

**Francis City Council Meeting**  
**Thursday, June 14th, 2018 7:00 p.m.**  
**Francis City Community Center**  
2319 So. Spring Hollow Rd.  
Francis, Utah 84036

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

**Excused:** City Planner Marcy Burrell

**Others Attending:** Steve Zabriskie, Jeff McNeil, Greg Griffin, Dave Wilson, Michael Demkowicz, Alex Cross, Paul Watson, Renee Atkinson, Barry Richens, Joe Pickereli, Steve Fitzgerald, Betsy Leavitt, and Scott Welling

**1. Welcome, Call to Order & Pledge of Allegiance**—The Mayor started the meeting at 7:07 p.m... He welcomed all in attendance. He asked Councilmember Fryer to lead in the pledge of allegiance. He then turned the time over to Councilmember Crittenden for a thought. Councilmember Crittenden read a thought from Abraham Lincoln.

The Mayor reviewed the agenda with all in attendance.

**2. Public Comment**—The Mayor opened the meeting for public comment. There was no public comment, meeting moved forward.

The Mayor informed all in attendance that near the end of the meeting they go over various reports and during the Mayor reports he has something he wanted discussed and the representative from the county was present to talk about a tax issue. (Please see below Mayor Reports)

**3. Public Hearings**

**A. Jake Brake Ordinance 2018-03---**The Mayor stated this is something they have been discussing informally and he explained why. We are trying to balance the rights of the trucks as well as the residents that live here.

With the Jake Brake Ordinance, the thought is logistically from a semi truck engineering perspective he doesn't feel that Jake Brakes are needed in the city. He has personally heard the trucks using the Jake Brakes from inside his office at the city. In his other life as an attorney he does primarily trucking law, and this is for him not an anti-trucking thing. He feels that the trucks can stop, and they don't need the Jake Brakes. The proposal is there, but not something that he can do alone so he would like response from the council. He stated that we would have to put up some signage, and the tricky part comes with the enforcement of this as we don't have a police force. So, we can enact the ordinance, but we can not enforce it. He feels that signs alone would encourage them to comply, but they can not enforce. They can't force the county or highway patrol to enforce it either as there is no interlocal agreement with them.

The Mayor stated that he had talked with the Sherriff a little bit and eventually he sees there may be an interlocal agreement and the city would have to pay for it.

The Mayor opened this up to the council. Councilmember Forman stated one thing missing is it would require some work and effort with the court in the county. So, he and the Mayor have talked about the

ordinance and he does not feel you should pass a law just to have a law. He is against having a law on the books that is just there to look at and is not enforceable.

Councilmember Crittenden agrees with Councilmember Forman in that if you can't enforce it why have it.

Councilmember Forman wanted to know what happens if we just put some signs up without the law. Councilmember Fryer said she was just going to ask that. There was a brief discussion.

The Mayor opened the meeting to the public.

My name is Joe Pickereli and I live on Hwy. 35 and he has talked with someone in the office and he is glad this has been brought up. He feels that you could call the companies with the Jake Brake issues and address the issues with the company and give them time to address the issues. He also has noticed more highway patrol on the road and that helps. But, he really feels we need to send the letters to the companies and work with them on addressing the issues with their drivers. This isn't Parley's it's a flat road and he see's no necessity at all for the Jake Brakes being used. He appreciates everything the council does.

Steve Fitzgerald asked about this ordinance and wanted to know if these are state roads, then he agrees with all these other guys that there should not be an ordinance when you can't enforce it.

Renee Atkinson doesn't think there is a place in this town that needs a Jake Brake and she is offended by them, and the only way they are going to stop this is to put up some signs.

The Mayor closed the public hearing and brought it back to the council.

The Mayor commented that he does not want ordinances that mean nothing when you can't enforce them, but while they serve a safety function they do not need the Jake Brakes in the city. Even though it may be marginally enforceable. He would think that the benefit even though it's not enforceable, it would help.

Councilmember Crittenden said he doesn't think they are needed except for the dugway. You can hear a Harley or a dirt bike or bullet bike from here to the corner, so how do you stop that. Do you say, no Harley's, no dirt bikes, no Jake Brakes, it is a noise issue?

The Mayor said you do and here's why, just because you can't solve all problems with your actions doesn't mean you do nothing. If you can take steps to make it a little better, you should.

The Mayor read the proposed Ordinance 2018-03.

Councilmember Forman said if they are going to consider this ordinance they need to correct the wording in the first sentence. Councilmember Crittenden completely agrees with Councilmember Forman. There was some discussion on the wording of the ordinance.

Barry Richens commented that what you are talking about is decibel law, so if you have signs that say decibel that involves everything, so what you are doing is so ambiguous, he explained how you should enforce this is by decibel. If you have signs coming into the area saying you enforce decibel law, then that covers all the noises you are talking about.

Councilmember Fryer wanted to know if you could say noise ordinance enforced on the sign not Jake Brake Ordinance. There was a brief discussion.

The Mayor said he is in favor of an ordinance like the Jake Brake Ordinance. But, this does give him pause to think about it as noise and not only a Jake Brake issue.

Councilmember Crittenden feels that it won't hurt to think about it a little bit more. Councilmember Cox likes the broader catch all now that there are more noises that have been brought up. Council decided to table this item and they will re-work it and do more research and bring it up again next month.

Councilmember Forman said he starts to get concerned and feels we need to be very, very careful on how it is written and what we put our fingers in.

**B. Amended Budget for 2017-2018 Resolution 2018-03 and Tentative Budget for 2018-2019 Resolution 2018-04----**The Mayor explained why things had to be put in the order that they have.

The Mayor explained that the amended budget was discussed last month and there have been no more changes. The Mayor explained to the public what the amended budget was.

The Mayor asked if there were any public comments and there were none. He then read Resolution 2018-03.

***Councilmember Forman made motion to approve the amended budget for 2017-2018 and Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted aye, motion passed.***

The Mayor reviewed the Tentative Budget for 2018-2019 and explained that they reviewed this last month, and they had some homework.

The Mayor asked for any public comment and there was none.

The Mayor doesn't really get excited about the budget, but he is coming to appreciate it, he explained his feelings. He said one thing that needs to be addressed today is the cost of living increases, and he explained that he had an interesting meeting with Mountainland on Government issues and other cities across the state and the cost of living varies and the amount they have been talking about is in range with that. He asked if any of the council had any comment on this. He stated that we need to budget appropriately on all of this. First, on the cost of living and second, on salary increases. He asked for thoughts on this.

Councilmember Forman said he thought that the COLA is standard across the board. He was told yes it normally is. He feels that 3% on the COLA is reasonable. The Mayor agrees.

There was discussion on the merit increase. Do you do a dollar amount or a %. The Mayor feels that the dollar amount is the way to go and that the employees are stepping up to the task, and he has been impressed across the board. He would propose a .50 cent raise to everyone, he feels that gives everybody some recognition for stepping up to the plate.

Councilmember Forman said his thing has always been if you take care of your people they will take care of you. He feels that for him he would prefer to see a \$1.00 an hour raise. Councilmember Crittenden agrees with Councilmember Forman and he feels that if you get a full \$1.00 amount then you feel better.

The Mayor reviewed what was discussed last month and what fit in the budget. Councilmember Forman was more comfortable with that. The details in the budget would reflect 3% COLA and \$1.00 for merit.

The Mayor said this moves us on to the planner position, so how many hours a week do we want it to be? The Mayor said that he has been considering two meetings a month because we have five public hearings tonight. He then reviewed the worksheet that was prepared on the planner hours and pay. There was a brief discussion on hours and benefits and the priorities.

Councilmember Forman feels we need someone to work full time which would be the 32 hours. Councilmember Crittenden agrees with Councilmember Forman on the number of hours. Councilmember Cox said that with the way the town is exploding this is one of the areas this money is best spent.

The Mayor read Resolution 2018-04 on the 2018-2019 Tentative Budget.

*Councilmember Forman made a motion to pass Resolution 2018-04 with the amendments of \$1.00-hour merit increase and a 3% cost of living. The planner position as 32 hours at the hourly rate they are qualified for. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted aye, motion passed.*

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

**A. Public Entity Resolution 2018-02 for the Office of the State Treasurer---**Recorder Gillet explained where this Resolution came from and what it was all about. The Mayor read Resolution 2018-02 and explained that we needed two authorized signatures for our PTIF accounts.

*Councilmember Forman made a motion to approve Resolution 2018-02 and Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted aye, motion passed.*

**B. Certified Tax Rate, Resolution 2018-05---**Recorder Gillett explained that this Resolution came from Summit County and it is the certified tax rate they set, and the council just needs to approve it. The Mayor read Resolution 2018-05.

*Councilmember Cox made a motion to approve Resolution 2018-05, and Councilmember Forman seconded the motion. The Mayor and all councilmembers voted aye, motion passed.*

#### **5. Public Hearings**

**A. Cloverleaf Ranch CUP---**The Mayor turned the time over to Engineer Kettle. Engineer Kettle read the staff report. As part of his conditional use permit Steve Fitzgerald outlined the hours of operation that he wanted to have, and the planning commission recommended that we follow the same hours as the Staker Parson gravel pit. Engineer Kettle looked at doing a traffic study and they didn't feel that a traffic study was needed. The Planning Commission would like empty trucks to enter from Lower River Road and leave full on Spring Hollow Rd. Engineer Kettle explained that the planning commission did not want to let them use sifted soil. The other condition was the CUP be renewed in three years. (See staff report for all conditions).

Councilmember Cox wanted to know if conditional use permits have an expiration date, she was told no. She wanted to know how they say when the project is done. The Mayor said that a conditional permit could go on forever.

The Mayor wanted to know about bringing in the fill, is it to reclaim the area there? He wants to understand why or how the state said it was reclaimed. Steve said he is improving his property making it better for himself.

Engineer Kettle explained his reasoning why he put the pictures on there for them. He also explained about the conditional use permit. When the pit was reclaimed, the conditional use permit went away.

They have already met the state's general requirements for reclamation.

Councilmember Forman asked why the planning commission did not want them to screen the dirt. Engineer Kettle explained why. Engineer Kettle also explained the sand issue.

The Mayor was candid about this and had questions about whether the screened dirt would help fill the pit, but he does understand it now. Brief discussion with Steve.

The Mayor opened the meeting for public comment.

Scott Welling, Steve's attorney said the selling point is the conditional use permit, it's incidental for him to improve his property. He said right now it is a contractor's storage area and the sand is in the way and they need to get rid of it. He talked about how the trucks were to enter and leave the property. The addition of topsoil to a point is useful, but beyond that it is an impediment. Operations have topsoil and you must take it to be a viable destination. One more truck a day is not that much in his opinion. He is glad that the point of reclamation got cleared up, this is more along the lines of improving the property.

Mr. Welling feels that the exact wording of the stockpile ordinance is a bit off. He then explained that Steve is a neighbor of River Bluffs and witnessed the topsoil brought in was screened and what wasn't used was bought and taken out. It occurred, and this is kind of along the same line. He would like council to take a broader view and look at this more than the planning commission did. As part of the CUP you will have to set a fee for the truck trips. Steve believes that it will not exceed more than 1,000 trips per year. When does this end, it's hard to tell? It's hard to say when they will be done.

The Mayor stated he had questions about the fees. Steve asked if he could pass out some pictures. The Mayor's question on the fees is that his understanding is that rather than prospectively charging a fee on anticipated loads it's a retrospective fee based on actual loads and he wanted to understand how that was done. Engineer Kettle explained the process of how it was done.

The Mayor opened the meeting to the public.

Renee Atkinson asked if everyone has ever checked how many trucks have gone in and out of there a day. She feels that is something that should be done. She feels that this is still a gravel pit.

The Mayor explained that it is not a gravel pit and that he had talked with the City Attorney and the Attorney is ok with what it is going on.

There was a discussion with the council and Steve on the pit and how trucks are coming and going.

Engineer Kettle informed council that with the CUP they can put conditions on it. That's what the planning commission wanted.

Councilmember Crittenden feels that they are bending over backwards, and they are willing to do what they are asking them to do. Councilmember Cox says she thinks the bigger issue is speeding. Councilmember Forman said that as a rule the trucks are not speeding.

Steve Zabriskie said he is in the other gravel pit and he hates to give Steve too big of advantage and the travel pattern should be the same. He explained they are bound by a renewal every year, so the town could take away their conditional use permit. They supply load counts and so should Steve. All he wants is things to be fair.

Dave Wilson works for Staker Parsons, he explained, they supply load counts, they have an annual renewal, and they can't haul in Spring Hollow Road. He feels they should be able to sell their stuff absolutely, but it needs to be consistent and fair to both parties. \$50,000 a year we pay for a conditional use fee. There was some discussion on the roads and the weight of trucks on the loads and which directions trucks are coming and going. He just really thinks this needs to be consistent and fair across the board.

Engineer Kettle explained that the gravel pit has been reclaimed, he is just refurbishing his property, he is just leveling it up, he is not reclaiming. If he was to leave it today, the reason we have the bond is if for example if Staker were to pick up and leave today and not clean up and reclaim the pit when they were done, that's why you have the bond, so it can be made safe again. Steve is not creating steeper slopes or doing what the gravel pit is doing. That's why we are not considering a bond for this. The pit has been reclaimed, if Steve leaves it today there are no steep slopes or anything like that. Brief discussion.

The Mayor closed the public hearing and brought the meeting back to the council.

Councilmember Forman wanted to address a couple of things brought up. We are talking about trips, and a lot of loads and things, but when we are talking about the fill that goes into the pit, that the fill that goes in there now it needs to be very, very clear that the fill that goes in there now is that it doesn't matter how many trips or tons that fact is if that were my property on 1000 East or no matter where it may be that if you want to improve your property by bringing in fill, whatever it doesn't matter and that is not part of the conditional use permit here that is an allowed use for any resident. All we can regulate is the trucks coming into the pit to be loaded.

The Mayor asked for a motion.

Councilmember Cox asked if it was up to council to set the fee and she was told it is in the fee and rate ordinance. Brief discussion on the fees, and number of loads. Council reviewed and clarified everything.

Engineer Kettle wanted to clarify the yearly load counts is a good condition to have. The Mayor feels that the loads should be reviewed annually.

The Mayor again asked for a motion. Engineer Kettle wanted to clarify before the motion is made that adding the yearly load counts, requiring those to be submitted along with the planning commission conditions would be a good idea. The Mayor said the planning commission set a review in three years and Engineer Kettle explained what they were looking for and the license will be renewed every year. There was clarification on exactly what it was the planning commission really wanted. They wanted the hours to be in line with the gravel pit, the load count needs to be provided annually, a three-year review, empty trucks need to exit on Lower River Road, full trucks enter on Spring Hollow Road and no screening of the fill dirt.

***Councilmember Forman made a motion to approve the conditional use permit for Cloverleaf Ranch with the hours of operation be in line with Staker Parson, Monday–Friday 7:00 a.m. to 6:00 p.m. and Saturday 9:00a.m. to Noon and nothing on Sunday, the load count needs to be provided annually, the three year review, that they allow the screening and that be held to the top soil average of one load per day as stated by the applicant and when possible that empty trucks enter on Lower River Road and full trucks exit on Spring Hollow. The Mayor and all Councilmembers voted aye, motion passed.***

**B. Francis Cove Subdivision Preliminary and Final Plat---**Engineer Kettle explained that in September of 2017 they were approved for final approval, then they were granted a six-month extension,

and they missed that and now they are back starting all over again. They had to follow the new code so each of the lots had to be half acre lots, so they are back to do a four-lot subdivision on the old church property. He explained how much water had to be turned in and how and what had to be done with the water and sewer and they needed UDOT access. They need to show mailboxes on the plat and that will need to be approved by the post office. The Planning Commission was ok with it with council approval.

The Mayor said this is the only place in the city where there is a sidewalk. The sidewalk will stay on 35, but not in the subdivision. Councilmember Cox asked about the sidewalk and she was told it is an existing sidewalk and it will just stay there. Councilmember Forman wanted to know what the plan was for storm water retention. Engineer Kettle said there would be ponds that the homeowners will have to maintain. The Mayor asked if there was street lighting in the plan and he was told no. Councilmember Crittenden wanted to know if this would be a private drive or the city's he was told the city's. Engineer Kettle explained why the setbacks were the way they were.

The Mayor wanted to know if there were any plans for lighting on this project. He was told it got nixed. Councilmember Crittenden wanted to know if this was private or the city's responsibility and he was told the city's. The city will have to maintain the roads.

The Mayor asked if there were any public comments and there were none.

***Councilmember Cox moved to approve the Francis Cove Subdivision Preliminary and Final with the conditions from planning commission and Horrocks letter. Councilmember Fryer seconded the motion. The Mayor and all Councilmembers voted aye, motion passed.***

**C. Frontier Cottages Preliminary**---Engineer Kettle reviewed the project and read the staff report. He explained that in July 2017 the city council re-zoned this property, the front portion is commercial and the back portion to be residential cottage. Originally, they planned to do 25 cottages, but after going through design they are now proposing 18 cottages with the two commercial lots out front. He explained what size all the lots would be.

They are proposing to change the road, so we may have to vacate the city right of way and get things changed. They also have an email from the School District which we will look more at during the final. They are working on the wetland study that will need to be taken care of before final.

Engineer Kettle explained they are proposing a lift station, but he feels there are other options that might work better, and they will need to discuss that. They need to submit their construction plans and submit their water for final approval. They are proposing a six-foot trail on one side. The planning commission forwarded with a positive recommendation.

The Mayor asked about the proposed fencing and that was explained to him. Councilmember Cox clarified where the fencing would be. Councilmember Forman wanted to clarify the sewer issue and that it is something they can meet the conditions on. He was told yes.

If approved tonight they will have to go back and clear up the issues that were discussed before final approval. There was a brief discussion on the road and how things would lay out.

The Mayor opened the meeting to the public.

The Mayor asked if the cemetery had any public comment. Robert Ure said just that they want the cemetery to remain isolated. They have also talked about changing the entrance to the cemetery to the new road, and he would like to work that out.

The Mayor asked if there needed to be any input on these two commercial properties. The buyer said he is willing to work with the neighbors.

*Councilmember Forman made a motion to approve the preliminary plat for Frontier Cottages subject to all the recommendations. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted aye, motion passed.*

### **Council Business**

**A. Council Reports---**Councilmember Cox informed council that the Queen contest was a busy and fun filled event, 4 queens and 4 princesses. The 5-K is moving along rapidly, we have a website, a route, and on-line registration, so that is running smoothly. We are spending some money on advertising to go in bags at other events. The race time was jockeyed a little bit to coincide with the snack shack's opening.

She stated that she is not going to give up on the fence in Wild Willow. She would like to see a list with costs and benefits for the city. She found a few places on line for white vinyl fence and pricing.

Councilmember Fryer informed council that she left a card for a Karaoke band on the Mayor's desk, and she emailed a company about the t-shirts for the kid's rodeo.

The Mayor said he needs help with the kids scrambles. The people he has spoken with in the past said that they would help, but they won't. The Parade has turned into the same as the kid's rodeo, people have said they would help and now they won't, so the Mayor is working on the entrants to the parade and he has one commitment for the parade. There was some discussion on routes.

The Mayor asked the council to start thinking about having two meetings a month since we have 5 public hearings tonight and things keep getting busier.

The Mayor informed council that we will get \$78,300 of the \$150,000 requested by the restaurant tax grant for the soccer field. He also explained there is some recreation tax money that we may be able to obtain. He is hoping that we can still make this work.

Councilmember Forman informed council that denim jackets and buckles will be given for prizes, and he needs to check with Casey Mascaro on the Rodeo. The only hometown event will be hide race and that's it.

Councilmember Crittenden explained that the only thing he has is, we might get the climbing wall again this year.

**B. Mayor Reports---**The Mayor took this item first and asked a representative from the county to explain a potential sales tax proposal that is coming up. He wanted the council to hear it right from a council representative so that everything was reported correctly.

Kara Lang Rodriguez, she is the Regional Transportation Planning Director for Summit County. She prefaced by saying that the Summit County Council is not proposing a 25% sales tax hike. There seems to be some rumor going around in Francis City and that is just not the case. The proposed sales tax increase is 0.25%.

She appreciates the opportunity to come and speak with the council tonight. There are two new sales tax options that the county council is considering. There are a couple of points that she would like to cover.

The reason they are here is because the state legislature is challenging counties to impose two new sales tax increases to increase transportation mobility state wide in light of future growth and they have been given approval to impose without voter approval which is a little different than normal. So the legislature has turned these taxes in the fourth quarter and the fifth quarter. The fourth quarter is a .25% sales tax that can be used on regionally significant transportation projects or to pay down debt. Fifth quarter is a .2% sales tax to go toward transit capital projects or service delivery.

Summit Counties current rate is 6.55% if both taxes take effect the rate would go up to 7%. She referenced surrounding area tax rates. She explained what items would be taxed. The impact is \$1.00 to \$3.00 per resident per month in the entire county. Currently we are the 9<sup>th</sup> highest in the state.

Just a little about the time line, the state requires a 90-day notification period once the tax rate is implemented. You would probably see that around October 1<sup>st</sup>, 2018. While the taxes can be or not be imposed at any time. She explained the pros and cons of which quarter it would be best to start in. In order to meet the first year 100% of revenues the county council would have to pass an Ordinance imposing the tax by June 27, at their council meeting. The staff discussed some of the projects that could be funded by the 100% that would be received the first year. The county has a specific email address for the public to comment on and that is [mobilitymatters@summitcounty.org](mailto:mobilitymatters@summitcounty.org) or you can email her directly if you wish. She then passed out some flyers with some information on it.

The Mayor discussed with Kara how much Francis City would receive and when. The Mayor asked if council had any questions about this.

Kara apologized and introduced Anita Lewis the Assistant Manager for Rural Affairs and she is also here to take comments and answer questions. There was again discussion on what would happen the first year with the money received and then what would happen the second year with the money received. The city's direct distribution would start the second year.

The Mayor just wanted the council to be aware of this and keep them informed with things that are going on with the county council.

**C. Engineering Reports---**Circle T is working on getting started. The one thing to consider is it is getting hot and windy, considering the whether we might want to think about restrictions, because the water tank was low last night.

Councilmember Cox asked about the cul-de-sac by her house and when they were going to be tearing it out. Engineer Kettle explained probably in a week or so, but they are supposed to come and talk with her first.

**D. Planner Reports---**None

**E. Report and Approval of Bills Paid**—*Councilmember Forman made a motion to approve the check register. Mayor Ames seconded the motion. The Mayor and all Councilmembers present voted aye, motion passed.*

**F. Approval of Minutes---***Councilmember Forman made a motion to approve the minutes of May 10<sup>th</sup>, 2018. Mayor Ames seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.*

*Councilmember Forman and Crittenden motioned and seconded to adjourn, all were in favor.*

## **6. 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 14<sup>th</sup> day of June 2018.

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Mayor Byron Ames

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City Recorder Suzanne Gillett