

**Francis City Council Meeting**  
**Thursday, May 9th, 2019 7:00 p.m.**  
**Francis City Community Center**  
2319 So. Spring Hollow Rd.  
Francis, Utah 84036

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

**Others Attending:** Marian Wheaton, Loraine Flygare, Mark Watkins, Nikki Anderson, Leslie Canfield, Dena Housel, Myra Housel, Jaren Housel, Kyle Housel, Joanne Aplanalp, Lonnie D. Bates, Cathie Hart, Renee Atkinson, Colette Madsen, Elaine Robb, Marilyn Mitchell, Chad Mitchell, Morgan Cox, Jill Leonard, Rusty Webster, Tamsyn Webster, Gary Webster, Mike Johnston, Bill Crystal, Trish Gerlach, Tyson Smith, Craig McCullough, Pat McCullough, Steve Fitzgerald

**Excused:** Councilmember Crittenden

**1. Welcome & Call to Order---**The Mayor welcomed all in attendance and called the meeting to order. The Mayor excused Councilmember Crittenden and asked Councilmember Forman to lead in the pledge of allegiance. Councilmember Cox shared a thought on grace and how we can act and react. She shared an experience that she had last week and that she chooses to act with grace. Grace can transform you into something that you can handle. She asked people to take a moment to think about the situation you may be in and how you are going to act in your response. She explained that in June we will be having an election and she explained to all in attendance that they can act if they choose to. This is how you make change.

**2. Public Comment---**The Mayor asked all in attendance to sign the roll. He then explained how the public comment section would work.

Marian Wheaton said she owns four homes within the city of Francis. She is speaking tonight because some of the decisions made by the City Council are very troubling to her. She feels that she needs to encourage all of them to go back to the general plan and review all decisions they have made. She feels they need to review the General Plan every time they make a decision. She feels the goals are very clear in stating that Francis should remain a rural community. She thinks they all need to pull out their General Plans and read them and not make their decisions based on personal feelings.

Loraine Flygare explained that she is the President of the Daughters of Utah Pioneers and they would like to have a yard sale over Frontier Days. So, she was here to ask the council for permission.

Colette Madsen said she wanted to re-iterate what Marian Wheaton had said. This is not staying rural.

Jill Leonard said that she is very impressed with the Planning Commission and she feels they take the General Plan in their decisions. Their decisions are not already made before things are discussed. They respect the discussions that have gone on behind them for the decisions that they make. She just wants to give the Planning Commission Kudo's

Elain Robb stated that she attended the last council meeting where the Stewart Ranch Development was decided. She feels that the resident's feelings were not taken into consideration and that the development people received everything they wanted and then some.

Trish Gerlach lives on Gines Lane as well. She is concerned with adding all these homes with the water being rationed. She is concerned with this large development. She has heard there will be condominiums there and she would like to know if that is true or not and where the water is coming from. The Mayor explained that this was not the time or place to discuss the water, but if she would like to come into the office and make an appt., he would be glad to meet with her.

Earleen Hansen stated that in the last meeting everyone, but one person was against Stewart Ranches. She wants to know who is listening to us, the residents?

Marilyn Mitchell said she related to the one person she was talking about. She stated that she doesn't want to be a farmer, but she has a hard time with taking care of a half-acre itself. She said a lot of people can't afford to live here and she feels we need to consider the needs of others, because some people do only want a half acre lot.

Morgan Cox said he echoes everything that has been said here tonight. He realizes that it is hard to balance everything here in the community. He thanked Jill for her comments regarding the Planning Commissions hard work. He would like for his children to be able to grow up and live here, but they can't. If we continue to disrespect it, we won't have what we do now.

### **3. Public Hearings**

**A. Public Hearing Ordinance---**The Mayor turned the time over to Planner Ryan Robison to explain. Planner Robison read the staff report and explained why the changes were being made and that we are just trying to clean up the Ordinance. His recommendation is to make the changes needed.

The Mayor asked council if they had any questions for Ryan. Councilmember Forman explained how he understood it and asked if that was correct and he was told yes. The Mayor read the exhibit to the proposed Ordinance 2019-03. He then again tried to explain it all to everyone in attendance.

The Mayor opened the meeting for public comment.

Jill Leonard said to put it in her language for the preliminary is having a public hearing for preliminary for subdivision only and removing it for the final. Planner Robison explained in detail how it worked. The Mayor said it already goes to two public hearings. Jill is opposed to this as a former planner herself, as the city code here she would think that she would want to hear from the public and be as transparent as possible. She feels that the people would like to have a voice and be heard. She thinks she would like a voice for final approval even though she knows that it may or may not have a lot of affect. She would hope that it would be more specific in the final, final plan. She would like to be heard one more time on some of these issues.

Marian Wheaton is not going to be redundant; she agrees with everything that Jill said. She would like to know if there is a way for them to present things on a slide for everyone to see. The Mayor explained what the city has done. She feels that Francis should be following the same procedures that the county does.

Colette Madsen wants to echo everything that has been said. In the January meeting she felt like Stewart Ranches was told less density, then in the March meeting they were approved for more density. She just feels that their voices need to be heard.

Morgan Cox feels that we have moved away from the code text and he feels that things should be left as they are. He feels we need to be stricter with the Public Hearings and stick to the codes and rules that are already in place.

The Mayor closed the public hearing.

The Mayor understands the staff report and the changes to the codes. He understands the desire to clean it up, but it's not clear to him that we should clean up one version versus the other version.

Councilmember Forman is not opposed to having a little more information. He wants to always operate within the law. He also wants to point out, what Morgan was saying, he thinks that if the rules are followed exactly, meetings are shorter, but he feels then people are cut off and you don't have the open dialogue.

Councilmember Cox concurs that more information is generally good. Part of being an elected official means that their always there for people to contact. You don't just have to come to a meeting to speak with councilmembers you can do so anytime. She would like to see a way to research the most benefit.

Planner Robinson explained that this would only affect an administrative decision.

The Mayor's proposal is he thinks there is enough questions from the public that he would like to have some way for the public to see and read what is going on. He feels like we should table for 30 days to see what the law requires.

Marion Wheaton said that it being, an Administrative decision was not explained very clearly.

***The Mayor made a motion to table for 30 days and clean things up a little and get some answers to respond to the public. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Cox, Forman and Fryer all in favor, motion passed.***

**B. Lighting Code Text Amendment---**The Mayor explained that this had been reviewed on the Planning Commission level and is ready for council review. Planner Robinson informed everyone that the Planning Commission has reviewed this code and discussed it in Planning Commission and there was a public hearing then as well as the meeting tonight.

The Mayor reviewed his understanding of all the definitions and descriptions of the lighting.

Planner Robinson put the code up on the screen for everyone to see. The Mayor reviewed the definitions under the proposed code and stated that he likes those being in the code as it explains how, where and why the code would work.

The Mayor reviewed when you had to go to the council and for what kind of lighting plan you would need.

Planner Robinson explained that lighting plans would need to be submitted. The lumen output for each fixture in non-residential would need to be approved by the city council.

Commission approved four lights for temporary purposes and usage.

Non-Residential lights must be full cut off directing downward and not toward your neighbors. He explained how many lumens you could have depending on acreage. They have gone with the county code on that. By 11:00 pm there are conditions on that, and fixtures can't be mounted higher than 18 feet.

Councilmember Cox asked if there is residential lighting in here, it was explained what it entailed. There was some discussion on what chapters this was in.

The Mayor opened the meeting for public comment.

Marian Wheaton wanted to know what constitutes temporary. She also wants to know about enforcement. She feels there is already one business that does not meet this. She wonders if we really have a code enforcement officer.

The Mayor responded to Marion that yes, we have an enforcement and that is the planner. The Mayor said there is a dispute with one business on the lighting, so he cannot comment on that.

Dena Housel wants to know if there is a plan in place on the lighting and at what stage? Will there be inspections? When are violations going to be caught?

Councilmember Cox said if you scroll back to 17.650.015 that begins to address that issue. This begins to address this. This then would require a lighting plan to be submitted with the lighting plan that comes to the city.

The Mayor said if there is someone not in compliance currently that is disputed, and he can't comment on that. But he told everyone that the plan will be required to show the location, height and number and type of fixture, the specific fixture. If something that is installed is not approved, then there will be consequences. Going forward we will know exactly what will be going in lighting wise. The Mayor informed everyone that we cannot legislate every possible action that may come up.

Dena also wanted to know if this was replacing city ordinances if so which ones. Planner Robinson feels that it should replace the current ordinance as it is more specific. The Mayor said it needs to replace what's there and Dena wanted to know which ones it was.

Councilmember Cox reviewed how many hits for lighting she found and that it is in ten different chapters. She still thinks there is more work to be done, but she is liking all the suggestions being brought up.

The Mayor said there is some clean up that we need to go through and get taken care of.

Joanne Aplanalp feels it is still a little vague. She feels that it needs to be defined a little bit more. She would like council to say can or cannot and speak more clearly, she feels that they may be not hearing things clearly.

Loraine Flygare asked that when a farmer has hay to put up at 2 o'clock in the morning, then he must do this? Marian Wheaton wanted to know about the agricultural definition.

Councilmember Cox asked if it is possible to take suggestions from tonight and move forward.

The Mayor's questions are more how it fits in the code. 95% he likes, but it needs to go back to the Planning Commission. He feels they need to clean it up and bring back to council.

Councilmember Forman explained the problem that he has is that he understands with lighting and the night sky he appreciates it; but he also understands the need in a commercial and industrial zone to have some sort of code. He feels that needs to be narrow and specific. He feels the more codes we put in the less freedom that people have, so he is uncomfortable with passing a law to make one or two people happy and the rest of us loose our freedom.

The Mayor feels that enacting laws preserves freedom and he explained how.

***Councilmember Cox made a motion to table the code text amendment for outdoor lighting. Councilmember Fryer seconded the motion. The Mayor and Councilmember Cox, Forman and Fryer all voted in favor, motion passed.***

**C. Hart Ranch---**The Mayor explained they all have something in their council packets and asked Planner Robinson to review the staff report. Planner Robinson read the staff report and explained it would be annexing 80.96 total acres and the developer's request Ag 1 Zoning. Site plans show the conservation zoning as well. Annexation should have an overwhelming benefit to the city.

Planning Commissions decision was forward the development of Hart Ranch to the City Council with the recommendation to deny it.

The Planning Commission's reason for denial were:

1. Impact on the roads on Hallam and Lambert Lane.
2. Uncertainty of when the county is going to connect the road with their master plan.
3. Overall density, there have already been several projects approved.
4. Lack of overwhelming benefit to the city and community.

Planner Robison explained what options that the council had concerning the annexation.

The Mayor asked about three comments that he read in the staff report.

Planner Robinson said that he spoke with the chair and vice chair of the Planning Commission and why they voted the way they did, their decisions for denial were:

1. No overwhelming benefit
2. We have roughly 300 hundred plus lots already approved
3. Precedent we are setting against the annexation map
4. Approving faster than infrastructure can keep up
5. Bigger picture than our city and one road,
6. Citizens against more annexation
7. Annexation to a parcel not wanting to be annexed.

The Mayor said there are several concerns by the Planning Commission that he doesn't have the answers to, but if they are things the council considers important then they need additional things answered. He wants to put that out to the council to see if they want to push the public hearing off or move forward. Do we need to further investigate any of these concerns before we have the public hearing, or do we just proceed?

The Mayor appreciates Ryan reaching out to the Planning Commission on their concerns.

Councilmember Cox feels that none of those thoughts that came out of the Planning Commission either served to cause more questions than would have been discussed anyway, so she is personally ready for the public hearing.

Councilmember Forman is ok with going forward, but do we care about the opinion of the developers?

The Mayor turned the time over to the developer. Mike Johnston explained that they requested AG 1 Zoning. It is 80 acres, and 20 acres is Bates property and it is illegal to leave it as a peninsula, but the council can change that if they want. He feels that it doesn't matter as it is agricultural. He explained what they are proposing is two farms. Sixteen of them being town homes and then a variety after that. He feels it is diverse development. There is a city park that would be fully developed and once that it's done will be transferred to the city.

Mike feels that Mr. Bates can be taken out. He explained that traffic came up several times and they can do traffic studies, but he has counted cars during the peak morning hour and peak night hours. 65 cars went down either Hallam or Lambert and the commute home was 64 cars. He will tell you one thing; nobody stops at the stop sign as there is no need to. He then explained the average daily traffic at level of service A. It is such a substantially under-utilized road. What he is saying is he would like to see a video at the peak hours. He is happy to do a real traffic study. Wetlands was brought up, 8 of the 60 acres is wetland and it is all on the west side, he also explained where the Bates wetlands came in. They will stay exactly as they are with this type of development. Run off was a concern and it will remain un-impeded. The ditches are just part of the runoff system of the area. Schools were also brought up, so with high demand for people here, most of the growth comes internally from our children. Growth is here and there is nothing that Francis can do about that. The school district is expecting this and planning for it. He then explained what the school is planning for growth wise.

He would just like to make the point that these 69 homes are not going to make that much of an impact. Annexation fees and property taxes were discussed, he feels that \$552,000 fee on the annexation would help the city. The real question he feels is rolling around everywhere, what to do about the demand of people that want to live here. He offered a couple of thoughts for the council to ponder. The growth is coming so how do you do deal with that. The other thing to consider is what is the housing and economic diversity. If you want to produce places that your children can come back to you will need to have townhomes and condos. Most of them cannot afford a home here. Growth if you do it right is through a conservation subdivision like this.

Rusty Webster said that Mike pretty much answered everything. We have been waiting for Tifton Hills for how long and when are they going. Then there is the mess next to him, when are things going to happen there. Rusty stated that if the city turns them down, they will be going to the county and then the city will miss out on the benefits mentioned.

The Mayor opened the meeting for public comment.

Patricia McCally said that she has seen this same thing happen in Sandy. She only sees two ways out of the subdivision, and she doesn't feel that it is very realistic. She feels that you are looking at 400 additional trips. She feels the roads are narrow and she has a concern, and that is a safety issue. She realizes that they may not want to farm 10 or 20 acres, but she feels that you need to have a balance. She explained some of the issues that they are having in Sandy with projects just like this. She feels they need to consider quality of life and infrastructure.

Jill Leonard has several items. If she wanted the density Heber has, she would moved to Heber. A new development called Southfields has two homes that are tiny, tiny and they are selling for \$500,000 so she

doesn't feel it is going to be affordable. She is concerned about the roads. She thinks that the Planning Commission deliberated very carefully in holding off on this development until the county does the extension that is proposed. She also feels the Planning Commission deliberates very carefully on things. She feels the density does not belong. She would like them to consider the Planning Commissions decisions.

Marion Wheaton commented there was a lot said about the city park that would be turned over to the city and she feels that is a very small gesture considering what the city will have to do in the long run. She doesn't see any overwhelming benefit to the city. She feels that they would be extremely negligent if they didn't look at what it would do to the school district. She questions whether it would perk for this type of density. At the county the ground water is a great concern. She also addressed the roads and her concerns there.

She would really encourage the City Council to take a deep breath and slow down. Nobody is saying you must deny, but you are losing potential for the site of the long run. She also applauded the Planning Commission for their thoughts. She said they are appointed by the council and they need to consider their concerns.

Kathy Hart represents the Hart Ranch and she wanted to thank the council and everybody for listening to this tonight. She said they are at a point they need to change something, and she loves the valley and she wants to live here someday. She explained that she worked with Allison and she explained what had gone on. She said that they have looked at several plans and she feels that this is their best option and why. She feels the townhomes will be affordable. She really appreciates them listening and she is excited about the plan.

Leslie Hart Canfield stated that she grew up here since she was nine, they have had this ranch for 48 years and their dad died 20 years ago. They have been running cattle and haying and there was a lot of sacrifice and compromise on their family. Seeing Wild Willow go up they were told to suck it up, and then they had to put in a pump, and she explained some of the things that have gone on. She explained they are done ranching with cattle and it will be homes. She explained why it would be a benefit to Francis City. She understands the traffic and she feels that Mike has done a fantastic job. She has never seen an accident on that road. She said the state road will be coming in and they won't be putting the impact on Hallam and Lambert all at once. She is proud of this plan and it is a beautiful legacy for her dad. They want to grow families and communities.

Dena Housel wanted to know if developers are required to maintain roads for a certain amount of time.

Engineer Kettle explained that the city takes over the roads when there is 50% occupancy. Dena then asked about fees, and the Mayor explained how the impact fees worked and who paid for them. Dena asked, where does the city come up with all the money to pay for road repairs?

Tyson Smith wanted to know who was going to be building the homes. He would like to know what the homes would look like. He said the homes would be in his views.

Trish Gerlach said they have lived here 28 years and they are still newcomers and her grandchildren are living with her. She said you may own the land, but your not living here and that makes a difference. She wants to know where the water is coming from.

Colette Madsen said she really, really likes the conservation subdivision, but she really feels that we need to stick with the General Plan. She feels that it's not appropriate until the road goes through to 248.

Lonnie Bates said he owns next to them and there is not water to use on the eight acres. He does not want to be annexed as he as been lied to by so many developers and town councils, so his opinion is they need to scrap it and go right back to what your doing right now.

Steve Fitzgerald is not a big fan of development, but I am a fan of private property rights. He wants to be at the meeting when they discuss the water with Trish Gerlach. His biggest concern is what it is going to cost us in the long run. You say the fees make up for that, but the fees for the sewer have been doubled twice. If you can make up the money, then he is good with it. He would also like to come to the meeting with Trish on the water.

Chris Ure said he agrees with Steve in that we all have property rights. He feels the development he has in descent, he could live with it. He said he is tired of Francis's trash coming past his place. He explained some of the issues he had with moving his cattle this winter. He is not happy with the county saying they are going to bring a road through. He wants fences put up. He said that Francis has just as much power as the county does on the road. He would like to see a real road study done; he doesn't believe the one discussed tonight. If he goes to the county, they will accept his application and they will require him to put in a sewer system. He said that he agreed with Marion in that they don't have to deny it, but they need to plan.

Morgan Cox said he is not an idiot, he does like this plan, but right now Francis City is a wildfire. This subdivision will change the entire look of the city. He stated that the current Planning Commission is trying to look at the future. He said that yes, the City Council has all the say, but he feels they need to control this fire and find the balance.

The Mayor closed the public hearing.

Councilmember Forman stated he appreciates the Planning Commission and all the work that they do. He is having some difficulty with hearing about affordability and keeping the rural feel, large lots vs smaller lots. The problem he has is a large percentage of the concerns contradict each other. It shouldn't matter how big or small the house is, even a tiny house is \$500,000, and he can't afford that. He doesn't understand how he can have his cake and eat it too. But he does have to say when you look at a development like this it does give more possibilities. When it comes to the water issues, there is not necessarily a shortage, but that needs to be talked about at a latter time. He has some real struggles internally with things. He feels that an actual traffic study should be done. He needs more information and further understanding.

Councilmember Fryer likes the look of this, she just doesn't see the overwhelming benefit right now, but the more she thinks about it, maybe they table it. She has seen a lot of accidents on that road, and she doesn't feel they should do it until that road goes through. She feels they need to think about it a little longer.

Councilmember Cox said this is precisely why she chose to try to get herself elected to City Council and 50% why she hates this job, because everything is not cut and dry. She addressed the overwhelming benefit, right now she doesn't see the overwhelming benefit. She likes the plan and the conservation subdivision, but does it create an overwhelming benefit she's not sure. She uses these roads, so they contribute to the issue, it is long been an issue of hers where Lambert turns into SR32 and that is her big concern. She feels the city needs to really start a dialogue with UDOT on how to assess that situation. She feels the city needs to take some initiative on how the road works. Bigger picture, the school district is one thing, but in her mind the bigger picture is our road system and the big commercial tax base that we just don't have. Citizens against annexation will always be there. The problem with any issue is the people that show up are only the people who are against it. If you know this job you must know there are



other people on the opposite side of the table who are for the issue. She is on the same side of the table on his issue of affordability.

The Mayor said no one knows when the road extension will go through, but they are serious about it, but waiting until something happens and then reacting is sometimes too late. To him the location of this proposal makes sense. It is surrounded on the south and east by residential half. So, it's less density than the stuff it is surrounded by. Again, the location makes sense to him. His two areas of concern are the traffic impact and road issue, a real study needs to be done there. Speed is an issue on that road. He is troubled at how many people don't stop at stop signs. Then he is trying to pin down the overwhelming benefit. He could use some more thought time on this. He likes the design and the look though.

Councilmember Forman feels that tabling it is the right thing to do for this meeting. He feels however, that the speed on every road needs to be looked at objectively. Everyone says everyone is speeding all the time. He also wants to address the park. This is a development that is willing to put this all in and yes, it will have long term impact on the city, but it is still something that needs to be looked at. He doesn't feel the entire decision should be made on a park, but they need to look at it.

*Councilmember Cox moves that we table the Hart Ranch Annexation Petition at least for further review based on some of the feedback they have heard on traffic studies and conversations with the county on the extension of the road for sixty days. Councilmember Forman seconded the motion. The Mayor and Councilmember Cox, Forman and Fryer all voted in favor, motion passed.*

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

##### **A. Jim Snyder & Shad Sorenson---South Summit School Board---Canceled**

**B. Budget Discussion---**The Mayor said in there packet they have the budget and they need to approve it in the next council meeting. Look at the budget worksheet and the comments that Suzanne put in. He appreciates the letter and comments that Suzanne put in. The Mayor did look through the budget and asked about some of the big numbers that changed., but there are some areas where things went down significantly, and he asked why. He was told she went off the general ledger and came up with the numbers that way. He again asked the council to review the budget.

Suzanne asked about the queen contest scholarship money from last year and Councilmember Cox explained how it worked.

**C. Update on Park Improvements---**The Mayor informed council that they have 3 pending bids on the fences. The field itself they have some bids and are waiting for another.

##### **D. Set Frontier Days Meeting Time---**May 13<sup>th</sup> at 6:00 p.m.

#### **5. Council Business**

**A. Council Reports---**Councilmember Cox is going to come in the office and go over the website with staff.

**B. Planner Reports---**Nuffer sold his commercial property so the pet boarding will not be coming to the Planning Commission or City Council as they did not purchase the property, another buyer did.

**C. Engineer Reports---**Engineer Kettle explained that he is working on some of the park plans and he is working on road repairs.

**D. Mayor Reports---**The school district reached out; they are desperate for bus drivers.

**E. Report and Approval of Bills Paid---**Councilmember Fryer asked about the vinyl fencing from Natalie Atkinson. The Mayor explained the fencing.

*Councilmember Fryer made a motion to approve the bills. Councilmember Cox seconded the motion. The Mayor and Councilmembers Cox, Forman and Fryer all voted in favor, motion passed.*

**F. Approval of Minutes from April 11<sup>th</sup>, 2019---***Councilmember Cox motioned to approve the minutes from April 11, 2019. Councilmember Forman seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.*

*Councilmember Forman motioned to adjourn. Mayor Ames seconded the motion. All were in favor, meeting adjourned.*

### **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 13th, day of June 2019.

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Mayor Byron Ames

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City Recorder Suzanne Gillett