common Violations of OPMA,

Margaret then answered some questions that Planner Henneuse had. She thanked the Council for inviting her to come and give the yearly training required.

Mayor Ames thanked Margaret for being willing to give us the training.

Commissioner Sotelo explained to the Mayor that she had to excuse herself from the remainder of the meeting as she already had other commitments after 7:00 p.m....

3. Frontier Days Preparation----The Mayor explained that it is not his intent to make this a meeting that does not end. First, he wants to talk quickly about Frontier Days and that we are going forward with Frontier Days this year. The Governor is saying we will be able to meet in bigger groups in person without masks by the 4th of July. So, we should be fine by September even if we have to do masks.

We need to make some commitments on a few things to get going off the bat. He wants to know how many nights we are doing the rodeo, or what exactly do we want to do. Or, do we want to do a single night rodeo.?

Councilmember Forman stated that we have a contract for two nights, so he does not know how that works for this coming year. The Mayor said that he is good with doing both days. Do we fill in with all the other stuff we have been doing and go back to all the basics or what do we want to do?

Chair Henneuse wanted to know if they just wanted to change things around or was it still revolving around covid. Brian felt people would be out and ready to do stuff by the end of the summer.

The Mayor wanted to know what we are doing, are we having the snack shack, queen contest, or what. Councilmember Forman felt that we really needed to do the snack shack as it is where the city makes the money. Ticket sales will never really cover it unless you raised prices. Councilmember Crittenden feels we definitely want to do two days of rodeo and do things relatively the same.

So, movie in the park Friday night, then other things through the day. Do you want to do music or what type of entertainment? Councilmember Crittenden feels a mixture of music. Local talent and bounce houses for the kids. Councilmember Forman said let's go traditional and stay with what we have always done. Kids games and scrambles Monday. Councilmember Crittenden will talk with Rusty and Trent on the livestock. Treasurer Crittenden said she got the bounce houses to sponsor last time and she would do that again. Councilmember Fryer stated that all of the other rodeos have their concessions open so we should be able to as well.

Last time they talked about royalty they were going to team up with Kamas and did they want to do that again? Councilmember Fryer said she would get with the Mayor of Kamas and see what he wanted to do.

The Mayor explained that all the Planning Commission and residents attending this meeting are going to help.

4. Work Session on Multi-Family Housing---The Mayor wanted to discuss the concept of Moderate-Income Housing and what plays into that. We clearly have a lot of interest in the Moderate-Income Housing and the ways that we are looking at approaching that for our city. We have had several Planning Commission and City Council meetings discussing Moderate-Income Housing and Multi-Family where we have received public input, and staff input on these concepts and he feels that they need to figure out what the purpose for all of this is. He feels that they all need to talk about this as there are projects being proposed for both of these items and he would like a clear understanding as to what way to go as a city.

To him the purpose of having Moderate-Income Housing is not because he wants to have more houses, roof tops or people. Those may be the results, but not the reason. He knows there is a need, and the need is multi-faceted. In general, things have gotten very expensive even just for the average Joe to afford anything. But he has long expressed a concern for the book ends of our society. The young people who live in mom's basement and those couples with their first jobs and the older residents in the city that don't want to leave, so where do they go? He feels we die as a community if we lose those book ends, and he thinks the way we are set up is a way we are locking our ends of our community.

We have employers who are struggling for employees, the fire department looking for people and police officers who can't afford to live here. Foodtown has commented they are having a hard time finding places for their employees to live. The school in the past has lost people because there is no where for them to live. He feels there are lots of employers having a hard time filling their positions. Now is it the cities responsibility to provide for all of that? Absolutely not, but many of those employees already live in the valley. But we should help the businesses, or the cities die. Affordability for everybody, so how do we accomplish that? He feels that we do have a moral obligation to do what we can. Is there something that motivates other people? We don't just want to open all bare ground to Moderate-Income or Multi-Housing rentals.

Commissioner Chair Henneuse would phrase it differently in the sense that not necessarily housing is a goal or target housing, but a broader sense is maintaining community, that's the bigger picture. The ability to live and work in the community, but to be more self-sustaining. But he does not want to see us become a suburb of Park City or a feeder. He thinks the housing definitely has a place and an aspect of affordability has to come in. But he feels that it needs to play a part of a bigger role in a community sustainability process in the sense that it is not an objective but a tool. A community.

The Mayor said he just said it better than he did.

Commissioner Brussel chimed in that his concern has always been, and he is new to the process, but not the development. What he doesn't see in the meetings in the past is he doesn't see a connection for the desire for Moderate-Income or Condos or whatever in a master plan that shows for any of this viability or development or structure or future growth and all that goes along with it. But what he has seen is let's buy a piece of land and try to get it re-zoned and build high density on it. He is not opposed to high density done right; he has also seen it done very poorly. He thinks it goes back to a short pause to try and figure out if this is something we are going to pursue because it is good for our community and our kids. He feels there needs to be some real thoughtful planning in how we develop all of that. Where and how does that all happen. We need to look from the outside in. In his mind that is a much more important discussion. He feels that they all need to sit down and discuss things further.

The Mayor thanked Jan for his comments. A thought that he has is that as we contemplate the things that would satisfy moderate income housing he contemplates where he feels it would be ideal to put it, they didn't do it as a specific location or neighborhood. But from a planning perspective he feels along the highways is a good place to start rather than some neighborhood off the highways and he explained why. He feels the two proposals now check that box and he would rather see it there than some other places. He asked if he had a misguided opinion.

Commissioner Henneuse said he would say his opinion is not misguided, but it's his opinion. But he prefers again the broader concept of community and how we develop it and guide it. He would like to see it more interspersed and mixed type of developments like Hart Ranch and Stewart. He aesthetically he likes that more. You can see egalitarian concepts of not having the rich on one side of the road and others in another area. He knows that's not what he's saying but what he would like to see the mix. He was talking with Katie today about if we have a development over a certain size starting to look at requiring planning for some level of moderate income at that level whether its land or building or something they contribute as an assessment. We are getting a gut reaction from a lot of people and if we take a step back and look at more of scaling or a radiable concept and marching along with the growth that would make it more sustainable with the community. How many concepts do we need to attach to each million-dollar house? He asked if that made sense.

The Mayor said it does. One of the concerns on SR 35 is there is existing infrastructure there, but when it was planned it wasn't planned for that type of development and we don't know now if it could handle it or not now. Does it affect what the planning is if its rental properties vs owner occupied and do, they need to factor that into the analysis when looking at options?

Chair Henneuse said yes, he feels you need to factor all of that in along the way as we go.

Vice Chair Brussel said as far as infrastructure and funding goes that's a straightforward discussion. We just have a new well but not a tank yet, and we have a sewer system everyone is going to hook up to. If the original plan was 10 years how long will that system now survive and what will the cost be to upgrade it, but the money will be something the developer needs to pay. He feels there needs to be a study done to show how we may possibly fund that. Then it takes a more logical approach to an analysis and not just to one project. Growth is coming and we all have to deal with it rationally.

The Mayor said the existing residents by State Law don't pay for the growth, growth has to pay for itself. He asked Engineer Kettle about the sewer as an example and the 20-year capacity, if we add a bunch of things that could change with those projections. Scott how do we plan for the funding for a lot of this infrastructure, you provide to the council a report on all of this and he wondered if it went to the Planning Commission as well. Engineer Kettle explained that the report did not go to the Planning Commission. The Mayor felt that the Planning Commission should see those figures as well. Scott said that he could get it to them.

Chair Henneuse said yes, it would be helpful. One thing to consider is how do we define what the impacts are to the community. If we talk more broadly in respect to, for so many families that move here how many support people do we need, and he is asking more the question of what we need to consider impact to the community and looking at it a little broader.

Councilmember Forman feels like we are getting off into the weeds as far as controlling growth as a whole or are we talking about Moderate-Income Housing, so he wants to know exactly what we are talking about, he thought we were talking about Moderate-Income Housing. The Mayor said we are talking about Moderate-Income Housing, but we are talking about the impediments to us and planning for it.

The Mayor said we are talking about it, we are talking about impediments and planning for it and having it.

Councilmember Forman doesn't feel any of those are impediments and he feels they have to decide how they want to address it. He thinks everything they are talking about are very important topics, but he doesn't know if they have any direct link or whether they tackle this idea of Moderate-Income Housing.

The Mayor said he appreciates the comment and it really does matter because it has been brought up in meetings that we have some 400 units that have been approved in our city and a small fraction of those are something we have negotiated for. So, do we approve more things for Moderate Income Housing, or do we not do anything because of the issues we are having right now.

Councilmember Forman feels with the current proposals, it is the City Council's responsibility to really pause at least for the moment and see how they want to tackle things. How do we want things to look, then we are able to determine what those impacts are, and we are better able to change the way we are operating currently and how we may change to operate in the direction we want to go? Then we can easily determine the impacts and how we want to go.

Chairman Henneuse said his point is that he viewed the Moderate-Income Housing as an impact of the current issue, is he plugging up the damn and are we going to pop out in another spot if you don't address why this keeps happening. So, he is trying to look at the broader concept. He understands the immediate need and issue. We need to look at the whole picture.

Councilmember Forman is saying if they identify the direction they want to go with Moderate-Income Housing, then it is easier to determine what impact you have and what areas you might encounter problems. Councilmember Forman explained his thinking on how this would work. Then they can decide the direction they are going then they can figure out the impacts and clearly see what those issues may be.

Chair Henneuse said he agreed with that. He is trying to make sure we don't get into a situation where we have Moderate-Income family housing as a goal itself. It's a tool to solve a problem, not something to pursue just because it's a thing.

Councilmember Forman said he completely agreed with that.

The Mayor did like taking it back one step and looking at it from a higher perspective. It is a significant issue, and the state legislature is looking at that significantly. In theory every house in the city right now could carve out more space for rental in their house. Could that increase the demands on our system.

Chair Henneuse said if the state does push through with that then we have a large supply of rentals. Will we then exceed the capacity with all these rental units? He's not saying that there is a specific number they are shooting for; he is just trying to get the right size and not have a hard and fast goal.

Councilmember Forman said if the legislature changes that it really changes things for us, we don't really have to do anything quite honestly. He feels that changes things drastically and we might not have to do anything. He feels that it might fix the problem.

Chair Henneuse said that goes into the calculations, but he doesn't think it fixes the problem. He doesn't want to make a decision without all of the variables thought of. They need to think of all the variables that play into this and look at the bigger picture. But we need to take a pause.

Councilmember Forman feels that they are both thinking the same thing, they are just saying it a little differently. He feels the pause is the number one thing and wait and see what the legislature is going to do so they can have a more well-informed plan.

The Mayor said there is no component of deed restriction with what the legislature is doing. Councilmember Forman feels in a way that does address that. Chair Henneuse felt that is a point, but we have nothing to enforce that. They need to make it an actual component that is tied to the actual property. That actually addresses affordability.

Chair Henneuse said on another note we created the zone for a reason and it's a tool to be used. He stated the developers are going to come in and advocate for the best use for themselves. Everybody is their own advocate to make money for themselves and their families and they need to remember they are working under that motivation.

The Mayor asked Councilmember Fryer and Crittenden how they felt and if they had anything to say.

Councilmember Crittenden felt the legislature will change a lot of things for the city and he doesn't think it addresses the Moderate-Income Housing Issue. The only thing to do that is through deed restriction of some sort. To him that's the only way you can dictate what people are paying for rent or purchasing their home or whatever. He would rather see the purchasing of homes rather than rentals on that aspect. He thinks it's going to change a lot with the whole city if the legislature does what they are going to do. He thinks it does nothing to help with the lower income or Moderate-Income issue and he feels the only way to do that is through deed restrictions of some kind. He thinks that a lot of the townhouses, apartments or whatever the water issue, they don't impact the city like the normal home. He explained his reasoning on that. He feels it is less of an impact on the water system.

Councilmember Forman would agree with that as far as the water system goes, but the only way for us to control the price is through deed restriction. But he thinks they also need to be pretty dang careful that the deed restriction is a really small percentage of what you are doing. Because as a government you are injecting yourself into a scenario where you are dictating how much money someone can make in a free market.

Councilmember Crittenden said he doesn't disagree with that.

Councilmember Crittenden said as far as the water, I think you are right with that and then his only other argument is its less impact on the water, but it's the same or maybe increase on the sewer. You still have the impact. So, he agrees but he disagrees.

Councilmember Crittenden said he understood what he was saying, but if the legislature does what they say they are going to do they are still impacting us more and we can't charge for it. He feels this allows people to have a rented apartment in every house we double the impact of the city and there is nothing we can do about it.

Councilmember Forman agrees with that, but he thinks it would only be a small percentage.

Mayor Ames understands Councilmember Forman's concern that you can only ask for so much as a city and then you are infringing on other rights and as a city asking a developer with Moderate-Income on a certain number of units, we really only have that availability in two scenarios. One if the developer does it out of the kindness of their heart and they are willing to make less money. The other is we are doing a zone change or have the discretion to say no. He explained his thinking on all of that.

Councilmember Forman said he agrees, but like he has typically said it just needs to be balanced. A healthy balance with allowing certain things, it just needs to be a healthy balance. That should always be their goal.

Chair Henneuse asked why is it that you can only do that type of assessment in only those two areas, because he knows that other places do that for affordable housing, Park City does it.

The Mayor said there are some other initiatives, and he went into details about those. He talked about other areas that cater entire projects that have been done to make it more affordable to government workers and teachers and things like that. But there are requirements by law that certain other cities have about how many people in their city that are Moderate-Income that can check that box. Francis is small enough that we don't fall within that legal requirement that we have to have a certain percentage, but that law may change.

Chair Henneuse asked what their clear communication was as they come in. He feels there is a significant number of units on the docket to be built that will have consequences and it's hard to measure what those consequences are when we have so much looming overhead.

Councilmember Forman said his personal feelings in the short-term are communication unless it already fits the foot print of what's on the ground then we are uninterested in looking at zone changes, annexations and all those things because right now he thinks their most important thing is a pause until they figure out what those things are and which direction they really want to be going. We just take a break for a minute and obviously we have to approve the things that fit within the code that we are bound by law to do, but when we are looking at all these new projects, he thinks right now it's just a no discussion issue. Those are just his personal feelings.

Mayor Ames, so Jeremie what you just outlined as a list of things unknown will always be a list of things unknown. We will never ever be in a place where we know everything. Let's discuss The Views, that is being proposed next to the city park. He explained his thinking on what's there and what could be done the way it is zoned now, and the state legislature is going to pass what they pass so that could go from twelve single homes to twenty-four he feels that satisfies nothing for the city. That would be a property right and the city would have no say in that. He explained his thought process on all of that.

Councilmember Forman doesn't disagree with what he is saying, yes, they could maybe do all of that, but he has yet to see the benefit to the city from any of these proposals anyway. Other than more density there is no benefit, and at least the people that have spoken don't want it and again that doesn't mean the majority, but he fails to see the major benefit to the city with what is being proposed anyway. That's how he sees it.

Mayor Ames asked if his perspective would be any different if 1450 people showed up and said they were in favor of it. Jeremie said yeah, he thinks his perspective may be different if he could honestly feel like the majority of the public were ok with it. He feels it is his obligation to represent the people and if that is what they want then he supposes he would probably change his opinion to reflect that.

That was the question to explore with you, and this goes to all of us the elected officials and the Planning Commission, yes you have your own selfish interest as a resident, and they can never completely detach their thoughts and opinions and own values which will vary. But we represent the people here and that is an issue he struggles with all the time. He has always expressed an interest with having as many people here as possible. He doesn't know what to assume for that voice that isn't there. He expressed his thoughts.

Chair Henneuse asked, his concern is that they obviously have a lot of sentiment with the public right know and as far as that goes, there is only so much tolerance with a project like this. Do we lose the opportunity of a bigger more special project if we go with the directions of some of these things? If you look at Rusty's proposal of locking up land with using 80% open space and blocking all the way to the border of Wasatch, which he thinks is a real threat. Do we risk losing our public support to the extent that we lose, in his opinion, a more valuable project to go through?

Mayor Ames thought that was a very complicated big question.

Chair Henneuse has heard in the past and he doesn't know the politics of it, but he has heard that at one point there was an opportunity to be hooked in with Victory Ranch and there was some animosity there, but it could have resulted in benefits to the city in the sense of having infrastructure paid for. That would have definitely been something he would have been interested in. He doesn't want to get in a position where they lose an opportunity.

The Mayor would love to preserve our hillsides and not have houses on them. He would look favorably on something to lock in our hillsides or not that was open permanently.

Chair Henneuse said Jeremie it gives me pause if you say I don't want to ever see anything absolutely, but he would agree with direction on a pause but if a project like Rusty's comes back or something like it and says I will give you 75% of open space on 1,000 acres on the hillside and you maintain and do a lot for the community then he would be hard pressed to say he wouldn't look at that. He would want to do what is best for the city.

Councilmember Forman said yeah, he agrees with what he is saying. What he is looking at is more of a generality, because for him everything comes back to a healthy balance. If there was a proposal like that and it came to the city, then he would be for that because like he said it's a healthy balance. But, when we have projects that make zero sense, I should say there's not a clear-cut benefit to the city, those are the ones he thinks they pause on. Because he thinks balance is what is important and certainly a project like Rusty's that locks things in long term then they would be foolish not to consider those, but he thinks they would be foolish to consider something where there is not some clear benefit. Chair Henneuse agreed.

The Mayor would like to hear from Bob or Shana or both of them.

Commissioner Murphey explained he had thoughts, but he is a bit under the weather as he had collar bone surgery today so he feels his opinions should probably wait.

The Mayor said he was sorry to hear that.

Councilmember Fryer said she was also sorry to hear that as well. She is with Jeremie she doesn't see the benefit right now. She can't see the benefit of Multi-Family Housing going right there. But she also wants to know what the state legislature is going to do to us if they pass that. But right now, she still couldn't say to change the zoning to get that many more in there. She honestly doesn't think if they put the twelve homes in there they are going to turn right around and build their house and rent it out. She doesn't feel the legislation is going to impact us severely. She's the mailman and she knows the homes right now. She is up in the air.

The Mayor said these are issues we may never be settled on and they are conflicting issues. They are issues they have compassion on, and he would hope the governing body would have compassion on the needs of our community. He would hope they have compassion, but not blind compassion that causes problems for others. The legislature is going to pass something, and he has been in touch with the Governor and his advisors and our City Attorney. It is going to pass, and they may give it some tweaks and we are going to have to deal with it. The hard thing is we are planning for our city and this law as he understands it would talk away many of their planning abilities. We will have to re-vamp code in many ways.

For the developers listening so far, the only way we can see anyone carving themselves around this statute would be to have accessory dwellings within a house would be to have HOA's and CCR's. Other than that, anyone who wants to rent something out, can. They can see people starting to plan that out.

Councilmember Forman agrees with that, that's how the plans will all be if people want to do it from the start if that's an issue.

Mayor Ames hears a lot of clear messages coming from our Planning Commissioners and from City Council and he thinks that he is not getting the impression that there is a lot of conflict between things, he feels they fit within each other and he doesn't want to over define it. There is a genuine concern about what's coming and how do we deal with it and what we do with our systems and then we don't want to step on people's property rights, and we want to make sure what is happening in our city is truly what we think is best and what the community thinks as a whole is best. We need to keep in mind that everybody wants things that are perceived to be negative next to their neighbor's house. But we have to weigh all of that, and we are not closing the door on proposals. He would say no to that, but the clear message seems to be unless there is a very clearly articulated benefit to the city on something that is discretionary like a zone change, which we created the Multi-Family zone for, not just because we thought it would be awesome to have it. But it is a symptom we are trying to deal with, then that alone isn't enough, but if someone is making a proposal and there seems to be an overwhelming voice among Planning Commission and City Council that they don't like the speed of growth and something did provide an overwhelming benefit then we should at least give it a fair shake. But if it doesn't, we will take a hit to the city just because you are offering Multi-Family Housing or Moderate-Income.

Councilmember Forman said he was right on. Councilmember Fryer said that was perfectly stated.

Mayor Ames asked Engineer Kettle if he had anything to add.

Engineer Kettle said they were good and as these things happen, we need to look at the different scenarios, when they did the Master Plan, they didn't have Multi-Family Housing, in the next Capital Facilities plan they are going to have to look at that with what the legislature is doing and see how it impacts our system. He thinks we are on the right track.

The Mayor feels that this has been helpful. He thanked everyone for being here and making the effort. They will keep talking about Frontier Days at Council Meetings. He asked if anyone had any ideas on who could take over the shacks. There was no response.

The Mayor motioned to adjourn. Councilmembers Forman and Fryer both seconded the motion. 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 April 2021.

Mayor Byron Ames

City Recorder Suzanne Gillett