

Francis City Council Meeting
Thursday, March 28th, 2019 7:00 p.m.
Francis City Community Center
2319 So. Spring Hollow Rd.
Francis, Utah 84036

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

Others Attending: Dena Housel, Jaren & Myra Housel, Sheri Gines, Kyle Housel, Gene Atkinson, Vicki Hanks, Rex Campbell, Dean Prescott, Elaine Robb, Colette Madsen, Paul Watson, Morgan Cox, Jill Leonard, Jack Walkenhorst, Bill Crystal, Tim Crittenden, Jane Wilford, Renee Atkinson, Corey Ann Dutton

1. Welcome & Call to Order---The Mayor welcomed and thanked everyone in attendance for being here. A full meeting is better than an empty meeting. He started the meeting with having Councilmember Forman lead in the Pledge of Allegiance. He then shared a thought. His thought was a profound statement from a little child. His nephew who is six years old was talking to his mom and said I am doing a science experience and his mom said don't you mean a science experiment. He looked at his mom complexed and said no mom it's a science experience, I already know what is going to happen. So, it's not an experiment it's an experience. He already knew the outcome, so he was going through the experiment. So, his thought today is a lot of times we are going through life and there is an experience to be had, and as we go through life, we need to think about that. Be aware of what we are experiencing, because there are valuable things to be learned.

2. Public Comment---The Mayor explained how the public comment period worked. He then asked everyone to sign the sign in sheet if they hadn't already. He then turned the time over to the public.

Gene Atkinson lives here in Francis and said that he has been doing some research on documents this last week, and he would like to see something put in place where all documents have a date on them.

Colette Madsen stated she is on the Planning Commission, but right now she is speaking as a resident. She is wondering about all the contaminated snow flowing into the Provo River. Another thing is that she feels that trails should be open to everyone. She wants Francis to decide what they want to be when they grow up. She doesn't want to see Francis look like Herriman, so we need to have good planning.

Cory Dutton wants to dovetail what Colette was saying and she feels that the citizens and residents want a transportation trail to connect everything. She wants all the communities connecting. She said she is working with a bunch of different committee heads of different municipalities and trying to help connect the businesses and schools in the community.

Jill Leonard informed everyone she lives here in Francis. She wants to commend the trails folks; she walks the trails every day. She would like everyone to think about all the alternatives and the densities and what they really want to see. She agrees with Colette's comments. She feels that it is important as decision makers they need to keep in mind the reporting of wildlife etc. and that reporting needs to be updated when projects come back after years of their first report.

Elaine Robb also lives in Francis. She wants to say something positive. She is grateful for the potholes that have been repaired. She would also like to re-iterate that we need to be careful with the growth. She

feels that we can't stop development and growth, but it must be managed. We need to maintain the rural atmosphere and the quality of life. We don't want all the congestion and the big city issues. She really feels we need to manage the growth and development.

The Mayor closed the public comment portion of the meeting.

3. Public Hearings

A. Frontier Acres Final Subdivision Plat---The Mayor turned the time over to Planner Ryan Robinson. Ryan reviewed the staff report with all in attendance. He also had a plat map displayed so that everyone in attendance could see the plans. Staff recommends reviewing the documents in the packets and to review the Horrocks report and the Planning Commission report. He also explained that they have been working with the property owner on some of the ditches.

Engineer Kettle reviewed some of the items that needed to be taken care of. Councilmember Forman asked what property owners. Engineer Kettle explained it was the Larson property.

The Mayor asked the developer if he had anything to say. Paul Watson, the engineer on the development said he was just here to answer any questions that may be asked.

The Mayor opened the meeting to public comment.

Tim Crittenden asked if the existing home would remain. He was told it would not.

Corey Dutton asked about the roads and a trail.

Dean Prescott asked about future expansion in the back of the property and he was told there would not be any. He told them they need to look at the road and expanding it because that will affect some people.

Tim Crittenden was curious on the ditch re-routing as it will affect him. Paul explained to him what they were planning on doing. He stated they were not planning on moving any ditches.

The Mayor closed the public hearing. He then asked council if there were any questions.

Councilmember Forman stated that Dean had some valid concerns and how is the city going to handle that. Engineer Kettle explained that Udot had looked at the roads and did not have any issues with them.

Councilmember Fryer asked about the ditch on the Larsen property and who is going to clean out the culverts. Paul explained what had been discussed. The Mayor explained that some things still need to be finalized. The Plat will not be recorded until some of the issues have been worked out.

Councilmember Crittenden wanted to know how many acres this was. He was told 10.10 acres.

Councilmember Forman asked if this was in the code, and in the city. He was told yes.

Councilmember Forman made a motion to approve the final plat for Frontier Acres Subdivision with the provisions of Horrocks and the Planning Commission. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Fryer, Forman and Crittenden all voted in favor, motion passed.

B. Vacate a Portion of Frontier Lane---Engineer Kettle explained that we are just re-aligning the road. The land owners will have to build the section up between the old road and the new one.

The Mayor opened the meeting to the public.

There was no comment and the public hearing was closed.

Councilmember Crittenden made a motion to vacate a portion of Frontier Lane. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Cox, Fryer, Forman and Crittenden all voted in favor, motion passed.

4. Discussion, Updates and Approval on Potential Action Items

A. Stewart Ranch Annexation---The Mayor explained that this item was tabled for 30 days that turned into 45 days as the original meeting date was changed. Planner Ryan Robinson presented the concept plans that the developers are looking at. He explained where the roads connected and the trail plans.

Both concept plans show where the well and the tanks would be in each separate plan. He also explained where things could be found in the development code and general plan. He explained where most of the concerns were from the public during the last public meeting. He also explained to the council all the options that they had. They could approve, deny or table the action.

He also explained that there had been some discussion on widening Gines.

The Mayor said he could explain some of the discussion that he has had with the developer since the last meeting. One of the concerns with the road was the traffic. So, the Mayor asked the developer to address those issues and he explained what some of those issues were. They also discussed a need on Gines Lane to widen the road. They were also asked to address the open space. One of the concerns is what if you can't see the open space so they were asked to address that as well.

Jill Leonard asked if these would be public trails and she was told yes, this was not a gated community. The Mayor explained his thoughts on the trails and how he felt things should be done.

Rex Campbell explained that they had agreed to do the trails.

The Mayor asked Engineer Kettle to explain how the water lines worked and that the developer is paying to upsize the line that the city would have to pay for.

Councilmember Cox asked about the little square on the map on the very western boundary of the little square, are we leaving an island? She was told no; the property owner would be annexed with this property annexation.

A map was shown of the first map presented and the final map presented today. The Mayor explained what we have moved from to what we are looking at now.

Councilmember Forman understands the concept of the widened road, but do we want to make a couple of the roads more on the interior side? Engineer Kettle explained what had been talked about on the roads. Councilmember Forman asked has there been consideration of the impact on the schools, are they already working these numbers in?

The Mayor explained when he was on a committee with the school board things like this were discussed.

Councilmember Forman asked if we were to deny this and it stays in the county what could they do in the county. He feels that we may be impacted in a greater way if it went back to the county as they would do wells and septic tanks and that would affect the city. The next thing is the overwhelming benefit to the town. He is looking at developers widening Gines Lane, and second, within the development there is property donated to a well site and a tank and there is some possibility of other options, but he doesn't know what all that would entail. The extension of the water line is a benefit, plus the annexation fee. Lastly on the density, the townhomes help with having multi-family housing in the city.

The Mayor explained one option which could happen and would be a detriment to Francis City is if they petitioned the County for a Master Plan Development, they could very well get these same things with the county. Then the city would have to deal with it and not gain any benefits. The Mayor spoke with a couple members of the County Council to see if the county would really do this and they wouldn't give him a direct answer, so this could happen anyway.

Councilmember Crittenden feels if they don't let this in, then the county will let them anyway and the city gets no benefit from it. Everything in the county impacts this valley so it would be better to have the control of things. He feels this development needs to be in Francis City. He agrees that everyone has concerns on this. He wanted to know exactly who could access the trails. Bike, horse or walking only.

Councilmember Forman asked if the developer comes in and we annex all of this, is it still private property. He was told yes. Planner Robinson informed that as part of the conservation subdivision they would need to provide trails that all could access and use though.

Councilmember Fryer feels that we should keep it in the county, we have too much going on all ready and we don't need this many more homes. If they could do it in the county, they would have already done it.

Elaine Robb kept asking why we need to have the most development in this valley.

The Mayor feels another comment the council needs to be aware of is that in the past the annexation fee has been provided when recording the plat, but he would like to see the annexation fee paid upfront. The developer proposed 50% up front and then 50% when the plat is recorded.

Jill Leonard wanted to know couldn't there be a middle ground between the Planning Commission recommendation and this.

The Mayor informed Council that he knew there were two concept plans shared tonight, one with the townhomes and one without. He shared that he is kind of partial to the townhomes one. He likes that it adds some diversity to the development.

Rex informed Council that the developer was leaning that way as well.

Councilmember Cox asked if the concepts were something that they agreed upon tonight or not. The Mayor explained what he thought could be done.

Councilmember Forman wanted to state for the record that he has been a complete no, and middle of the road for this project, but he feels there are a lot of considerations here and a lot of things that concern him. If he could see in the future it would be helpful. He doesn't know what the right answer is.

Councilmember Crittenden wanted to know what the population was in Francis right now. The Mayor informed him that he could tell him what the county told him. Jeff Jones has been very helpful to the Mayor with these types of questions. Based upon a program that the county pays for it shows that in 2018

the population was 1342. Councilmember Crittenden explained that the reason he asked that is, he hates to say this, but the fact of the matter is right now we have 1342 people and we basically right now have a dozen or so here. So basically, to him, they don't have a majority of the people here.

Elaine Robb said that the majority of people aren't here because they think it doesn't do any good to come and talk about the issues, because you guys don't listen. And obviously their considerations are not being taken into consideration tonight. So, everybody she talks to says they won't go to the meeting because it doesn't make any difference.

The Mayor said this isn't a public hearing, so he hesitates to respond, but he is going to. Because he is actually personally offended by that comment, because he knows that every single person on the council has spent countless hours since and before the last hearing, as a matter of fact countless hours on everything that comes before them, but particularly this thing thinking about it, pondering about it, talking to their neighbors, stressing about it, talking to people who don't live here about it who live in places that have worse problems than we do saying how do we avoid getting where you are at. This council has spent many, many restless nights and hours stressing over this exact thing and they do care, and they do listen, and they do try and find what the happy middle ground is. There will always be somebody who is upset; there will always be somebody who feels like they were slighted in the process, that's not the goal. The goal is to find what is the best weighing all these things. Yes, we are your elected officials and we are the ones here. If you don't like that when the next elections come around fine run, vote people out of office that is also how you express yourselves, but we have spent many, many hours and time contemplating this and every other issue that comes before us. So, to say that we do not listen to them is not true, it is absolutely true that they do listen, and we do think about it. But we can't say yes to everybody every single time and we can't say no every time either, we have to balance it. I don't know what the outcome is going to be tonight. I do know there are some who are against it, I respect that. I respect Shana for her opinion and it's a valid important part of this council. This is not just an easy flip of the coin, so will see what happens.

All the Councilmembers thanked the Mayor for his comments.

Gene Atkinson said she didn't accuse anybody of not listening, she is just saying that is the perspective of the community. Not accusing anybody of it.

Elaine said we are just looking for a balance so it's not just one way or the other.

The Mayor would entertain a motion so we can move on.

Councilmember Fryer made the motion to deny the annexation. There was no second, the motion failed.

Councilmember Cox moved to approve the annexation of Parcels CD-21238 and CD-2118-A with preference for the townhome concept subdivision .The Mayor asked what the zoning would be so it could be included in the motion. The AG-1 zone would apply to the annexation. Also, with the requirements that 50% of the annexation fee be paid at the time of annexation and 50% paid at the approval of the Master Plan. There was a brief discussion. Also, the consideration for extending the 10-inch water and sewer lines on 1000 East and on Gines Lane from the southern entrance out east to HYW. 35. Then the land deeded to the city for a water tank and new well. Plus, all the trails will be public. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox and Crittenden voted in favor. Councilmembers Fryer and Forman voted against. Motion passed 3-2.

B. Amend McNeil Ordinance 2018-04 with Ordinance 2019-01---Engineer Kettle explained why the Ordinance needed to be changed.

Councilmember Cox had two issues with the document, and she explained what they were. Recorder Gillett explained that those changes had been corrected already.

The Mayor explained that nothing had changed except the date of the ordinance.

Councilmember Forman made a motion to approve Ordinance 2019-01. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

C. Board of Adjustments---The Mayor informed Council that we have had someone come for a variance and we need a board of adjustments. He explained what qualifications were needed, and he explained the three people that had been talked to. Amy Mortell, Mike Schweitzer, and Casey Vorwaller.

Councilmember Forman moved to appoint Amy Mortell, Mike Schweitzer and Casey Vorwaller as the three members of our Board of Adjustments. Councilmember Fryer seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

D. Woodland Hills Water Company---The Mayor explained that there was a meeting on Monday night, and he explained everything that had gone on in the meeting. He explained that if Francis uses more water than we are not paying the increasing cost for the variable costs and we have not been paying a proportional share of those. The City Attorney went back and looked at actual data and figured out that Francis City has under paid. \$9,511.00. So, he is of the opinion that Francis needs to pay that amount and going forward they will make the adjustments necessary.

Councilmember Forman explained the reason why they were paying the way they were with past board members was because of the by-laws. But they have gone back and looked at things and they just want to get things cleared up and run like a company.

The source of these funds would come from the water operating maintenance fund.

Councilmember Forman moved to pay the outstanding bill of \$9,511.00 to the Woodland Hills Water Company. The Mayor seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

E. Playground Equipment Contract---The Mayor explained that we were originally going to get the equipment for free. Then we were told we would have to pay to move it and we thought we could pay for it out of the parks account, we figured maybe around \$10,000. Luke received a couple of bids on it and one was \$50,000 and the second was \$56,000. The Mayor explained how much the equipment would cost new. The Mayor explained he had looked at it and he informed council if they bought this equipment new it would cost \$450,000 and he doesn't see the city every spending that kind of money.

The Mayor said we have the capital projects fund that's the rainy-day fund to build new buildings and things.

Councilmember Fryer informed council that she went and looked at the equipment today and asked if anyone else had looked at it. Councilmember Crittenden said he looked at it on line.

Councilmember Fryer said if we have then money then we should do it. If not, then we just lost out on it.

The Mayor said the movers will certify it when they install it

Councilmember Fryer feels it would outdo the Oakley Park in her opinion.

Councilmember Forman said the liability with certification is the reason that it costs so much.

Councilmember Cox says she whiffle waffles back and forth on this, because we already have a park and it already gets used. But this is a great thing for the city. But as her husband always says, "it's not how much you save; it's still how much you spend at the end of the day." This is a huge amount of change when you look at our operating budget. But if we are going to great lengths to invest in this soccer field then it is good timing.

Recorder Gillett said when you run out of money than your out of money and you have yourselves to blame.

Councilmember Crittenden said we do need to have the money.

They Mayor agreed we have a park and it gets used, but one comment he hears is that when the building is rented out residents don't feel like they can use the park.

Councilmember Cox doesn't feel that it is a bad investment.

The Mayor said there is a chance that he could talk with the county and say this is becoming cost prohibited and try to work out some agreement with them to lower the cost.

Councilmember Crittenden wanted to know why they want to tear it out if there is nothing wrong with it. He was told it was just because they got some money and they just want to put in new equipment. They will salvage it if we don't take it.

Councilmember Cox asked what the priorities were, and we need to decide what and where we want to spend the money. She struggles a little bit with this being the best fiscal decision.

Recorder Gillett explained that honestly, she doesn't count on annexation money until it is in the bank, so we can't say will spend the annexation money on this and on that and no one is keeping track of what things they say they are going to spend it on.

Councilmember Cox personally doesn't want to spend annexation money on a playground.

The Mayor explained that we did submit for the Restaurant Tax again this year.

Recorder Gillett informed the council the budget is coming up and ask them to write down the things they wanted. The Mayor said he did have a list sitting on his desk.

Councilmember Forman asked about what was in the park budget. He was told there was \$8,000. He feels if we can come up with the money somehow maybe we should do it as there are a lot of people coming here. The nicer the park the more people will use it.

There was a lengthy discussion on the subject.

Recorder Gillett explained to the council she didn't really care, they knew her opinion. You have to sign the check and the budget and when the audit comes back if they have gone over it will come back on them.

Councilmember Cox asked if we can start with the Mayor going to the county and trying to negotiate the costs.

Councilmember Forman motioned to authorize the Mayor to negotiate with the county to get a minimum of \$10,000 off and to allocate funds from the city budget to purchase the playground equipment. If the county does not attribute to the agreement, then the Mayor's hands are tied, and we can't purchase the equipment. Councilmember Cox seconded the motion. The Mayor and Councilmembers Forman, Fryer and Cox voted aye. Councilmember Crittenden voted nay. Motion passed 4-1.

5. Council Business

A. Council Reports---Councilmember Cox informed council the queen contest is happening, and all the documents are done. Councilmember Cox will get everything to the office to get put on the website.

Recorder Gillett asked if someone had talked with Hoyt and arranged the sound system. Councilmember Cox responded everything had been taken care of.

The Mayor has the list of sponsors he will send to everyone.

Frontier Days meeting will be April 17th at 6:00 p.m.

Councilmember Crittenden asked if anyone had looked over the parade application, none had.

B. Planner Reports---Lighting and multi-family housing is what the Planning Commission is discussing.

C. Engineer Reports---Engineer Kettle said the Woodland Water Company has come to them on some water lines and they want to tear out our line and give us their old ones when they were done. He told them he would talk to the council. Council said no.

He then explained a couple of areas the roads need to be repaired.

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 Councilmembers Cox Fryer, Forman and Crittenden all voted in favor, motion passed.*

F. Approval of Minutes from February 14th and March 18th---*Councilmember Cox made a motion to approve the minutes of February 14th and March 18th. Mayor Ames seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.*

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 11th, day of April 2019.

Mayor Byron Ames

City Recorder Suzanne Gillett