

## MINUTES

### Francis City Council Meeting Thursday, March 11th, 2021 7:00 p.m.

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

**Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592**

<https://us02web.zoom.us/j/84156838403?pwd=bjJsNXQ1VFhFTGdPVWlMSXc4eHFaQT09>

**Meeting ID 841 5683 8403 Passcode 362202**

**You can also comment by email to [comments@francisutah.org](mailto:comments@francisutah.org)**

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

**Staff:** City Engineer Scott Kettle, City Recorder Suzanne Gillett, City Planner Katie Henneuse

**Others Attending:** Lonnie Bates, Brad Christopherson, Tamsyn Phone, Christopher Burton, Emily Quinton, Troy Thomas, Chrissie, Paul Watson, Brittany Jonaitis, Eric Langvardt, Jack Walkenhoarst, Bob, Marcy, Bobbi Anne, Ryan Larkin, Delores Mansell, Melissa Thompson, Justin Harding, Five Tablet, Mike Johnston, Brandon's I Pad, Eastins, Rod Folkerson, Paul Wynn, Jeana, Rick Brough, Jana Lee Marchant, I Phone Guest, C. Clark, Rick Rapp, Dr. Demars, Thad, Ryan Larkin, Tom Flinders, Paul Linford

**1. Welcome, Call to Order, Thought & Pledge of Allegiance**—The Mayor welcomed everyone and thanked them for coming. He then asked Councilmember Cox to lead in the Pledge of Allegiance. The Mayor then shared a thought from the Governor that he heard this morning.

**2. Public Comment**—The Mayor explained how the public comment period worked and how to raise your hand on zoom and your phone, he then opened the meeting to the public. He reviewed the public hearing items that are going to be discussed and explained that this period was for any other comment.

Jeana asked if she could share a file and the Mayor explained that we couldn't. She explained her comment on the Francis Commons Development. Her comment is you are trying to put 104 units on 6 acres, there was a form that she wanted to share. She reviewed the living wages and what people can afford. She explained how much someone would have to make to be able to afford a home here. To live in this complex, you would have to have 3-4 people per unit to be able to afford to live in this area. She is fine with half acre housing, but she doesn't feel this project would be good for the City and it's not in the General Plan. Again, it's not a good plan or project for this community.

Jill Gawreluk agrees with everything the person before said. She has sincere concerns about the growth. The Planning Commission many times has advised not to do something and then the City Council votes it in. She said there are a lot of people in the community and growth must be respectful and responsible, we don't seem to be doing that. We need to back up and push the hold button and make sure we have our zoning together. She wants to maintain our lovely community and she feels that the Council really needs to think about that. Her heart is in the right place.

The Mayor closed the public comment period. He explained he was looking toward June to try and have a hybrid meeting and try to get things back to normal.

There was one more public comment so the Mayor will open and reclose the public comment period.

Craig Gawreluk wanted to know if there was a noise ordinance for the City as he has noticed people building from sunup to sundown, and shouldn't that apply to the builders?

The Mayor explained where the noise and sound ordinances were found, and he read and reviewed them.

The Mayor explained after the last meeting there were some questions raised on the potential impact of H.B. 82 on ADU's being built inside houses. There were many questions brought up, so he has asked our City Attorney Brad Christopherson to explain what has gone on.

He has put this item on the agenda as it could affect some of the public hearing items. He thanked Attorney Christopherson for coming.

**3. City Attorney Brad Christopherson---Update on H.B. 82 Accessory Dwellings---**Attorney Christopherson explained this applies to something inside the home only. Cities are required to make them a permitted use. It would apply to anything that is residential half, and residential cottage zoned, but it would not apply to AG1 or AG2 zone. The City will need to draft an ordinance to allow for this. One of the requirements would be, one it can't be a leased property and it must have one additional parking spot set aside for a vehicle. Cities can require them to be licensed and permitted. There are enforcement mechanisms in there so if something doesn't meet code the Cities can put a lien against the property for a non-compliant ADU. We can fine up to \$100 a day while the violation is going on.

There are a number of things that the legislature went pretty heavily into the State Code on what can't be done. There are a few regulations that allow us to make sure that it is safe.

Attorney Christopherson explained the Mayor asked him to review the water issues. He explained that the City did a new well and there is light at the end of the tunnel. So, how is this going to impact the City? Attorney Christopherson explained how that would work. Going from adding 2-3 people on an ADU is going to have a minor impact on the water and sewer system especially with the other well coming online. Obviously, there will be additional traffic and never has he been to a Council meeting where it hasn't been discussed. Roads can handle a lot more traffic than people realize. Adding a few ADU's will only bump things up a little bit. The roads aren't going to fail and there won't be traffic jams in Francis. He wanted to make sure that he had addressed the questions that had been brought up. HOA's can't prevent internal ADU's.

The Mayor said one of the bigger questions was what the impact is if any on Moderate Income.

Attorney Christopherson explained one of the main reasons this was done was to try and help that.

This applies to existing and new homes, but the main structure has to be owner occupied and a parking spot provided. This could mean we may see a lot of homes done with the ADU in it. This does not apply to a garage apartments or another building.

The Mayor asked Council if they had any questions. Councilmember Crittenden asked if there is any way the City can have recourse to try and charge an impact fee of any kind. Attorney Christopherson said they removed that and said you can't require it, but they can offer it. Councilmember Crittenden said his concern is it's still an impact and we should be able to get something, because it is something, we can't re-coup in any way. Attorney Christopherson explained that you need to be able to justify that then you could charge a higher rate. We could re-evaluate our rates after this takes effect to see if we should increase impact fee rates overall.

Councilmember Fryer asked if you have an ADU does it have to have its own kitchen or can it be shared? Attorney Christopherson explained it would have to have its own everything.

Councilmember Cox mentioned this was permanent in up to 75% of the zones. Attorney Christopherson explained this was a heavily debated issue that went back and forth. He said what was negotiated was to have meaningful impact in a primary residential zone and in Francis that would be 75%, but the City could set as or carve out 25% of that and not allow it in a certain City area that it would apply to. If someone already has the right you can't take it away.

The City will need to do an Ordinance for this. The Mayor asked if there was a dead line for compliance, he was told there probably would be.

Councilmember Crittenden asked if the 75% was the total acreage area or the number of units and he was told the acreage.

The Mayor thanked Attorney Christopherson for all of his help with this matter.

#### **4. Public Hearings**

**A. Francis Commons Zone Change---**The Mayor turned the time over to Planner Henneuse to review her staff report. Planner Henneuse shared the concept plan with everyone while she shared her staff report. She explained where the property was at and they are asking to rezone into three different zones. She explained what those zones were and that certain criteria did not meet code in some zones. She explained they came to a Joint work Session in October and then came back to the Planning Commission in January with reduced units and the Planning Commission gave it a negative recommendation. She then highlighted items from the General Plan. She reviewed each individual zone and explained they would have to extend the City Center Zone. She explained we don't have a density allowance in the City Center zone, but it would exceed the density allowance in the M-F zone. She then discussed the parking and how much we would like to see in the code and currently it doesn't meet City code and many codes would need to be changed. Developers have not proposed any number of units for Moderate Income Housing while they have said they would do housing for fire fighters, teachers etc...

We do have in our code that land should not be subdivided and developed until available public facilities and improvement exist. She explained that we do have 426 lots that are buildable lots already. She then reviewed the positive and negative items of this development.

Positives are a variety of housing proposed, which meets the General Plan, the added density of this development would add to the commercial viability of the City, the developer intends to work with builders who would offer affordable housing options.

Negatives are several text amendments would be necessary for this development to be allowable, especially in the CC Zone. Development of the City Center at the four-way intersection of SR32 and SR35 may be postponed if commercial space is available nearby, the current zoning of this property allows for approximately 35 single family homes. The proposal adds 105 units to the allowed density and will increase the rate of growth in the City, placing a greater demand on the City's infrastructure, roads, and schools. Affordable is not guaranteed with this zone change. The developer plans to finalize any affordable housing arrangements with the approval of the final plat. The General Plan states the goal of preserving the rural feel of Francis, which conflicts with this proposal.

The Planning Commission expressed concern that this proposal allows for additional density and does not promote balanced growth in Francis, especially considering the quantity of already approved developments. They discussed the negative impact of this proposal on water systems, roads, policing, and schools. They do not want to set a precedent of approving zone changes and would like to see the City follow its zoning map.

All five Planning Commissioners expressed a negative recommendation for the proposal. Planner Henneuse recommends using the General Plan, along with the codes for the applicable zones, discuss the benefits and drawbacks of the zone change proposal. If the benefits of the proposal outweigh the negative factors, approve the zoning changes with the following conditions: City Engineer will perform analysis to demonstrate adequate infrastructure and resource availability for this added density in consideration of the other projects that have been approved within the City. If the analysis shows that the infrastructure is not adequate, the developer will agree to provide infrastructure upgrades. Developer will provide traffic impact study showing no significant impact. If impact is significant, the developer will agree to provide modifications to roads and signage. Passage of code text amendments to allow for this development.

Planner Henneuse asked Attorney Christopherson if he wanted to discuss the settlement agreement.

Attorney Christopherson explained that back in 2016 there was a settlement agreement with the City and Wild Willow LLC. At the time it was zoned for a commercial project and it was mixed use. He explained this is higher in density and lower in commercial than originally planned. He explained what had been negotiated with Wild Willow LLC and the zone changes made. Wild Willow LLC has the option to develop under the existing code at the time of settlement or the current code. They chose to go with the current code.

The Mayor just wanted clarification on everything. He explained they had a letter from the landowner which stated they will develop under current code according to the settlement agreement.

Engineer Kettle explained that we will need to look at things if this passes on the capital facilities plan and we will need to look and see what impacts this may have. Back when it was mixed use, they put in a bigger water line so that may be ok, but with the changes they have made could affect things and changes may need to be made.

The Mayor asked about the proposed density and Planner Henneuse explained that to him and it would be higher density than what is currently allowed in the M-F zone. The Mayor stated that this was a general idea, and they wanted to work on specifics later. They would like just the zone change now and then do the concept later.

The Mayor informed everyone that the applicant was here so he will turn some time over to him if he would like.

Eric Langvardt stated he is the planner and he explained that he felt there was a different interpretation on the settlement agreement. His understanding was that it was R-1 or R-H now, but they could change that when they came back in.

Attorney Christopherson said his office was involved in that case and he was pretty heavily involved in it. The election wasn't a zone change it was whether they wanted to develop under previous land use regulations or the current land use regulations. The zone change was something asked for by the property owner as part of the settlement and the City rezoned it. He doesn't believe that it had anything to do with giving the land owner zoning authority over his property anytime in the future. He recommends putting this off if that is what they think. The Mayor concurred with that.

Rick said he is just the planner and asked Rick what he thought. He is trying to get rezones that make the most sense for this property where it sits, and he can talk about the merits of that. He thinks there are some things being proposed that do need text amendments and he explained why he felt the way he did. From a planning perspective he feels they do provide a plan for the City that would be good. He explained his thoughts. He feels there are some things in the code that could be fine-tuned with them.

Rick Rapp said that he agreed with what Katie mentioned. We should not get deeper into the weeds with this. If there are adjustments that need to be made in things, that is all doable. This is just a zone change and then they can figure out the details later. They need to get the first phase done on zoning. He wants to create something that

works and then they can get into all of that detail. He explained that he has talked with several different housing places that help get homes for local residents, so he is willing to look at that.

The Mayor asked the Council if they are comfortable proceeding with the City's decision that this is a discretionary decision. Attorney Christopherson feels if the applicant has a different position on the legalities of this then they need to halt progression and get things figured out.

Rick said let's move forward on its merits.

The Mayor opened the meeting for public comment. He asked Planner Henneuse to read all of the written comments that have been provided to the City. She then read the five letters that she had received, they were all negative comments on this project.

Rick interrupted and wanted to have a special session. The Mayor explained his thoughts and he is not inclined to stop the public comments today. Whether decisions are made tonight or not ought to reflect the public comments. He wants to move forward. Attorney Christopherson said what he was talking about was the legalities that had been brought up. If there is concern on what the settlement obligation means then he would rather wait than continue on tonight.

Rick said sounds good to him. If you want to continue with public comments. Then we can have a special session. The Mayor explained again what Attorney Christopherson was saying and meaning. He felt we should continue with comments. Attorney Christopherson explained all of the options.

The Mayor asked Planner Henneuse to continue. She finished reading the letters.

The Mayor explained to the public how things would work and then opened the public hearing.

Jeana wanted to address Eric's Moderate Income Housing Issue and she explained what you would have to do to be able to make the amount of money to afford what they propose. She stated she has done the math, she is a data analyst and there is no way any of this will be affordable, Moderate Income is not a reality.

There was a brief exchange between Jeana, and the Mayor and the Mayor told her not to tell them they weren't listening.

Collette Madsen lives on Gines lane, she is not in favor of this density. She has questions on the water. The City requires for a single-family home 2 acre-feet water to be turned in. As far as a townhome is there less water required? For this 140 unit proposed development, how much water would need to be turned in?

The Mayor said he couldn't answer that right now. Collette said as far as her knowledge goes not enough water has been obtained for some developments that have already been allowed in the city. Water is a major concern for the whole area. Traffic, schools, and air control are all concerns.

Rick Brighton said as you travel out of the City in the morning you see how bad the traffic issues are. So, unless you solve the transportation problem, then affordable housing is a myth. What you have to do is get the cars off the street. All we are doing is providing affordable housing for people who work elsewhere. When you increase the density, what is Francis really getting out of all of this? He feels we are exacerbating the problem by creating more housing and it's not for the benefit of Francis, but it's impacting us, and we are paying for it. That's a classic observation.

The Mayor said his comment about transportation is well placed. He said Francis is going to have daily, hourly bus service this summer if approved by County Council.

Kit Burton asked a question to the Mayor and Attorney Christopherson. He wanted to know in terms of the settlement agreement they have been discussing tonight has anybody read or focused on the language that is used. He would like to read the language into the record now. "The regulations set forth in exhibit one shall govern the future subdivision and development of Wild Willows property. In the event of future changes to the land use Ordinances of the Town Wild Willow SHALL have the right to elect to have the zoning of the subject property and the processing of land use applications governed by the THEN current Ordinances of the City. In that event and upon written notice of Wild Willow of such an election the regulations set forth in exhibit one shall no longer be applicable." He would please urge everybody to look at the settlement agreement and please feel free to contact him.

Attorney Christopherson addressed Kit's comments and said that is the language that he has looked at and was requested to review. He is still troubled; it sounds like what your saying is the settlement agreement still allows you to modify the zone based on that agreement rather than modify or elect to use the then existing code or what was in exhibit one as is the process under which you would develop versus now. Unless he is misinterpreting the letter that his attorney sent you opted for current zoning regulations rather than the then existing ones. He asked Kit if that was right and was there agreement there?

Kit said they decided to support the application for the three zones in the letter. He asked that the City recognize that they have the right to apply for a rezone. He feels they understood things would change and they had changed. He said they are wanting the applicant to proceed under the existing zoning clause.

The Mayor stated that he was at the mediation and it is clear to him there are some things they clearly agree on and some things they do not. He feels this is something that needs to be resolved before this matter continues, but we are having the public hearing. He feels there is disagreement in what was articulated to the City now. They can reconvene with the lawyers before there is a Council vote on this.

Brian Henneuse thinks there is a misconception if the City allows a land owner to come and petition for a change that the City is in some way promoting or condoning a development and he feels that is a misconception that is being spread. He thinks they need to understand property rights and that people are allowed to petition for change. We need to understand once we invite government to control what we may or my not do then we have no control over what that government will choose to do. He doesn't feel the City is promoting this in any way.

Dr. Demars has a lot of issues with this development and the infrastructure. One of the things is more affordable housing, but she feels like Francis is single handedly trying to solve the problem for Summit County and she doesn't feel it is their sole responsibility for it. We already have 426 units that we need to take into account. She feels they really need more information.

The Mayor explained that there would probably not be another public hearing on this.

Mr. Larkin said just listening tonight he is confused, and Council doesn't even know what they are proposing, and it doesn't seem like they even know what they are proposing. He feels they need all the facts for people to know what is going on. He hasn't been able to gather exactly what they want, but they want the zone change.

Craig Gawreluk echoed Mr. Larkins comments and he feels there should be another public comment period when the final details are available.

There were no other public comments and the Mayor closed the meeting.

*The Mayor proposed and motioned to table this item until March 25<sup>th</sup>, 2021 with a single agenda item of this to be re-discussed at that date. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman & Fryer all voted aye, motion passed.*

**B. Storage Text Amendment---**The Mayor asked Planner Henneuse to review her staff report. Planner Henneuse stated that Francis City allows storage yards in the AG-1, AG-2, and LI-1 zones, provided that landscaping and parking standards for commercial developments are met. She reviewed her staff report and informed Council that the Planning Commission is forwarding with a positive recommendation. They did add verbiage to allow for various types of attractive fencing materials such as brick. The Commission is forwarding this text amendment to the City Council with a unanimous positive recommendation.

The Mayor asked Engineer Kettle if he needed to add anything, and he was told no Katie did a good job.

Councilmember Fryer questioned the attractiveness, because what she may like someone else might not.

The Mayor explained it could be anything not on the list. He then opened the meeting for public comment.

Jeana suggested some different ways to conserve on the landscaping.

The Mayor closed the public comment period on this agenda item.

*Councilmember Forman motioned to approve the Code Text Amendment as applies to storage yards as presented in the staff report. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted aye, motion passed.*

**C. Hart Crossing Master Plan & Phase 1 & 2---**The Mayor turned the time over to Planner Henneuse. Planner Henneuse presented a background on where the property is located. She explained it's in the AG-1 zone and she reviewed the concept plan. Preliminary Master Plan approval was granted by City Council on August 13, 2020 with the following changes.

- \* Designate 1-acre building envelope on farm parcels to separate residential lot from open space.
- \* Meet minimum 50% required open space.
- \* Identify at least 20% of the minimum required conservation land that will remain available for the common use of the residents and/or public.
- \* Provide maintenance and ownership plans for the conservation lands.

There are two farm parcels and Planner Henneuse explained how each parcel had been designated. The Master Plan meets the 50% open space requirement for an AG-1 conservation subdivision, including a minimum 6 acres of open space for public use.

The Master Plan and Plats have been through several review cycles with staff and the developer. The developer has met the preliminary and final plat requirements for Plat A and B (Phase 1 & 2) with the following outstanding items identified by staff:

- \* Delete road dedication to Francis City reference on Plat A and C. The roads are dedicated to Francis in the owner's Dedication and Consent to record. Another note on the plat to dedicate the roads is unnecessary.
- \* Show PUE across the dog park.

The developer has submitted maintenance and ownership plans via plat notes and preliminary CCR's. The City Attorney is working with the developer to finalize a Development Agreement and Conservation Easement that will also govern maintenance and ownership of the conservation lands.

Planning Commission forwarded to the City Council with a positive recommendation. See staff report for the additions and changes.

Staff recommends evaluating the Master Plan documents, including Plat A and B for Phase 1 and 2 approval. Address the following issues with the applicant. Discuss dog park ownership and the existing sheds. Address any concerns and approve the Master Plan and Phase 1 and 2 as final with these conditions:

- \* Per the annexation agreement, the second installment of annexation fees were to be paid by November 21, 2020 or Final Plat approval of Phase 1, whichever is sooner. The second installment has not been paid. Pay remaining annexation fees.

- \* Update plats with staff and Council revisions.

- \* Finalize and sign the Development Agreement and Conservation Easement before the Plat is recorded.

Planner Henneuse turned the time over to the Mayor.

Mayor Ames opened the meeting for public comment and there was none, so he closed the public hearing.

The Mayor asked Rusty if there was anything, he wanted Council to hear.

Rusty said they are on it with the dog park and the grass. He explained what he was wanting to do. But he is pretty sure that everything he needs is in there. He is good with everything that Planning Commission has put on him.

Engineer Kettle explained the dry creek bed and asked if they wanted to have it in the park. Rusty said he is good with that too.

Councilmember Crittenden was concerned with debris getting caught in the creek bed.

Mike Johnston said it's just a swell so it shouldn't get debris in it. He explained if it were a grass swell it would be damp and wet and if it's rock it would be more an aesthetic issue. It's not a weedy muddy mess.

Councilmember Crittenden said he realized that, but the grass and things could still grow up through there.

Mike said the other item brought up was the preference to deed the dog park ground to the City and it would be City owned and then the public could use it as well. If it's an HOA, then it would be only for residents.

Rusty said the HOA would maintain it. They would maintain everything above ground and the City would maintain everything below ground. This is all because of the liability issue of the HOA and if it is going to be open to the public it just makes sense for the City to own it.

There was a brief discussion between Engineer Kettle and Rusty in regard to the dog park. The HOA would maintain it.

Attorney Christopherson said the City has to own it. But, they can address it in the development agreement. He would like to do more investigation on this. But the City has to own it and he is in favor of the City maintaining it.

Planner Henneuse said the townhouse open space is to be open only to the residents of the area.

Councilmember Cox said she's doesn't see given its geographical location and the fact that it is the City boundary now, the north boundary line and there is no development other than Hart Crossing and anticipating this to be as

such then she can see people choosing to drive there to use the dog park and she doesn't see any parking spaces so what are they going to do.

Rusty said you could pull over there, but it is primarily for the trail system. Mike said they could maybe widen the road a little for parallel parking.

Councilmember Cox just wants to avoid causing any future conflict. There was some clarification on which park was which and that clarification answered her comments. She also discussed the grass and care for it with the dog waste. She said some other dog parks she has been to have more of a coarse sand, but that gets hot in the summer. She is not opposed to grass, but she wonders if anyone has any further comment.

Mike said the preferred and most common in cities is the wood type bark (wood chips).

Councilmember Cox sees the grass as a maintenance nightmare, and she would be much more in favor of wood chips.

Councilmember Forman stated he likes the wood chips himself. He feels that is the easiest maintenance and water wise. He felt you could maybe do grass, but at the bare minimum.

Councilmember Crittenden feels he can see the wood chips are better, but it will cost a lot if you do the wood chips.

Rusty shared his thoughts on this on where they could do both, but he said whatever they want he is willing to do there.

Councilmember Cox asked about the purchase of trash receptacles with the doggie mitts. Rusty said that's why they were going with the HOA maintaining it. Yes, there will be garbage cans there. He is good either way whether the City takes it, or the HOA does it.

The Mayor explained there was some technical issue with the Dropbox and there is not a Resolution, so that will need to be done for this and the Code Text Amendment. So, if there is a motion it won't include the Resolution yet.

Councilmember Cox asked about the Master Plan Part of the document, we would be approving Phase 1 and 2. She clarified what exactly it was they were approving.

Councilmember Forman doesn't feel there is a resolution on the existing buildings. He likes the idea of maintaining them, but he also understands the problems it may cause. That's the only issue regarding the recommendations made that needs to be worked out.

Councilmember Cox asked about the 100-foot setback out of the Francis City parcel. She was told that was for the conservation subdivisions. Rusty explained his thought process on it.

Mike said they could clarify the grandfathering on it.

Councilmember Crittenden feels they are fine right now, but down the road they need to have to the ability to remove them if necessary. Rusty said the only one in the City easement is the shed. There was some discussion.

Attorney Christopherson feels the easiest way to deal with this is by creating a brief revocable license that allows the buildings to stay there as they are historic in nature, but the City could revoke that license if we needed to for widening the road, but it does establish a recognizable right, but the City could remove that.

Engineer Kettle stated that they are sitting on our 10-foot public utility easement. So right now if we needed to move the phone line we couldn't. The Mayor said that would work with Brad's proposal.

Councilmember Cox and Forman prefer Brad's revocable license option.

***Councilmember Forman moved to approve The Master Plan for Hart Crossing to include Phase 1 and Phase 2 which is Plat A and B with the staff and engineer recommendations as well as the inclusive revocable license to address the existing building in farm lot 1. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted aye, motion passed.***

**D. J & E Ventures Commercial Concept---**The Mayor explained what this item was, and he turned the time over to Planner Henneuse. Planner Henneuse reviewed her staff report. She explained that The Frontier Cottages subdivision final plat was approved on November 8, 2018. The City approved a phasing plan to separate the commercial lots in the front and the residential lots in the back. The applicants were granted extension to record the commercial plats. They are moving forward with the commercial development and will record the commercial plat in the near future.

The proposed structure is in the C-1 zone which is the commercial zone. The architectural design of the building meets all code requirements. Planner Henneuse reviewed the parking, buffers, fences, walls, and the outdoor lighting plan. She informed the Council that the Planning Commission forwarded to the City Council with a positive recommendation with the following stipulations:

- \* Pave the entire driveway.
- \* Fence on west property line should be of a substantial nature, not chain-link.
- \* Use motion-activated lighting at night for security. Do not leave lights on all night.
- \* Add façade shifts to building to make it more appealing.
- \* Move trash storage area and building to allow for cross-access to the lot to north as required by UDOT.

Staff recommends reviewing the site plan and architectural design of the building. Discuss any concerns that arise. Address the following issues with the applicant:

- \* Should façade shift such as awnings over doors and windows or trim between the two levels be added to the structure to make it more architecturally appealing?
- \* UDOT driveway access was granted with the condition that the applicant agree to provide 20 feet of cross-access on the east side to parcel FT-35-A, located directly north of this site, if the lot is developed commercially. The Planning Commission recommended that the building and dumpster be moved to the west to shift the trees out of the easement. However, moving the dumpster would block the required panel gate. Trees are required every 20 feet adjacent to a public road in the C-1 zone.

Approve the concept plan, site plan, architectural theme, buffers and fences, parking area, and lighting plan after giving any conditions for approval.

The Mayor didn't understand the cross access with UDOT. What is the purpose of that? Attorney Christopherson explained that UDOT loves to prevent ingress and egress, so they want you to share the access with joint owners. They are trying to minimize as many ingress and egress as possible. As soon as you change the use from residential to commercial UDOT can come in and eliminate the use and make you use the cross access.

Engineer Kettle explained that the access is very close so UDOT required them to do it.

There was some discussion on the trees and how to handle that. Attorney Christopherson explained how the whole process would work. It is a non-issue for the city. It just means the property owner has to record that.

Councilmember Forman said as long as they leave that much space then everything should work.

The Mayor & Councilmember Forman brought up the question about the fence and had there been any discussion with the Bates family. As there have been many concerns brought up by the Bates on the fencing as they have livestock etc. that they don't want children or dogs getting into their property.

The Mayor opened the meeting for public comment.

Brittany Janeites lives across the street and the back of the building will be at the front of her house and she would like to see the trees stay there. She feels this looks like an Industrial area not a commercial area when you are coming into Francis.

The Mayor asked if applicant had any comment. He was told no.

Danny responded to the tree comment and why they did things the way they did. He said it made more sense not to have the garbage can out in the road. He was also wondering if there was some way to do different finishes to break up the building rather than an actual jog in the building.

The Mayor said to address the jog in the building is not because they want the inside to shift, but the impression or the look in the change is what they are looking for. He understands people don't want the industrial look.

The Mayor asked Council if they had any input.

Councilmember Crittenden liked the idea of changing the look a little bit. Councilmember Fryer liked it as well.

*Councilmember Cox moved to approve J & E Ventures Commercial Concept and Site Plan as it stands with the understanding of some kind of façade change with the materials in the front. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted aye, motion passed.*

## **5. Discussion, Updates and Approval on Potential Action Items**

**A. Utah 100 Communities Renewable energy---Emily Quinton---**The Mayor gave Emily Kudos for hanging in the meeting for her brief presentation on the renewable energy options. He briefly reminded everyone of where the City is at on this.

Emily was grateful for the time to speak to everyone. She explained that Lisa provided some updates in the past and she reviewed that the City had passed a Resolution in regard to that. She shared a screen presentation and said she was available for questions at any time.

She explained that the legislation and program are one of a kind. Since the legislation has passed, they have been working on an interlocal governance agreement. All the material from the meetings is available on line.

Upcoming is the decision and signing of the interlocal agreement. She asked do you want to participate as an anchor community and if so, you will need to designate two board members?

She reviewed all of the slides presented at the meeting. (See attached)

The Mayor said he had some questions that he will ask her later. He then asked Council if any of them had any questions and they said no.

He thanked Emily for all of her help and support and told her he appreciated her.

**B. Public Entity Resolution 2021-02---**The Mayor reviewed the Resolution with Council. He explained this was for the Recorder and Treasurer and who has access to the PTIF accounts.

*Councilmember Cox recommended that we approve Resolution 2021-02. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted in favor, motion passed.*

**C. Frontier Acres Extension---**The Mayor turned the time over to Planner Henneuse. Planner Henneuse read her staff report and explained the reason for the extension.

The Mayor asked Paul if he had been successful in finding a builder, and Paul said he would let Paul Linford address that question. He said either way they were moving forward.

Councilmember Forman asked if this was for another year. Engineer Kettle said probably October. Councilmember Forman is inclined to deny multiple extensions. He says there is no way to guarantee that won't continue.

Paul Linford said he understands that, but that is not the intent if they will give it until October or November.

Councilmember Crittenden doesn't see an issue with the extension.

*Councilmember Forman moved to grant the extension through 2021. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Crittenden, Forman, and Fryer all voted aye, motion passed.*

**D. April City Council---**The Mayor has a conflict with the date, and he is unable to attend the meeting so we can keep it on the 8<sup>th</sup> and someone can stand in. Councilmember Crittenden said he would not be here either. The Mayor said the default would be the last Thursday of the month.

Councilmember Cox stated Planner Henneuse informed them that the April meeting was already going to be a big meeting as well. So, she has no issues with the 22<sup>nd</sup>.

Council changed the City Council meeting in April to April 22, 2021.

## **6. Council Business**

**A. Council Reports---**Councilmember Forman talked to Mascaro's and everything is good to go, and the only change is they will arrange the announcer and we pay them.

Councilmember Fryer has not gotten ahold of Matt yet, but she will.

Councilmember Cox sat in on an events meeting that reviewed all of the events that will be going on. She wants to know if we are prepared on having summer events.

The Mayor informed everyone we have started scheduling people to use our facilities this summer, so we are scheduling from June outward.

Councilmember Cox also wanted to let everyone know there would be statewide oversight to remove masks, but the City could apply for exemptions if we choose to make more strict restrictions.

**B. Planner Reports**—Planner Henneuse presented a zoning map and one question that came up is the City Center zone which is the orange area of the map. The commercial zone shows one little piece that is not a part of the City Center. She feels it would be better to change it to be City Center as well.

The other item is she is working on updating the subdivision code and fees and she has done a lot of research and we are way, way below anyone else. Should she make the changes in a couple of steps or just one chunk?

The Mayor would like to just get to it. Put it together and just do a report on it.

Councilmember Crittenden asked for more explanation. The Mayor explained everything to him on the fees.

Planner Henneuse gave some examples of the fee differences.

**C. Engineer Reports**---Finalizing work on the well with the pump installer. Working on the entrance to the City building and park. Keeping busy with Planner Henneuse on everything else.

**D. Mayor Reports**--- The Mayor explained he had a meeting with some of the County Council this week on putting a park and ride in Francis by probably June. He will email the study to everyone about the demographics in the City.

He explained they are looking at the City park for the park and ride. He explained they would pave the parking lot in the exchange.

**E. Report and Approval of Bills Paid**—*Councilmember Fryer motioned to approve the check register from Feb. 12 to March 11. The Mayor seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.*

**F. Approval of Minutes**---*Councilmember Fryer motioned to approve the minutes with the latest changes. Councilmember Crittenden and Cox seconded the motion. All voted in favor, motion passed.*

**7. Meeting Adjourned**---*Councilmember Cox motioned to adjourn. Councilmember Crittenden seconded. All voted in favor, meeting adjourned.*

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Minutes accepted as to form this \_\_\_\_\_, day of April 2021.

---

Mayor Byron Ames

---

City Recorder Suzanne Gillett