

**Francis City Council Meeting**  
**Thursday, August 8<sup>th</sup>, 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, Shana Fryer. City Attorney Brad Christopherson, City Engineer Scott Kettle, City Recorder Suzanne Gillett and City Planner Mandy Crittenden.

**Excused:** Councilmember Jeremie Forman

**Others Attending:** Marion Wheaton, Colette Madsen, Jane Wilford, Elaine Robb, Renee Atkinson, Kit & Becky Burton, Jack Prescott, Bill Crystal, John & Clifta Keyes, Loraine Flygare, Maxine Bergen, Tim Bergen, Jenny Prescott, Harvey & Jill Peterson, Kay Simmons, Jack Simmons, Leslie Canfield, Dena Housel, Sara Vazquez, Kyle Housel, Cathie Hart, Dean Prescott, Kory Atkinson, Chad Mitchell, Patti Hunts, Sharon Duso, Tera Ames, Garrett Crystal, Shane Herzog, Laura & Conrad Alleman, Rusty & Tamsyn Webster, Stanley Ricks, Corey Dutton, Terrie Harrop, Ruth Ann Lloyd, Robert Ure.

**1. Welcome, Call to Order, Thought & Pledge of Allegiance**—The Mayor apologized for starting the meeting a little late. He welcomed everyone in attendance and stated that there is approximately 1300 people in Francis, and it was good to see this many people out tonight. He asked Councilmember Fryer to lead in the Pledge of Allegiance.

The Mayor explained that we had a thought every month and tonight he was going to give the thought. As we were giving the pledge the ending words were liberty and justice for all. He explained that he thinks about that a lot with his Attorney position. He also explained it makes him think about the 5<sup>th</sup> amendment of the United States. It starts out no person shall be deprived of life liberty or property rights.

A lot of things have motivated many of you here tonight. It boils down to property rights. There isn't an easy answer to that.

Stewart Ranch was in the works for more than 10 years. He wants everyone to understand that.

One of his favorite people is Judge Learned Hand, he is the most often quoted judge by the supreme court of the united states. “ The condition of our survival in any but the meagerest existence is our willingness to accommodate ourselves to the conflicting interest of others, to learn to live in a social world”.

**2. Public Comment**—The Mayor explained that he is going to waive the ten-minute time period tonight for public comment, but each comment will be limited to two minutes. If you have something to say and someone else has already said it then please don't repeat comments already made.

The Mayor opened the meeting for public comment.

Jack Prescott said he lives on 2578 South Willow Way. He would like to comment on the letter that came out of the Mayor's office. He wanted to know how long the sewer system is going to last us. With the water issue they have been having he feels that we should have a secondary system. Who is going to be

responsible for the open space in the subdivisions? South Willow Way is like a freeway now days and he feels it is getting to be a hazard. He feels something needs to be done with the road.

Jack Simmons stated it has taken so long to annex in Stewart Ranch, because nobody wants them here. He wants to know where everyone is getting there water. How are they going to continue there way of life?

Sharon Russo of 1895 Parleys said she is directly on top of the development by Uinta Shadows. If you drive by her house it looks like hell. It was just a dust bowl and they had to have filters put in their house. She talked with the city and came to meetings and she said they did nothing and when they went under, she was happy. Now there is no dust, and her breathing is better.

John Keyes lives on 227 East 2200 South and he has lived here quite a while and was on the board for 7 years. He does have some questions on Stewart Ranch. You say you have condensed the homes and he would like to know how much more land is left that could be annexed. He is concerned with the traffic. He feels we need to look at that and he wonders why we are going out of the town limits to annex people into our town. He feels that one of these days the water is going to dry up. He feels that we need to think of the future of our grandchildren. His concern is how far are we going to go with annexing property outside of the city limits.

You have not addressed the sewer lines and they must run clear through town. He feels that we have a lot of lines we will have to upgrade.

Loraine Flygare stated that she followed a water truck from Kamas to Ben Lowman. And, the Kirkham Subdivision was taking the water to build their roads with. She continues to see this truck and she doesn't know where its going. She feels they keep putting the city on water restrictions and allow other people to keep taking our water . She feels it costs us to have more roof tops. It's not a sin to turn anybody down. She wants to know who is running this town.

Stanley Rose 975 Wild Willow. He says build the houses, but what are we going to do for revenue. We have roads that are destroyed, and he feels we need more commercial revenue before homes.

Ruth Lloyd 1865 Oak Lane. Since December 2015 how many of you know that there has been a franchise tax. She said she pays over \$800 dollars in for franchise taxes. How much revenue do we make on the franchise taxes and what we are doing with it? The only reason she came is she wants to know what we are doing with it. She is very disappointed, because you hid it from everybody.

Dena Housel 1479 So. 400 East. She has been to several meetings where she has been told that water is not a supply problem, but a storage problem. So, she wants to know where the money is coming from for the tanks and things, because she feels we already have the highest water and sewer bills around. How are things going to be paid for?

Bill Crystal thanked the council for doing what they are doing. He lives on Gines Lane, but it is tough, but he will support the Stewart Ranch people. He believes that landowners have rights and if they did this four years ago a lot of you wouldn't be here and he wants a place for his kids and grandkids to live.

Colette Madsen lives on Gines Lane. She thanked everyone that came out. She also believes in property rights, but she feels there needs to be a balance. She feels the general plan is a compromise. She is not against development, but she is against doubling the densities. She does not like what has been approved on the Hart and Stewart Ranch Subdivisions. It breaks her heart. She expressed what she thought was a compromise. She feels that it sets a precedence for the future and she doesn't like the precedent being set.

Robert Ure explained that he does not live in Francis, but it does impact him greatly. The South Summit Cemetery District is probably one of Francis's biggest water users. He feels that it is everyone's responsibility as to how it is kept. One other thing about land use, if you look at where development has taken place in the valley, some places are not suitable for development, however there are property rights. If we did not have property rights 90% of you would not be here either. Sometimes you get the cart before the horse and we need to have the infrastructure in place.

Marion Wheaton 3415 South State Rd. 32. She feels that when Stewart Ranches goes in, she will need a stop light to get in and out of her driveway. She believes in responsible and sustainable growth. She said that Stewart Ranches was zoned in the county 1 unit per 10 acres. She would like to see a new traffic study done. She feels that some of the property is steep hillsides and will remain open, so there would be open space any as it's not buildable.

She is not sure how they are going to widen Gines Lane. She feels that annexation fees are used for ongoing maintenance and here they are going to be used for infrastructure. Because she feels that the annexation fees are going to be used to put in the water tanks.

She feels that the statement about raising taxes is not really true, but if you look at the school tax and fire tax, its' not just Francis City residents it is going to impact. It's not no growth its sustainable growth.

Elaine Robb 1440 East Gines Lane said she has been here for 26 years and recently she has walked through the neighborhoods and asked people to come to the meeting and if they can't she told them to text the Mayor and Council. Everyone she has talked to is concerned with the growth. She feels that it is just not the Hart Ranch or Stewart Ranch, but Circle T. She knows there is a large number of homes plus a large number of cars and she is so much in agreement with Marion.

Kay Simmons 2909 So. Willow Way. She has lived here 43 years and during that time Francis was a nice place to live. She said there are two deaf children living on her road and she explained what the kids did on the road. She feels that people come zipping down that road speeding and she can feel some trucks rattling. She said she came to the City Council 3 years ago with the speeding problem and all they did was put up a sign. She feels Willow Way is already overpopulated.

Suzanne Butterfield 1250 East Gines Lane. She feels the same as everyone, she knows it has to do with the pumps and she wants to know when we will have the infrastructure for another well. She says when she waters her water pressure drops in half.

Shane Herzog 2234 Spring Hollow Rd. He was run out of rural areas because of growth and know that is happening here. He doesn't feel that everyone knew about the commercial city zone.

Dean Prescott 751 East 2200 South. Dean said he is an agricultural person. Property rights yeah, but he feels that their needs to be some balance. There needs to be more infrastructure put in.

Kyle Housel has a concern with where the nursery was going to be. The ditch is full of weeds and he has water behind his house and who is going to take care of it.

Corey Dutton 1695 Oak Lane. She hears the biggest concern is water and the infrastructure for that. She said it is great to see everybody here tonight and she wished that more people had been at the meetings when all of this was discussed. She encouraged people to look on the city website and find out what is going on and if you can't come then send a representative and have them report back. She said the

Council is there for everyone. She would like to know if Summit County is over your head to approve density.

Arlena Hansen lives right next door to the Stewart Ranch Development and she has been to some of the meetings and she thought they were supposed to come back with half the density and they didn't. She wants to know if they listen or not.

Garret Crystal lives 537 East SR35 his big deal is he thinks the conversation is going to change pretty quick from not development property rights to property rights for development of agricultural and animals. You get all of these people that come and want to bring their city up here. He appreciates them and wants to think about the people that have agriculture up here.

Marion Wheaton feels it is hard to come to the meetings when the agenda is only posted the day before.

The Mayor closed the public hearing. He asked the council if any of them had anything to say.

Councilmember Crittenden doesn't disagree with the fact that the developers need to pay for infrastructure. He is glad that he voted the way that he did.

The Mayor asked the youth council if they had anything to say. One girl said she has noticed that the main complaint is the water.

The Mayor informed everyone that he would do his best to answer some of the questions that were asked as he took notes on all of them. He invited anyone to correct him if he was asking an incorrect question.

Sewer capacity, the new sewer pond has been put in and he will refer that to the City Engineer. Also, Francis is working with the county and doing a study on the sewer needs of Eastern Summit County.

He asked Engineer Kettle the estimate on the sewer ponds. It is rated for a 20-year growth rate. And from the last numbers from the state for this valley in general it was quite scary. It could be less depending on growth.

Secondary system has been brought up several times. The water is owned by the ditch companies and who is going to pay for it. Scott said it is something they have looked at and they can investigate again. The Mayor said there was a question about the aquifer at the old spring and they wondered about that, but it was lost as a source and dried up. We still own the spring, but that is not much there.

South Willow Way—every single year we put in for grant funding to maintain roads every year. He explained where and what we had money for. The contractors are so busy that they can't get to everything.

The Mayor asked Engineer Kettle to explain the roads on the list. He said finish Wild Willow, Tills Way and a few other roads were mentioned. He explained that we did start collecting road impact fees last year. He also explained that road impact fees come from new houses and new developments.

Attorney Brad Christopherson explained that the city reviewed all the city impact fees and they did what the state law requires, and we are collecting those impact fees now. The new well is not a new level of service. The town needs 3 sources as it stands today. We need to replace this, and we don't want to raise taxes. The Mayor said Marion raised an issue and he wants to directly respond to that. He stated Marion's comment was to the affect that annexation fees are meant to offset maintenance and that actually is not true, they can be used for anything that the city wants. It's not money set for a specific use.

He then explained where the annexation fees from these developments should be spent. We need the well and tank whether these new developments come or not. He wants the developers to pay for things and not having to raise taxes.

Brad explained the road impact fee can only be spent on roads. Each impact fee must be spent on that impact.

Where is the water coming from. The water is coming from in the ground. The problem is not where the water is. The problem is filling the tank fast enough, and the wells are designed for specific size pumps and certain capacities. The water will come from where it is already at, but we need the pumps to get the water. We just don't have the storage capacity.

Parley's Loop and Circle T, there is a dispute on that. He is told there is going to be a resolution to that dispute by the end of August.

How much open space is in the conservation subdivision like Stewart Ranch, they must leave about 50% of open space. He said that no one can come back in and re-zone anything. The land in the open space is saved forever as open space. It will never change, it is preserved as open space.

The Mayor explained in the negotiation that having more homes clustered together is better than a hundred homes all spread out, and he explained why he felt that way.

Sewer Lines—Engineer Kettle explained how the extra sewer lines help us. Scott said that is part of the master plan that they did when they did the sewer pond. If they see there will be a problem, then the development will have to take care of that.

Stanley—Commercial for revenue. The Mayor said they are trying to look for commercial development, but we can't make someone do that. He explained that the city center zone is a mixed-use zone so that it provides more options. The Mayor explained they are trying to make things more appealing. But he can't force anyone to do anything. The Mayor explained that most cities don't charge annexation fees, but Francis does. Yes, there is different zoning in the county vs the city. Just like they can in the city the county can change zoning on a parcel by parcel basis. People can petition to change zoning. The Mayor explained that the county told him with Stewart Ranch they couldn't say anything, they may allow more.

Ruth passionately raised her concern on the franchise tax since 2015, the Mayor explained everything the council does is posted in more places than they are required. That was noticed to everybody and that was debated in more than one council meeting. Francis was the only one in the state not charging these Franchise taxes. The Mayor explained that the agenda is always available in the required time.

Dena, you asked about the water tank and how it is going to be paid for. It will be paid for with annexation fees, they are not raising taxes. He explained that Tifton Hills will have to put a tank in for their own uses and we may require it to be a bigger tank. Stewart Ranch is donating the land for the well and the tank and the annexation fees.

Rob had a question about the cemetery. He is aware that the cemetery uses more water than anyone else. How you want your cemetery kept is a good question. The way the cemetery has historically been paying is going to have to change with the amount of water that's being used.

A tank on the hillside makes sense because we have a gravity flow system.

Elaine made a comment about what are you going to leave to your children and grandchildren, but equally important is another question, where are they are going to live if not another house.

Dean asked about the kind of pump that was put in and he said he was prompted on that one. The Mayor explained that they looked into a more powerful pump and they couldn't put it in. So, we were lucky the parts were quickly accessible.

Suzanne Butterfield mentioned if both well pumps failed. That is why we are adding another well.

The Mayor thanked Corey for her comments. He also explained that public notices go out every month.

### **3. Public Hearings—None**

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

**A. Kamas Valley Youth Council---**Auna Simmons with the Kamas Valley Youth Council stated that she is the communications director for the Kamas Valley Youth Council. She explained their goals for the year to everyone. After tonight's discussion she feels that it is important for them to be involved so they know what is going on in the community.

Sarah is present to report the activities they have been doing in the communities.

The Mayor explained they will need help with the Frontier Days Celebration so if they could help it would be great.

Terra Stated that Matt Crittenden was their contact and he can let them know of the areas that we may need help with for the celebration.

Tera then explained the last report is they were able to offer a \$1000 scholarship that was privately donated. There was not city money used for the donation.

**B. Ordinance 2019-05 Formality of vote last month on Annexation of Hart Ranch---**The Mayor reviewed the finality of this Ordinance. This was acted upon last month, but the Ordinance was not yet available. The Mayor read the Ordinance.

*Councilmember Crittenden made a motion to accept Ordinance 2019-05. Councilmember Cox seconded the motion. The Mayor and Councilmembers Crittenden, Cox, and Fryer all voted aye, motion passed.*

**C. Ordinance 2019-06 Water Restrictions---**The Mayor reviewed why the ordinance was being changed. He then read the Ordinance to all in attendance.

The Mayor asked for a motion.

*Councilmember Cox moved to approve and adopt Ordinance 2019-06. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Cox, Crittenden and Fryer all voted in favor, motion passed.*

**D. Purchase of New Lawn Mower---**Tabled as there were no bids present .

**E. Resolution 2019-03 Annexation Agreement with Hart Ranch—**The Mayor explained that this is the annexation agreement with Hart Ranch. He hit the highlights of what will be required by the

developer of Hart Ranch LLC. City Engineer Scott Kettle reviewed the Annexation Agreement with all present. They need to turn in all of there water. They were asked to extend the water lines with Hallam and Lambert. He explained how that would be done and which phase things would be done in. He reviewed what the park will consist of. Then as part of that the lots adjacent to the park will need to have fences installed so it will show which is city and which is resident property. He reviewed the streets and asked them to widen Lambert Lane to have a turn lane. Councilmember Cox asked if the turning lane will be marked and she was told yes, when phase two was constructed.

Part of the sewer they are asking for additional 20 feet around the sewer lift station. The annexation fees are \$8,000 per lot and the first payment due within the first 30 days of the annexation being recorded, and second payment will be at the time of final plat approval of phase one or one year from the date of the agreement which ever is sooner.

The Mayor read Resolution 2019-03 to all in attendance. He then asked for a motion.

*Councilmember Cox moved to pass and adopt Resolution 2019-03. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Cox, Fryer and Crittenden all voted in favor, motion passed.*

**F. Frontier Days Discussion---**The Mayor explained that Luke and team are working on the arena as there were some concerns with the cowboys getting hurt.

They need help in the shacks. Councilmember Crittenden said he could help. Chad and Tracy will be working in the shacks again. The Mayor explained they did not install the new sink as there is not enough space for one. So, we will order another wash station.

The Mayor would like everyone to keep reaching out to sponsors. He is meeting with Don Loftus to go over the kid's games and he would like some ideas.

The Queens and the Princess would like to have a raffle to raise money for their scholarships.

5K—Councilmember Cox will pull off.

Flyers and Programs need to be done.

Light Parade- Matt decorating the Ranger

Short discussion on trailer race and wild cow milking.

## **5. Council Business**

**A. Council Reports** Councilmember Cox said all of radio water meters are totally installed. She was told no, halfway maybe. Councilmember Cox brings that up because she would like to revise the water tier rate schedule. She feels we really, really need to get back on that.

**B. Planner Reports---**None

**C. Engineering Reports---**Lower River Road will be closed starting next week so there could be times when the gravel pits can't get in on Lower River Road so, they will be using Spring Hollow Rd...

**D. Mayor Reports---**The Mayor wants the soccer field taken care of.

**E. Report and Approval of Bills Paid—***Councilmember Cox made a motion to approve the bills. Councilmember Fryer seconded the motion. The Mayor and all councilmembers present voted aye, motion passed.*

**F. Approval of Minutes---***Councilmember Cox made a motion to approve the minutes of July 11, 2019. Councilmember Fryer seconded the motion. All voted in favor, motion passed.*

**6. Meeting Adjourn---***Councilmember Fryer made a motion to adjourn. Councilmember Crittenden seconded the motion. All voted in favor, meeting adjourned.*

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

Minutes accepted as to form this 12<sup>th</sup>, day of September 2019.

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Mayor Byron Ames

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City Recorder Suzanne Gillett