**Francis City Council Meeting**

**Thursday, September 10th, 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.***

***Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592***

<https://us02web.zoom.us/j/87048466998?pwd=VjAvUkh1YU8zaDEzTHdFZW9jRGVwdz09>

**Meeting ID: 87048466998 Passcode: 765926**

**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/Treasurer Mandy Crittenden

**Others Attending:** Bill Crystal, Jeff McNeil, Pete Gillwald, Nick Berry, Jason’s iPad, Paul Watson, Sidney Davis, Bob, Jack Walkenhorst, James Omar Hansen, Rex Campbell, Dena

**1. Welcome, Call to Order, Thought & Pledge of Allegiance—**The Mayorwelcomed all of those in attendance.

The Mayor started with the Pledge of Allegiance and asked Councilmember Forman if he would lead them in it. Councilmember Crittenden gave the thought. “Tomorrow is the most important thing in life, comes into us at midnight it comes in very clean, it perfectly arrives and puts itself in our hands, it hopes we’ve learned something from yesterday” by John Wayne.

**2. Public Comment—**The Mayor explained the ground rules and how the public comment period would work. The Mayor explained what the public hearings were and if you had something other than that this is the time to speak.

Jeff McNeil asked for help getting his bond released and he feels the conditions that were in affect have been satisfied. As far as he knows the only outstanding items are the as built and they should have received them today. He is asking for $28,000 to be released. That’s a lot of money left sitting out there. He said the State of Utah is still trying to figure out what they are doing on the water and that could take quite some time.

Jeff said he had another agreement come at him in the form of a storm drain the other day as well.

The Mayor said that this is not something that acquires council approval and that the Engineer Scott Kettle is present and will fill us in.

Engineer Kettle stated that there are some items that need to be resolved. He has still not seen the as built as of today. He also stated that we do not have water and that it is justified for holding the water, it’s not just the state.

The Mayor wanted to know what the risk to the city was on releasing the bond. Engineer Kettle explained that it is hard to get anything out of the developers after the fact once their projects are completed.

The Mayor asked if the bond were released and we did not have enough water then the money would cover this.

Engineer Kettle explained that all of the houses have water on them. And, if they did not have enough water assigned to the city then the money would be used for that.

The Mayor proposes this, he doesn’t want Jeff to think this is falling on deaf ears and he will speak with Scott and the City Attorney and get him an answer by the middle of next week. Sometime between now and Wednesday of next week. Jeff wanted to be included in the meeting and the Mayor said he would meet with the engineer and attorney then met with him.

There were no other public comments and the Mayor closed the Public comment period.

**3. Public Hearings**

**A. Phase 1 & 2 Plat Approvals for Stewart Ranches---**The Mayor explained that this is on Plat Approvals for Phase 1 & 2 of Stewart Ranch Subdivision. In conjunction with that he feels that item 4 B below needs to be discussed first. He feels they should start with 4 B first because they are related. He thinks everybody would like to know the answers to that first and that is the development agreement.

There has been some question on how the motion went on the approval of the fees that were modified in the annexation development agreement. There has been some question in the timing and the amount of fees due.

The Mayor explained the fees and what was originally approved and what was slightly modified and approved.

Since then there has been some question of what is actually due with each house and in each phase. The Mayor explained his understanding of all of that. The question is are they supposed to be paying $4,000 per lot up to Phase 5 or $8,000. The Mayor explained he could see how it may have been interrupted differently, but he wanted to read through the minutes exactly as things were stated and he explained what he felt was meant by things and how the city council interpreted things. He informed everyone that they had always discussed $8,000 and never $4,000. He read the minutes of the motion from the recorded audio minutes. As he understood at the time in his mind the purpose of the motion was when we hit 50% of the project, we want the rest of the annexation fees to have been paid, so we are paid in full. He explained his thoughts on this. He asked Councilmembers that were at the meeting what they understood things to be.

Councilmember Forman never remembers discussing $4,000. He remembers discussing $8,000 per total lot and not half per lot.

Councilmember Crittenden was also at that meeting and he does not remember $4,000 even being discussed at all. What he remembers is he thought that they needed to pay $8,000 per lot up to Phase 5 and then everything was paid in full regardless of what the number was.

The Mayor and the two Councilmembers that were at the meeting all agreed that it was $8,000 per lot and paid in full at the end of Phase 5. None of them were comfortable at all with making any changes in the cost per lot. They were all under the same understanding that it would be $8,00 per lot until Phase 5 when everything is paid in full.

The Mayor said since they do not need to change anything, they do not need to make a motion. He then jumped into the public hearing portion of the meeting. He explained everything that was in the city packets.

Rex Campbell asked if he could speak. The Mayor let him. Rex explained they did not understand it that way. He explained how they understood it in the development agreement. He read a portion of the agreement and explained their thinking.

The Mayor stated he feels it is a rational argument, but it is not clear on the fee. Paying half per lot has never been discussed. He explained that it is silly to be talking per lot, but it is half of the whole project.

The Mayor explained they have paid half of the annexation fee for the whole project not each lot. That’s not how the city understands it, Rex is just looking at a draft. The Mayor explained the cities position is it is $8,000 per lot, and that the city has been very lenient on this and has really worked with them.

Engineer Kettle explained they are here for approval on Phase 1 and 2 and he explained where they were starting and what they were doing. They are doing away with the low-pressure sewer and it will all be gravity sewer which is better. They are working through UDOT to get their permit. Everything else has been met.

Rex wanted to let Engineer Kettle know the letter of credit has already been submitted to UDOT. It will be spring before they will be able to start that work. He is trying to time everything, so the credit does not run out.

The Mayor asked Mandy to cover the staff report. She said that a lot of it will not be correct due to the discussion on the development agreement. She read through and reviewed her staff report.

Planning Commission forwarded with positive approval. She explained what the conditions were.

The Mayor asked if the Stewart Ranch folks have any comments that they would like to make on Phase 1 & 2.

Pete wanted to know who owned the open space, they are certainly not going to turn it over to the city, the city does not own it, so they do until the HOA takes it over. This is not spelled out in their conservation management plan. The Mayor asked Pete to explain what he meant. Pete explained that it is a document that was approved with the master plan an did spell out that the developer will maintain the open space until such time there is no development ownership until it is turned over to an HOA. He does not want to burden the city with maintaining 54% of the open space. He does not fill it is the best interest that they only have two choices as to who owns the open space.

The Mayor said as long as it is deed restricted to never be built on, he does not really care. It just always needs to remain deed restricted. He doesn’t have a problem with the HOA maintaining it.

The Mayor opened the public hearing to all in attendance.

Engineer Kettle pulled up the maps to show the project and roads to everyone.

Debbie Laprey asked what the water impact on this is. The Mayor asked what kind of impact that she meant. Debbie said the demand on the city.

Engineer Kettle explained that as part of the subdivision they had to turn in adequate shares of water. They are also installing a 10-inch water line and they gave the city property to drill a well. They have given the city improvements to our water system.

The Mayor added we have two wells that we draw on and two tanks and our pumping capacity is not able to pump as fast as the demand. So, two wells combined pump 600 gallons per minute and the new well will pump at 1200 gallons per minute. The well will be completed by spring and they can hook to existing tanks and then they will build another tank as well.

The Mayor closed the public comment period and brought back to the council.

The Mayor asked council if they had any further discussion. Councilmember Crittenden asked if they needed a Resolution or anything and he was told no.

***Councilmember Crittenden made a motion to approve Stewart Ranch Phase 1 & 2 with Engineer Kettle’s recommendations which includes the changing of low-pressure sewer to gravity. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed*.**

**B. Snyder/Davis Minor Subdivision---**The Mayor explained they all had a staff report in their packets. He asked the Planner to review the staff report.

Planner Crittenden read the staff report to all in attendance.

Councilmember Fryer questioned one of the addresses and said it was incorrect.

The Mayor asked about the issue of frontage on SR 35.

Engineer Kettle explained the issue on the ownership of the property, they need to dedicate the right of way to the road and then an access from UDOT to build the road.

Councilmember Forman said it is all just standard issues right, he was told yes, they are just breaking a piece off to build the house.

Sidney asked about an apartment above the garage and asked where that stood. The Mayor explained what was going on and the thought process behind what was going on. He doesn’t know how fast that will get to city council, maybe a month or two. Planner Crittenden explained that anything that is coming in right now they are making them sign an affidavit that it is not a rental property.

Sidney also asked about the UDOT permit and is it only for a year. Engineer Kettle explained how that all worked. She also wanted to know who she talked to about an address. That was explained to her.

Scott asked Engineer Kettle if he had talked with their surveyor Wade. Do they need to talk with him about the frontage issue out to SR 35? Engineer Kettle informed them that he has not been able to get a hold of Wade and if they could and have Wade call him.

The Mayor opened the public hearing. There was no public comment, the Mayor brought back to council.

Councilmember Crittenden said there is really no reason not to approve it.

***Councilmember Cox moved to approve the Minor Subdivision titled Snyder Farm 1 as applied for by Jim Snyder and Sidney Davis subdividing a half-acre lot off of a nine-acre parcel which will be zoned residential half. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.***

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

**A. Nick Berry, Storage Yard Lighting & Fencing---**Thisrelates to an outside storage yard on SR35. The Mayor explained that they had a packet for this, a letter from the neighbors, and a lighting plan.

The Mayor asked if the city had any comment or feedback on this with it meeting our codes. Engineer Kettle said the lights are downward facing as shown, but the fencing is different from what was approved.

The Mayor asked Planner Crittenden if she had any comment on this and she said no. The lighting fixtures do meet the code.

The Mayor explained the difference on the fencing and what Nick wanted to do.

Nick explained that the lighting code did talk about reducing the impact on the neighbors and that is why he thinks the back of the buildings is better than fencing. Nick thinks the neighbors would like the back of the buildings better than the fences and he would still do the concrete fencing on the north and the south sides of the building. He explained that the neighbors have signed a letter stating that they agree with having the backs of the buildings. Nick said the site plan is still in the works and he wants to work with the council.

The Mayor read the letter that Tim and Mike Crittenden had sent in.

The Mayor asked Engineer Kettle about the building being the fence. Engineer Kettle wanted to know who maintains the 25-foot set back of ground.

Councilmember Forman said we talked about fences last month and at that time if they put the backs of the buildings then there is space between the property line and what happens if there is livestock. He thinks once they have settled the issue with the maintenance of that space then the building does make sense.

The Mayor said one of the concerns with the concrete fences is the potential of seeing whatever is inside.

Councilmember Forman said if we say no and it is open with just a roof you will see it over the 8-foot fence, but if it is the building then you don’t see it at all.

Councilmember Cox is on board with the backs of the buildings as opposed to the fence.

Councilmember Fryer said she likes the buildings; her concern is the property between the fence and buildings.

Nick said no lights will be on the eastern and western sides of the building and he explained what wattage the lighting would be.

***Councilmember Forman made a motion that was corrected with the following motion taking its place.***

***Councilmember Forman moved that we approve the lighting fixture as proposed, as well as the variance for the concrete fence on the east and west of the property for the Nick Berry Storage Yard facility located on SR35., with the condition that everything within the property is maintained by the developer. Councilmember Fryer seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.***

**B. Discuss Stewart Ranch Subdivision Development Agreement---**The Mayor explained there has been some confusion on the motion that was made on the annexation fees. He reviewed what had been previously approved. He explained everything to all in attendance.

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**C. Discuss Joint Work Session---**The Mayor wanted to have this on the calendar sometime during the month of October. Councilmember Cox suggested Monday the 19th. The Mayor said that would get them time to get the Planner issue squared away. The meeting will be at 6:00 p.m. .on Monday October 19th

**5. Council Business**

**A. Council Reports---**None

**B. Planner Reports**—Planner Crittenden added that she had a phone call come in from one of the Lemon owners at the bottom of the hill towards Heber. She asked about the landslide by the culvert and it was explained that it was an irrigation mishap. All the culverts that are there have been there for years.

**C. Engineer Reports**---The Mayor asked for an update on the paving they are trying to figure out with the county. He assumes they all saw his email from Derrick Radke at the county. He explained that Derrick is going through and looking to see who maintains the roads. But, he will try to repair the potholes now. Engineer Kettle is watching to see if they need to try and fill any of the holes.

The Mayor said he spoke with Luke about the potholes on Aspen Road and Engineer Kettle explained they had a grant to take care of that.

An update on the well is they are pumping it at different rates and since we have been developing it including today, they got up to 1400 gallons a minute. Its looking good and the sand is coming down.

The sod for the soccer field will be delivered on the 25th.

**D. Mayor Reports---**The Mayor wanted to circle the wagons again on Frontier Days and see if there was something we wanted to try to pull off in October. Any thoughts??

Councilmember Cox is a little conflicted in trying to push something just to do something.

The Mayor says he has received many complaints for cancelling, but also many compliments for canceling.

Councilmember Cox asked if we could sanitize the arena before and after. She was told yes; we could heavily sanitize before and after.

Councilmember Forman feels personally they need to do something that celebrates America vs doing something to just say we are doing something. Some unity would be nice.

Councilmember Crittenden would like to do something like the trunk or treat, but he would like to do something to celebrate our country, but he thinks it would be nice to do something as a community.

Councilmember Cox explained why she liked the trunk or treat because it put things back on the community rather than all of them.

Councilmember Forman likes the idea of the parade. But maybe a movie and a bonfire would work to. Maybe something simple.

Councilmember Crittenden thought maybe at the trunk or treat have everyone put lights on their cars and then do the parade after trick or treating.

Councilmember Forman feels that doing the parade does not make things reckless or anything at all. But it would include everyone. Just drive all through town.

Councilmember Crittenden likes that idea.

Councilmember Forman feels like this is something they can participate in at every one’s own comfort level.

Councilmember Cox thought if they started a light parade at 7:00 and then came back and watched a movie. Everyone liked that idea. Council discussed doing it on the 23rd, 24th or the 17th of October.

Council decided the 24th would work. Councilmember Cox will do the flyer and the advertising.

The Mayor asked for thoughts from council now that we own the equipment to sanitize our building to let it be rented out again. He asked if there was any objection.

Council said let’s do it and we should raise the rate anyway.

The Mayor asked if there was any feed back on the remote meetings. He would like to keep doing them until the end of the year. Council was all fine with it.

Councilmember Forman feels we need to start talking about a big flag like Kamas has. He thinks that Oakley and Francis should put one in the same size as the one in Kamas. The pole was around $37,000 and the flag maintenance is around $170 a month.

All of council really liked the idea.

**E. Report and Approval of Bills Paid—*Councilmember Forman moved that we approve the check register and pay the bills. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.***

**F. Approval of Minutes from August 27th, 2020---*Councilmember Cox let Suzanne know that she had made one small correction on the minutes. Suzanne said she was out of the office today and would get it corrected on Monday. The Mayor moved to approve the minutes from August 27, 2020. Councilmember Cox seconded the motion. The Mayor and all Councilmembers voted in favor; motion passed.***

**6. Meeting Adjourned---*Councilmember Crittenden motioned to adjourn. Councilmember Cox seconded the motion. All in favor, motion passed.***

*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 8th, day of October 2020.

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Mayor Byron Ames City Recorder Suzanne Gillett