

Francis City Council Meeting
Thursday, July 12th, 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 Recorder Suzanne Gillett, City Engineer Scott Kettle, City Planners Ryan Robinson & Marcy Burrell.

Others Attending: Kaycee Simpson, Frantz & Patty Larsen, Loraine Flygare, Paul Watson, Bonnie Jones, Jon Jones, Renee Atkinson, Jane Wilford, Paul Linford, Jeff McNeil, Judy McNeil, Michael R. Brown, Vickie Hawks, Gene Atkinson, Collette Madsen & Dean Prescott.

1. Welcome, Pledge of Allegiance & Thought---The Mayor welcomed all in attendance. He asked Councilmember Crittenden to lead in the pledge of allegiance, the Mayor then shared a quote about character. “Don’t overlook the little things that we do every day” he then explained his thoughts regarding the quote.

The Mayor introduced Ryan Robinson to everyone in attendance and explained that he was going to be the new city planner. He then thanked Marcy Burrell for her efforts on behalf of the city.

2. Public Comment—The Mayor explained that the public comment period is used to make comments on something not on the agenda, but no motions will be made.

Loraine Flygare asked everyone to listen so that we can have an answer for the next meeting. She stated that she has watched several trucks taking water and it is being used outside of the city in Wasatch County, why are we allowing that? She also asked why are we putting in more subdivisions when we are on water restrictions? She stated that four years ago she brought this up to the planning commission. She feels that we need more than one person making decisions for the city. She then read something out of the code, she stated this is a rural community and we need to charge people coming into the community more than those living here already.

The public comment section was closed.

3. Public Hearings

A. Breck Little Conditional Use Permit for Accessory Apt.—Planner Burrell explained that in our code it states that you need a conditional use permit for an accessory apartment. She explained that the home is in the residential half zone. The owner has a letter from Kit Burton stating that it is ok, but he would not like to see it rented out. She explained that the city has no control over that.

Planner Burrell explained that the planning commission motioned to forward this to the council.

Councilmember Cox asked, per the Wild Willow standard, he cannot rent it out? Planner Burrell explained that the HOA doesn’t like them to be able to rent it out. That is not a city requirement.

The Mayor asked if there was any public comment.

Gene Atkinson asked what they are supposed to comment on when they don't have any of the information.

Councilmember Crittenden asked if we allow the CUP is it following city code? He was told yes, then he feels that we need to approve it.

Councilmember Forman agreed with Councilmember Crittenden he feels that we should approve it.

If there are no other public comments, the Mayor will bring it back to the council, he asked for a motion.

Councilmember Crittenden made a motion to approve the Breck Little Conditional Use Permit with the conditions of the planning commission. Councilmember Forman seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

B. Frontier Acres Preliminary---Planner Burrell explained where the property was and that the applicants proposed 12 lots a while back but has changed his mind and would like to change it to 11 lots. She explained how many lots there would be and that there would be a hammerhead. There will be no private driveways accessing off hwy. 35.

She read a letter regarding the wetlands, she is awaiting an official response from the Army Core of Engineers and she explained everything that needed to be done. The city would be requiring an irrigation approval letter that would need to be submitted before the final process. The standard requirements for water shares and public utilities will need to be turned into the city. They will need to provide a place for the mailboxes which is shown on the map and there is a letter that Horrocks Engineers will go over.

Engineer Kettle explained that they did not show the irrigation ditches and easements on the plat and they will need to get that taken care of. They will need irrigation approval for some of the ditch changes. They need to show the public utilities on the plat, they need to provide a temporary public turn around on the road, they will connect water and sewer on Hwy. 35 and then the storm drain will need to be located on site.

The planning commission has forwarded this on to the city council.

The Mayor asked if there were any comments that the developer or engineer had to make.

Councilmember Forman asked for some clarification on the storm drain. Engineer Kettle answered all his questions.

The Mayor opened the meeting to the public.

The Mayor said that he is going to address Loraine's comment further on in the Mayor reports.

Patty Larsen stated that she borders the development. There concern is the ditches, three of them irrigate her farming land and she explained all the concerns on the piping. She was told they would have to go through the engineer.

Patty stated they do not want plastic fencing and who is going to maintain that as cattle can go through that. Who takes care of the concerns when the developer is gone, and no one is around.

Bonnie Jones said she is adjacent to this property and she is concerned about the sewer and if we truly have the capacity for all of this.

Engineer Kettle explained that the sewer lagoons were just up sized for the next 20 year, so they will be good.

Engineer Kettle responded, he said he agreed with Patty Larson on the irrigation ditches and the piping, the town of Francis needs to take some responsibility on this. He feels they need to step back and slow things down.

Collette Madsen said that her property is not close to this development and water is a big concern of hers. She is concerned with piping it as there is not a lot of elevation differences and Patty should not be stuck with having to clean the piping out. She feels that the city has an obligation to protect the existing population over new development. She thinks developers should be putting in infrastructures for a secondary water development.

Paul Watson the Engineer for Frontier Acres stated that before it was 12 lots now it is 11. As far as the irrigation they are meeting with the engineer board on the water. He said they are not trying to stop the water or be a burden. If you stop everything from what somebody else wants you would stop everything. The board will be one of the signers on the mylar, they will follow regulations of the ditch companies. He feels that they are following the zoning.

Paul said they must follow the federal guidelines on the perk test. Paul and Kaycee answered the questions from the audience that were thrown at them.

Councilmember Fryer asked if they had UDOT approval yet, she was told they are working on that.

The Mayor said he is hearing that there are three contingencies right now, he was told yes.

Patty asked how many waters shares they had and wanted to know if they were dedicating them to the town.

Engineer Kettle explained how much water they would have to turn in and when. He then explained how the whole process worked.

Gene Atkinson would like for the engineer to speak in language that he can understand. What does it mean when you say a haircut, Engineer Kettle explained things the exact same way that he explained them to the engineer working on the property Gene was talking about.

The Mayor asked the council if they had any questions or comments on this.

Councilmember Forman said when we start talking about the irrigation issues on this whether we approve this or not it is not the cities business to regulate what the irrigation companies due. Whatever solution the irrigation companies come up with is there decision.

Collette Madsen feels that the city should back the irrigation company up.

Councilmember Forman understands the importance of the water, but you must balance things out between property rights. The city doesn't have the ability to decide what happens to those ditches.

The Mayor said that the overwhelming concern is water. He wants to try not to lump the good in with the bad. He is hearing from the developer on this that they are trying to mitigate the concerns on this.

Collette is hearing that in the future when the developers are gone then its Patty's problem.

Someone asked if they could put some restrictions on this development because of the city code. She was told they would have to talk with the city attorney regarding that.

Gene said he didn't feel they needed an agreement like that. He feels that the president of the HOA should be taking care of that.

Councilmember Crittenden stated that we don't have a requirement for HOA's. Developers do not have to have them. The code does not say who has an HOA and who doesn't.

There was a lengthy discussion on the ditch companies and that they are responsible for their users.

Dean Prescott would like them to not approve these things before they get their signatures.

Councilmember Forman said he wanted to make clear his position on this. To be honest and frank he hates it. But his job as an elected official he must look at everyone's rights regardless of his opinion. He wants to make sure that everyone as much as possible is happy.

Dean Prescott feels that we need to be looking more into the future for some of these things. What are we going to do as a city to be prepared for the growth?

Bonnie Jones wanted to clarify, if someone were to say the ditch needs to be opened and not piped that would be the ditch company's decision?

Councilmember Crittenden said he has known this place his whole life, he got strep throat in the house that's going to be torn down. If we don't like it then we need to buy it, but if it is following code then they need to allow it.

Councilmember Forman threw out for his own benefit, this is property already in the city, everything meets the zoning, and he doesn't see any way you could further regulate it if it is in the zoning and the codes are followed.

Councilmember Cox wanted to know about the accesses and if they were allowing for further development. Engineer Kettle explained how it all would worked. He explained why UDOT approval was not required for preliminary.

Councilmember Cox does not like two egresses onto the highway. It was explained why they needed the two.

Councilmember Forman made a motion to approve the preliminary Frontier Acres Subdivision with the contingencies that conditions of Horrocks, written approval from Army Core of Engineers, written approval from UDOT and written approval from the irrigation companies. Councilmember Cox seconded the motion. The Mayor and all Councilmember's voted aye, motion passed.

Discussion, Updates and Approval of Potential Action Items

- A. Jeff McNeil tabled Annexation---**The Mayor explained that this was further discussion from a previous meeting. He turned the time over to Planner Burrell. Planner Burrell read the staff report to all in attendance.

Planner Burrell explained all the issues that have been presented and discussed. She reviewed the issues with council.

Jeff McNeil would like to make some clarifications. First, they have not stopped the development on JMA because they have been working with the city. One of the changes is the sewer line being connected to SR32.

Jeff explained all the items that he felt needed to be changed for the report and why.

The Mayor said he wanted to make sure he is thinking about one of his statements correctly and asked him about it. He then explained his thoughts on it.

Jeff felt that they need to be light handed. He wants to benefit his family and bring something to the town. He wants to be the same as anyone else.

Patty said she gets the joy of every developer and was approached to let them go through her property with the sewer and she told them no.

The Mayor asked Engineer Kettle about changing some of the items on the sewer that Jeff wanted changed. Engineer Kettle explained how everything was done and talked about when the Tifton Hills Subdivision went through and he explained all his thoughts on the matter.

There was some discussion on how the lines could be run and tied in.

The Mayor explained the city is not laid out on a grid and that is a challenge, but in some ways, it is a blessing. What has happened is there were no codes and people were building where they had ground. He stated that we want things to happen inside the city and move out. It is sort of a branch of the city but it's hard to tell people you must build somewhere else.

Councilmember Forman has been interested to know the real value or benefit to the city, he is not yet convinced that the benefit is enough yet. The sewer is a big concern. Engineer Kettle tried to explain the maintenance of the two different sewer options.

Loraine Flygare said on Francis Foothill North there was a pipe that ran the sewer out all night long. She said about 15 years ago the sewer was supposed to be connected to 32. Engineer Kettle explained what really went on.

Councilmember Crittenden said it makes sense because the road goes west.

Planner Burrell explained why the planning commission made some of the requirements they had.

The Mayor would entertain a motion.

Councilmember Forman would like more information on whether it is really a benefit or not, but he doesn't want to keep putting Jeff off.

The Mayor said he doesn't know if there is a way to get a solid answer to that.

Councilmember Cox said her feeling with this is completely split. The forward looking and thinking, rooftops for commercial she doesn't go for right now today. The thing she gets stuck on is the word "overwhelming benefit." Overwhelming is a pretty strong word. If she gets stuck on that now maybe we

shouldn't. If you start building a road it sends a red flag to the developers. We are bound by our city code. She is not at all hip with sending a red flag to all the developers.

There was discussion among city councilmembers as to the pros and cons.

Councilmember Cox feels they need to decide where the money we have needs to go and is this worth it.

Councilmember Crittenden thinks that as a city they want land in the city, that way we have a control and a say. He is torn with it. He would rather this be in the city, so they have a say.

The Mayor asked Councilmember Fryer what she thought. She echo's everyone, she feels she is too close to it. She gets both sides of it.

Planner Burrell stated that this may not be the right time right now.

The Mayor asked for a motion.

Councilmember Crittenden wanted to know if what they asked Jeff to do at the last meeting had been fulfilled.

Councilmember Crittenden made the motion to approve the annexation of Jeff McNeil as residential half. Councilmember Forman seconded the motion. The Mayor and Councilmembers Crittenden, Forman, and Cox voted aye, Councilmember Fryer voted Nay. Motion passed 4-1.

B. Re-Appoint Casey Vorwaller as Planning Commissioner---The Mayor explained that Casey's term was up, and they would like to re appoint him. Everyone was in favor, Casey was re-appointed.

C. Wild Willow/Halloween---The Mayor asked again for the city to do something for Wild Willow on Halloween as he feels it is a dangerous situation with the roads and traffic and he would like the city to get involved and do something.

Councilmember Cox said the city should not get involved. Brief discussion.

Councilmember Crittenden said maybe they could just get a sign saying park at the church and then re-visit it later.

D. Frontier Days Update---Councilmember Fryer stated that Councilmember Crittenden has done most of getting the animals and she needs to get with him.

Councilmember Crittenden informed everyone that he has spoken with Rusty and taken care of the cattle and he has tried to get a hold of Trent Graham on the sheep.

Councilmember Forman said he dropped the ball on talking with Don Loftus and the Mayor informed hime that he had taken care of it.

The Mayor is still working on the ~~dance-card~~musicians for filling in different time slots.

Councilmember Cox will keep on the band director at the school. The 5-K is up and running. There were flyers put in the parade. Queens are busy queening. Tapestry will sing the national anthem.

The Mayor said he does have a bunch of commitments for the parade.

The Mayor asked about sponsors, he would like them to each ask 10 people for sponsorships.

E. Award Sewer Property Bid---Engineer Kettle explained they put the sewer property out to bid and they had 4 bidders, he read all the bids. It was recommended to award the bid to Dakody Gines. Engineer Kettle said he is fine to bring in a check for \$10,000 now. There was some discussion on the bids.

Councilmember Forman made a motion to award the sewer bid of \$10,000 to Dakody Gines. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

F. Jake Brake Ordinance---The Mayor explained what had been discussed in the last meeting and he did what he promised and did some homework on other cities and how things are handled in their cities. He explained that our existing code already prohibits sounds and decibels. He explained how many decibels several different items were. Everything is referenced from 70 decibels and he explained what items were at that noise level.

He said we do not need another Jake Brake or sound ordinance in our town, we already have one. He has asked Luke in public works to get some signs made stating that we are enforcing our noise ordinance, and on the bottom, it will read ~~Jake Brakes~~ "Engine Brakes Restricted".

Renee Atkinson asked if they could have one on her street and 35. She was told yes that is where some were going.

Councilmember Cox said she also researched a lot of other cities. There are some from those other cities that give a consequence and she would like to see the consequences.

Councilmember Forman would like to go on record saying that he was right when it comes to making another ordinance, just for the sake of an ordinance. The Mayor stated that it is okay for Councilmember Forman to be right.

There was some discussion on how to enforce the ordinance. There will be some signs put up.

5. Council Business

A. Council Reports---Councilmember Cox explained that she and Suzanne spoke with Jordan on the website and they are working on it and we should have a mock in a few days.

B. Engineer Reports---Engineer Kettle informed council that Rusty Webster is getting ready to pave his trails and roads. He explained that some of them run past Trilby's and he has asked him to put in a gravel trail and tie it into Summit Haven. Trilby is ok with the trail, it will be in the city right of way.

The Mayor and Engineer Kettle explained another area where they have talked about doing a trail, and how it will tie in.

C. Planner Reports---Planner Burrell explained what was going on in the planning commission meeting next week and what would be coming to the council next month.

D. Mayor Reports---The Mayor explained that on the water issue he has the authority to impose and the council could cancel that, but they have not. He explained to everyone the reason why the restrictions were put on. Just because we have the water doesn't mean we can squander it. He is also concerned with the dry winter conditions and he received reports that the water in the woodland tank was very low. He

explained the variations to everyone in attendance. He explained why and how the notices were sent out. He then explained that we are not running out of water. We had some very large leaks in the cemetery and the State Park at Rock Cliff had a couple of leaks. Then there were a couple of homeowners that had leaks as well, everything hit at once.

He explained that the pumps are not running non-stop like they were, and we need to be conservative.

The Mayor explained what was written in the code now [about water restrictions](#) and suggested some ideas how they could change that. The Mayor showed the door hanging notice to all in attendance explaining what code reads.

Engineer Kettle explained that the restrictions are helping the tanks.

The Mayor explained we need to get Woodland Hills off our city records and showed council the quote that we received from Pelorus. They also need to find somebody to replace Lee Snelgrove on the board.

E. Report and Approval of Bills Paid---Councilmember Cox made a motion to approve the bills to be paid. Mayor Ames seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

F. Approval of Minutes from June 14th, 2018---Councilmember Cox made a motion to approve the minutes of June 14th, 2018. Mayor Ames seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

Councilmember Cox and Mayor Ames motioned and seconded that the meeting be adjourned. The Mayor and all Councilmember voted in favor, motion passed.

6. Meeting Adjourned ~~Cox Ames~~

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 9th day of August 2018.

Mayor Byron Ames

City Recorder Suzanne Gillett