

Francis City Council Meeting
Thursday, August 13, 2020 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. Ani, Robert Holcomb,

Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592
<https://us02web.zoom.us/j/86529927487?pwd=NHhBWUNqb2lOaGV0aU1QaWdNd29lZz09>
Meeting ID: 865 2992 7487 Passcode: 114445

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

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

Others Attending: NB, CDM, Evan Greene, Alice Galliard, Kimmie, Jack Walkenhorst, Jill Gawreluk, Colette Madsen, Marion Wheaton, Pete Gillwald, Justin Harding, Rusty Webster, Mike Johnston, Polly, Jessie, and Tom

1. Welcome, Call to Order, Thought & Pledge of Allegiance—The Mayor welcomed all in attendance at the zoom meeting. The Mayor started the meeting with the Pledge of Allegiance. Councilmember Fryer shared the thought. She said it is contradictory to her, she shared her thought. She is now saying that we need to keep opening the doors and approve everything, but we need to keep an open mind and do things the right way.

The Mayor informed everyone he will take one item out of order. He will hire the Planner right after the public comment period.

2. Public Comment—The Mayor explained the ground rules and how the public comment period would work.

Jill Gawreluk has been looking at the agenda and she sees two items on the agenda of more annexations. She said people in the county value their way of life. We do not have the infrastructure for more bodacious growth. Please do not accept any more annexations. We have the opportunity to be even better than Park City. She moved away from they because of what they have become. It is horrifying. We want to keep it rural.

CBM-Collett Madsen said weird meeting. Her questions are about the annexations. Is the City approving these annexations without any plan or what? The Mayor explained they are here to see what and if they could do anything. She said Gene Atkinson wanted to annex without any plans. She would like to see the city stick to the general plan unless there is a very compelling reason. Residents want to keep this a rural community and that should be taken into consideration.

Marion Wheaton re-iterated what has already been said. These are difficult times and for some reason all of a sudden people want to move to the rural areas and there is a big push for property owners to feel the time is right to push to gain with their properties. She feels the city needs be aware of the impact of things. Just because things are coming down the pipe quickly, there are a lot of other ways and decisions to be made and to think of the future of Francis City. Residential does not pay for itself and it can bring a lot of negative income. She feels the city needs to move forward very, very slowly.

Kimmie said he wanted to say these are extraordinary times and he appreciates the council and all they do. Mandy Crittenden is speaking as a resident and not as a Planner. She wants to reiterate some of the things that have been said tonight. She feels strongly and she has agreed with the council and their reasoning on the last couple of annexations, but we got the well in and some of the things we needed and know she feels that like it is time to slow down. She thinks we have over 400 proposed at this time and we should see how that goes and just let the dust settle a little bit now.

The Mayor explained he is going to take something a little out of order right now and that is the hiring of a new Planner. Mandy is not leaving, but rather she is moving to the Treasurer position and Susan is retiring at the end of the month, so we need a new Planner. He explained that we had several candidates to choose from this time and we interviewed those we felt might work the best.

The Mayor introduced Robert Holcomb who goes by Rob and explained his experience and education. He explained that he and the staff met with Rob and talked with him about his qualifications. He then asked Rob to explain his internship with Wasatch Front Regional Council and what he did.

The Mayor wanted to present Rob to counsel to see if they had any questions for Rob. There were no questions.

The proposal is to hire Rob at \$17.00 an hour that does not change any budgeting and he will get the standard benefits like all the other employees. He will start Monday with council approval.

The Mayor motioned to hire Rob Holcomb as the new City Planner, and he will start Monday. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

Rob will start Monday.

The Mayor was just informed that Bill Crystal has requested to remove his annexation application tonight.

3. Public Hearings

A. Conditional Use on Car Detailing Business---The Mayor asked Planner Crittenden to review the staff report. Planner Crittenden read the staff report and explained the Planning Commission's recommendations.

Councilmember Crittenden asked Kimmie if he has talked with UDOT at all and he was told no.

The Mayor asked Mr. Atkinson if there was anything else, he wanted to add. He stated that he just realized it is hard to start a business in this town. The Mayor said it is hard to start a business anywhere and he had guts for trying.

The Mayor explained this is in the City Center Zone and this is a formality process. This is the first in town, so we need to get it right.

Colette Madsen wondered if Kimmie could tell them what this was going to look like. Will there be cars everywhere or what. Kim said he did not think that people would notice it too much. There would not be a bunch of people coming in and out. Colette asked if it was more like an owner operator business and she was told yes.

Jill said that is more low impact and she does not have a problem with things like that.

Marion said she is not clear on some things. UDOT needs to approve the access or what does he need from UDOT. Mandy said UDOT had to approve any access point off of the state road. Marion said that before the city approved the conditional use permit, he should have that. She feels like this is putting the cart before the horse, and what about lighting, signage, and number of cars in and out, number of employees.

Kimmie said maybe three cars a day and there are no employees right now. He said he did not even know if he was going to put up a sign or not. Marion feels people need a good idea of what the business is going to look like before the public hearing.

The Mayor explained the lighting is included in the code and he will have to follow that code. Marion then asked about the signage codes and the Mayor said yes, if he decides he wants a sign he will have to run it through the city. Marion is ok with this business, but she feels that the proposed business owner should have some of these things more thought through beforehand instead of after the fact. Her big sticking point is approval from UDOT.

The Mayor closed the public hearing and brought back to the council. He stated he agrees that we need to make sure this is done right. He said he would be ok with an approval with something stating he would add to staff recommendations that there are some questions on approvals previously granted and construction of the building being used for this business. It does not make it an impossible, but all of the concerns with the building inspector need to be met and resolved before any of this goes any further. He would be ok with it as long as all of those issues are resolved.

Councilmember Forman feels that we need more commercial and feels that Kimmie would do a great job.

Councilmember Crittenden said he feels this is a great business, but he also agrees with the Mayor in that everything needs to be in good standing.

The Mayor said if he understands this correctly, there are two lots. One a house is on and one is this lot. He was told no it was all one lot. The Mayor asked Engineer Kettle his thoughts.

Engineer Kettle said he did not think that UDOT would let him put another driveway on St. Rd. 35, he would probably have to combine them.

Councilmember Forman said his question on the UDOT access is it is already there does he need another one. He said technically he already has two. One on the western edge and one on the eastern edge. Both are accesses in use. Otherwise he is ok with it. We need to start somewhere, and we do not get commercial while denying it. He agrees all of the conditions and codes need to be met.

Engineer Kettle informed council that he has existing access but because he is changing the use then he needs to go through UDOT.

The Mayor has some concern that this does not fit with the images that they have been discussing in the city center zone and he explained why. He does not want to end up with the consequences of a whole lot of density.

The Mayor would entertain a motion and if it is to approve, they need to include resolving the building code issues raised by our building inspector. These questions need to be resolved before he can proceed.

Councilmember Forman moved to approve the conditional use permit with the staff recommendations and the approval from UDOT as well as the resolution of the building code and inspection concerns and issues. Councilmember Crittenden seconded the motion.

Councilmember Cox said as long as it includes the edited staff recommendations with the changes on the parking. Everyone agreed. The Mayor and all Councilmembers voted in favor; motion passed.

B. Code Text Amendment on Storage Facilities Ordinance No. 2020-06---Planner Crittenden said it was a really long staff report and wanted to know if she should read the whole thing.

The Mayor stated they have had some discussion on this and the way the code read. He explained the differences in the storage yards. He said there was some confusion on what is allowed in what zone. The purpose of this is to clarify the discrepancies in the code.

Planner Crittenden informed everyone that everything the Mayor said is a summary. She explained some of the options that she felt would resolve some conflicts. She explained what those options were. Storage units were just clarified and fixed and will not be allowed anywhere else. She explained how and where things should be in the code. The Planning Commission had positive recommendations and she explained what all of those were.

The main purpose is we are trying to get away from having so many cup requirements within the city.

The Mayor wanted to point out that the way it is right now is not clear with what is allowed where and if we take a step back for a second there may be a better zone for something to exist. There is a lot of commercial and 32 and just a little on 35. We have a lot of homes built on highways so he wonders if they should put the commercial and light industrial on the major highways.

The Mayor would like to see additional language in this code to see more language about the primary access on the main highway roads. In some areas in AG 1 this would not work or make sense.

The Mayor opened the meeting for public comment.

Jill wanted to know if fencing would be required so the area did not look junky. The Mayor explained what had been commented on in regard to that. Jill wanted to know if there were standards to cover the visual. She agrees that foothill would not be appropriate.

Marion had a few thoughts. She believes that State Road 35 is designated as a Scenic State Highway so she does not feel it would be appropriate on 35. Jill mentioned visual impact and she wondered if there was anything that would mitigate ground saturation and how that will be mitigated to protect the ground water and the soil. So, there are some biggies in her mind. There is also the lighting and signage issues and how that would be addressed.

The Mayor said St. Road 35 is not a scenic by-way, and the code would cover the other issues.

Marion stated that the bus stops along 35 and they need to think about that.

The Mayor said this is not a request for a specific yard, but that they are just trying to correct the current code.

The Mayor closed the public hearing.

Planner Crittenden stated that Engineer Kettle went through this earlier and she explained what they discussed.

Engineer Kettle said Mandy said it perfectly. If you look at what Mike Leavitt has done, he feels they should have full concrete fences around the entire yard.

Councilmember Forman feels maybe they should allow it on a major arterial street, but they need to be more specific. He feels this is a better use on the highways than residential as we already have so many problems with speeding issues. He thinks they can make that specification in the code. He also agrees with the fencing, but do we need to say it is an attractive concrete fence or just sight obscuring.

Planner Crittenden asked would the building be able to be used as the fence on the sides and back.

Councilmember Forman explained his feelings on the fencing, and he is not sure how he would vote on that. There was discussion on how some lots lay out and it may work in some areas and no other areas.

Engineer Kettle felt that if they specified anything with commercial type buildings, they would need to state it had to be done with higher quality material.

The Mayor discussed a fence made out of refrigerators and he does not want to see anything like that at all. We need to come up with some language to explain what is meant by sight obscuring.

Councilmember Crittenden feels that those zones need to be on a major highway.

Councilmember Forman moves to approve the code text amendment as outlined with the verbiage that these are allowed in the AG 1 AG 2 L1 zones with primary access from St. Rd 32 & 35 and with the change that the screened fence needs to be on all sides. Councilmember Fryer seconded the motion.

Planner Crittenden asked if they wanted a landscaping code with that. Engineer Kettle said he felt that they should.

Motion fails.

Councilmember Forman moves to approve the code text amendment as outlined with the change that these are allowed in the Ag 1, Ag 2 and L1 zone with primary access on either St. Rd. 35 or 32. And that the site obscuring fence be required on all side and they are subject to the commercial landscaping code. Councilmember Fryer seconded the motion. The Mayor and all Councilmembers voted in aye; motion passed.

Councilmember Forman moved to pass Ordinance 2020-11. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in aye; motion passed.

4. Discussion, Updates and Approval on Potential Action Items

A. Hart Ranch Preliminary Plat---The Mayor turned the time over to the planner. Planner Crittenden reviewed the staff report with everyone.

Farm parcels need to be separated from the residential lots to be counted as open space.

Planner Crittenden explained the only way to fix one of the issues is the farm parcels need to be their own lot. That is per city code. The open lots have to be open space.

The Mayor said as long as the total of 6.068 acres remain open for public use means that meets the requirements. He went into more detail on the code and what was required. They do have to be separate lots, per the city attorney.

The Planner said that was all she had.

The Mayor said that this is why this was tabled. He feels that those issues have been resolved.

Mike Johnston said he understands but taking an acre out of each open space would make it 19 acres instead of 20. Mike asked for clarification on what it was they wanted. The Mayor explained that the code does not allow the farm space with a house on it. It has to be a separate lot according to the city attorney.

Councilmember Forman said he read open space could be privately owned as long as 20% of that open space is open for public access. He wants to know if they are able to make all that work and still meet 50%.

The Mayor asked for a motion.

Councilmember Crittenden made the motion to approve the Hart Ranch Preliminary Plat with all of the added changes. Councilmember Forman seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.

B. Resolution 2020-08 ICC Fee Schedule for Residential and Commercial---The Mayor asked Ed the building inspector to review this. He explained that our fee schedule is based off of the 2013 code. They came out with a new fee schedule in 2018. He explained the price differences and explained that this was all very reasonable. He explained other ways they could update the fee schedule as well. He feels the 2018 schedule is a good deal and that we are way behind on our building fee costs.

The Mayor said the purpose of this is to change our fees up to the most current code. Our fees are eight years behind, but we need to stay up with the times. We need to get to a point where we are gradually raising fees and not a large sum all at once. The Mayor reviewed Resolution 2020-08.

The Mayor asked for a motion.

Councilmember Cox moved to approve Resolution No. 2020-08, a Resolution establishing fees for building permits and inspections pursuant to the International Building Codes. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Fryer voted aye, and Councilmember Forman voted nay. Motion passed 4-1.

C. Moderate Income Housing Ordinance 2020-07---The Mayor turned the time over to Planner Crittenden. Planner Crittenden explained picking up from last month and that Attorney Christopherson was on standby. She then reviewed her staff report and how Park City handed things. She also explained that she had talked with Scott Loomis and he explained to her how he had handled this issue.

Planner Crittenden explained two ways the city could handle things.

Councilmember Cox wants to clarify with the right of first refusal part in the last part of the sentence in the staff report it says at best the city is made aware that the property is changing hands and make sure that requirements are met. She wanted to know how that would work.

The Mayor explained the city was an extra person in that layer.

Councilmember Cox said we talk about this all the time, the right of first refusal can happen at any city council, the council changes all the time. They know how they feel, but what about future councils.

Deed restrictions should handle things, plus the right of first refusal. How much government do we want to add to this?

We need to remove the city from the sale process and let the title company do their job.

Councilmember Forman stated that the Planning Commission like 50% instead of 80%. Planner Crittenden explained what the Planning Commission was thinking.

Councilmember Fryer made the motion to pass Ordinance 2020-07. Councilmember Forman seconded the motion. The Mayor and all Councilmembers voted aye; motion passed.

D. Multi-family Housing Ordinance 2020-08---Planner Crittenden reviewed her staff report.

The code was approved without an Ordinance and we need an Ordinance so these changes can be made. So, the new Ordinance 2020-08 can be approved with the changes.

The Mayor reviewed why the changes were being made.

Councilmember Forman wanted to know if we needed to make it even smaller going to 10. The Mayor said he was ok with 12.

Councilmember Cox said she is inclined with going with the 12 to 16.

Councilmember Fryer feels at least 12, she could not go down to 10. Councilmember Crittenden agrees with 12.

Councilmember Forman said if you are trying to do the incentive option then he feels 10 would still be better.

Councilmember Cox discussed this in quarters and explained what her thinking was on all of this.

There was a lengthy discussion on the matter.

The Mayor asked for any type of motion on this.

The Mayor read Ordinance 2020-08.

Councilmember Forman made the motion to adopt Ordinance 2020-08 as written with the corrections that the density be adjusted to 10 with the added density of 6 to make the total acre to 16. Councilmember Fryer seconded the motion. Roll call, all Councilmembers voted aye, the Mayor is nay, Motion passes 4-1.

E. Petition for Annexation Bill Crystal---Requested to be taken off agenda.

F. Petition for Annexation Pete Gillwald---The Mayor turned the time over to Planner Crittenden. Planner Crittenden never received a plan, but she thinks Pete Gillwald has one or two to present.

The Mayor turned the time over to Pete. Pete explained the Gene presented the annexation a year ago and it never went anywhere. He found out his application was never rescinded. So, they are starting all over.

Pete explained where this property is located. It is close to the city center across the street from the old church site. It is 13 acres that is not in the city. The portion his client wishes to purchase is 9 acres in the city and 13 out.

Points to consider. He said he knows there have been a few annexations, but he feels this is a continuation of the application of over a year ago. They are within the annexation boundary. He feels they are in downtown Francis so to speak they are downtown, so they are not sprawling out all over like Hideout.

His development goals are they would like to take advantage of the multifamily ordinance. He feels this is a need that the city has recognized. He feels they have excellent access. They have met with the Mayor, Mandy, and Scott Kettle.

They are strictly going to be looking at apartments and townhomes. He said he spoke with Mandy and wanted to meet to discuss their proposal and he was told it needed to go to the council.

He feels things to consider are the annexation fees and building permits. The bigger financial impact is the building permit fees. They are showing 127 units on 18 acres and that will bring in a lot of building fees.

He said all the streets and accesses would be private so there would be no snowplowing from the city, and they have plenty of water shares.

127 units and 104 would be apartments and another 23 would be townhomes. He stated they would have 9-11 units of open space. He wants this to be the first multifamily project of Francis and show how it can look.

One of the constraints is the two-story element and he thinks they could look at that down the road. They will provide all of their own access. He feels it will provide walkability to the commercial zones.

Pete feels there are many benefits.

The Mayor asked if council had any questions.

Councilmember Cox said you mention that the piece of property is 13 acres, how large is the other parcel. Pete said Gene wants to annex in the 13 acres and the he will retain ownership of about 9 acres on the front side.

The Mayor said when it was previously brought up, we did not know what we were taking on so there was not a cover bubble to say yes. But there is still a portion being annexed into the city, but we do not know what it will be.

Pete said Gene have indicated that it would be one parcel and it would be a single-family lot.

The Mayor explained this was just a petition to see if the city is interested in annexation or not.

The Mayor said there were some proposals brought to the city and it was pointed out that it would not be a viable option. It is nice they figured out how to get access without using the city access. For council sake said this is right across the street from the church parcel where they are going to do residential and they talked about a sidewalk across the road.

UDOT required them to line their entrance with the church parcel.

Councilmember Forman wanted to know first, we have always talked about annexation and we always come to the term in the general plan or code about an overwhelming benefit to the city, and he doesn't see that at all with this. He is entirely uninterested with discussing this any further.

The Mayor said the commercial proposal was unappealing to him and to the planner and it is not zoned commercial property. He felt that it would cause trouble with the neighbors. Having said that look putting commercial on a major highway makes sense.

The Mayor said the benefit to the city is that tonight we did pass an ordinance saying having multi family is a benefit to the city.

Councilmember Cox said they asked for an annexation petition, but, multi family is a floating zone. Her concern is that although it sounds good and then that changes without the multifamily overlay on top of that.

Councilmember Forman is personally uninterested even in discussion.

Councilmember Crittenden said there are a lot of unknowns for him, but until for sure he knows what that would look like he is really not in favor at the moment.

The Mayor said he is not trying to indicate if this were up for actual annexation today if he would vote for it or not. He feels they need to address the unknowns.

The Mayor is in favor of asking more questions and finding out more.

Councilmember Forman moved to deny the petition for annexation. Councilmember Fryer seconded the motion. Councilmember Forman, Fryer, Cox, and Crittenden all voted nay. The Mayor voted aye. The motion passed 4-1 in favor of denial.

G. Hire New Planner---The Mayor presented earlier in the meeting, see above.

5. Council Business

A. Council Reports---Councilmember Forman has heard a lot of feedback on water restriction notices. Councilmember Cox asked last night. The Mayor explained what had gone on last night. Councilmember Cox asked if that reached every resident in the city. He said some may have been missed somewhere. The only reason she was surprised was because she did not get one.

Councilmember Forman does not feel restrictions are unreasonable because people waste water. He is hearing there is a perception of the city trying to hide behind the kids.

The Mayor said it is totally unfair criticism. He explained why we ended up doing things the way that we did.

Councilmember Crittenden was not aware it happened, but he agrees that it should have.

The Mayor explained to any listening that they are in the process connecting the new well to the system.

Councilmember Cox would like to have a very short conversation with Scott to get some intelligent wording as to why or why not we could not pave the section of Lambert Lane.

Engineer Kettle currently said the city and county when they have done annexations in the past, we do not own both sides of the road and we do not maintain the road until we do. For some reason they have decided if we do not have the road, they are giving it to us in some spots. We have maintained to the village at Lambert Lane. He is trying to see why the changes have been made. It is going back and forth between the city and county. She wants to know if the city has the resources to have the public works guys to go and fix potholes. Do we have a stockpile of material to fix potholes? Scott said we need to get to the bottom of who owns it.

The Mayor said if they are changing the policy then we are going to have to look at all of our roads.

Engineer Kettle will get with Derek at the county.

Councilmember Fryer was just going to ask about the potholes as well.

B. Planner Reports---Planner Crittenden said she has had a man call from a wireless tower company. They would like to put one in our city park. They want 1—feet at 50x50 space and she talked with Scott and he said to find out how much they are willing to pay.

The Mayor said he needed more details.

The Planning Commission wanted her to ask about an industrial park like the ones on foothill in Kamas.

C. Engineer Reports---Engineer Kettle said the well has been pumping it to develop it and it is taking longer than they thought. It is pulling a lot of sand. Right now, they are 60 parts per million and when they get a little lower, they will do a pump test. He is hoping it will happen next week.

D. Mayor Reports---He did state he was sending a letter out canceling Frontier Days. But Councilmember Forman was addiment about doing something, so they need to get together.

E. Report and Approval of Bills Paid—*Councilmember Forman motioned to approve the bills. Mayor Ames seconded the motion. All voted in favor, motion passed.*

F. Approval of Minutes from July 9th, 2020---*Councilmember Forman motioned to approve the minutes on July 9th, 2020. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers voted in favor; motion passed.*

Before we adjourn the Mayor reminded everyone of the next meeting on August 27, 2020.

Councilmember Forman motioned to adjourn, and Councilmember Crittenden seconded the motion. All voted 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 27th, day of August 2020.

Mayor Byron Ames

City Recorder Suzanne Gillett

