

## Minutes

**Francis City Council Meeting**  
**Thursday, July 14th, 2016 7:00 p.m.**  
**Francis City Community Center**  
2319 South Spring Hollow Rd.  
Francis, Utah 84036

**Attending:** Mayor Snelgrove, Councilmembers Byron Ames, Matt Crittenden, and Jeremie Forman. City Engineer Scott Kettle, and City Attorney Kraig Powell.

**Excused:** City Recorder Suzanne Gillett, City Planner Marcy Burrell and Councilmember Shana Fryer.

**Others Attending:** Trilby Cox, Amy Price, Shauna Bushman, Leif Cox, Angela George, William Crystal, Brad Bylund, Jason Averett, Casey Vorwaller, Stacy Lundgreen, Mike Johnston, Nick Berry and Lauren Berry.

**1. Welcome, Call to Order, & Pledge of Allegiance**—The Mayor welcomed all of those in attendance and asked Councilmember Crittenden to lead in the pledge of allegiance. The Mayor then explained that Suzanne was out of town, Marcy's son was in the hospital and Councilmember Fryer was absent. He explained that Engineer Kettle would help fill in with the staff reports. He then informed the Council that John Bergen had passed away.

**2. Public Comment**—The Mayor said that he would like to open the meeting to the public and informed everyone that items not on the agenda would not have decisions made on them tonight.

There was no public comment. The Mayor started with item E on the agenda in case they had to leave.

### **3. Public Hearings**

**A. "Circle C Subdivision" applicant Bill Crystal—Preliminary and Final---**Engineer Kettle explained that Circle C Subdivision received concept approval from the Planning Commission on May 5<sup>th</sup> and then received approval of small subdivision/final approval at the June meeting.

The Planning Commission motioned to approve based on a letter they received showing that they would be dividing four acres into three lots, (please see attached letter). The name changed from 4T to Circle C.

The Mayor opened the public hearing, there was no public comment. The meeting was brought back to the Council.

Councilmember Forman just verified a question that he had. There was a brief discussion on the number of lots.

The Mayor asked for a motion to approve the Preliminary and Final Subdivision plat for Circle C Subdivision.

*Councilmember Forman moved that they accept and approve the preliminary and the final plat for the Circle C Subdivision. Councilmember Crittenden seconded the motion. Councilmembers Crittenden, Forman, Ames and Mayor Snelgrove all voted in favor, motion passed.*

**B. "Hilltop Ridge Subdivision" applicant Rusty Webster---Preliminary Approval**—Engineer Kettle stated that as you are aware the City Council motioned on May 12, 2106 to re-zone the property from AG-1 to R-1 contingent on the possible approval of a proposed subdivision plan. They went to the Planning

Commission for Preliminary Plat with the attached plat in front of you subdividing the property into 11 lots with each approximately .53 acres per lot.

They proposed to put some walking trails in along Hilltop. He stated that the trail would be in the right of way so the trail will be on the side of the road. He then explained where they would like to put a couple of other trails.

Engineer Kettle stated that they have met the conditions for preliminary approval. He read the recommendations of the Planning Commission.

The Mayor opened the meeting to the public for comments. Kent Johnson stated he owned the land adjacent to subdivision. One of his concerns is the traffic that will go past his house on Summit Haven Drive, he would like to mitigate the traffic, especially the construction traffic.

Stacy Lundgreen asked about the trails and Engineer Kettle answered her questions. Councilmember Ames asked if they were fenced trails and he was told they would need to discuss that and figure it out.

Susan Johnson stated that she too lived adjacent to the property. They were out of town during the other meetings when the zone change was discussed. She stated that they moved here for the country living and open space. It is a prime piece of property and the only one left because all of the other property has been developed by this government development that a lot of people aren't happy about. In talking with a lot of people in the area none of them are happy about it either. She thinks it is a crime to put that many houses in that area, there are too many close together and it's just a shame.

Shauna Bushman stated that she lives in River Bluffs and her big concern has always been Hilltop Road and keeping the natural vegetation and beauty there and the ridgeline protection. She is concerned about one lot, and she has expressed it earlier. She is concerned where it is just .40 and it looks like it may face the road, she is concerned if the ridgeline protection is enforced then that lot would be too small.

Leif Cox 1742 Summit Haven, just wanted to bring a couple of points. He hadn't seen these recommendations coming from the Planning Commission before. He thinks there are a lot of things that he really likes and he thinks that it would make those in Summit Haven feel better. They want it done very tastefully to them and to the city before Mr. Webster goes ahead with it, and that they all agree ahead of time what it will look like. Then hold him to it. The other two things he would like to bring attention to are the ridgeline setbacks. He explained his concerns.

Someone asked about lot 8 and the setbacks and what type of property that is. She was told it was part of the lot. She was told this was all preliminary. Engineer Kettle explained the whole process on all of the approval stages of the plats.

Shauna asked about the park property parking and Engineer Kettle explained it all to her.

The Mayor closed the meeting to the public.

The Mayor asked Rusty and his Engineer to step up. He stated that he received a letter from Chris Ure and he had concerns on the irrigation ditch and Rusty and his Engineer were aware of that. He also got an email with some concerns on the traffic and the data that was used.

Mike Johnston, the Engineer explained how he arrived with the data that was used for their traffic study. The Mayor verified that this was all done through the national standard.

The Mayor asked Rusty on the proposed trails, would he be willing to put an easement in there. He said yes he would work with them on that. He stated that there will be CCR's just no HOA.

Rusty said that he would pave the trail on Hilltop. The trails inside the subdivision will also be paved.

The Mayor said that the city is getting back the easement on Hilltop, Rusty said yes, that will be coming back to the city.

There was a brief discussion on the impact of construction traffic and which direction they should be coming and going. Councilmember Crittenden said that it is a public road and they should be able to use it either way. Attorney Powell explained that sometimes with construction they designate a route. Councilmember Forman said there are not many options anyway.

Councilmember Ames asked Rusty how long it will take to have houses built on the lots. He said three years. He will build a couple homes a year so. Some maybe spec, but most will not.

The Mayor asked Attorney Powell if he had anything to add. Attorney Powell said that on the natural vegetation that you cannot tell someone what they can or cannot keep. They would like to keep as much natural vegetation as possible.

Councilmember Forman's concern is that the recommendation from the Planning Commission is huge. So much that it is impossible. The Mayor informed him that part of that motion is not land use issues, so they can't carry the motion as stated, because once again they are not land use issues.

Attorney Powell said that they would be making their own motion, and he hopes they are making bullet points. While they are thinking about that he wants to mention this because we have had a lot of legal research going into this. A contentious issue is the interpretations on the ridgeline. The current Francis City Ordinance is based on a sensitive overlay zone. He explained that right now there is no sensitive lands overlay zone on the city map. So, as this question was raised he went back and researched this legally and the best determination is that there has never been a sensitive lands overlay zone enforced. He discussed where and how things have been written and why.

There was a brief discussion on the CCR's and how the city is affected by that. The city does not describe what the development design is. Yes, it has been discussed in the past, but not a necessity.

There was a brief discussion on the trails and who will maintain things and how things would work best.

Engineer Kettle informed the Council that they needed to discuss street lights. The city maintains the lights depending on the type put in. Councilmember Ames feels that when you add more people you need to add more lights for safety reasons. He explained that Wild Willow is a nightmare on Halloween, because there are no street lights. He really feels that you need them for safety reasons.

Councilmember Forman said that in Park City they have street lights, but they may not be quit as bright. Engineer Kettle said that on Hilltop Road he feels that there should be a light there. Councilmember Forman said he agrees, but he would rather see one not so bright.

***Councilmember Crittenden made the motion to approve the preliminary plat with the trails being paved including the ones to the park. The two trails to the park need to be deeded to the city. Lot 4 will access off of Summit Haven Drive. Where possible maintain the natural vegetation. Tying in roads with asphalt in Summit Haven. Light at entrance from Hilltop. Mitigate construction traffic where possible. Minimum three rail fence on the trail. Ditches taken care of in agreement with Ditch Company. All right of way on Hilltop Road Subdivision dedicated to the city. Setbacks will be shown for primary residence. Comments from the Engineer letter. Mayor Snelgrove seconded the motion. Councilmember Ames wanted to clarify if the street light was included because he was only in agreement if it was. He was told yes. The vote was three to one with The Mayor and Councilmembers Ames and Crittenden voted in favor and Councilmember Forman against. Motion passed.***

**C. Impact Fees Ordinance 2016-08**---The Mayor said there is a ton of stuff to discuss with this. We will have the public hearing tonight, but it will be tabled.

Engineer Kettle explained that Mr. Rosenthal who put this all together could not make it to the meeting due to a recent surgery. The report was based on capital improvements, it shows the population and the estimated population and they look at all of the improvements that will be needed in order to come up with the impact fee amounts.

The water map shows the model of the system and where they might get growth. What water pressure and things like that will they need to accommodate for the growth. He explained where all of the tanks were and what the fire codes were and what improvements will need to be made in some areas. He explained that this is how they come up with the amounts for the fee changes.

The Mayor explained that the impact fee can only be used for upsizing the existing system that relates to new development only. Improvements are for fire protection and new culinary water.

The sewer impact fee is based on the Carollo report that was done and that is based on the new sewer system costs.

The parks map shows that the planning commission came up with a master plan of improvements that should be made with new growth. We can only include what is required for the twenty year plan period.

The biggest one is the roads. We don't have an impact fee now, so to make some of the roads better, they have put some costs together to take care of the infrastructure. This was done in conjunction with the county plan that Summit County did.

Councilmember Forman feels like that is a lot of money to build a house. He understands why they have to do it, but it seems like a lot of money to him. Engineer Kettle said that these are recommendations only, they have to make the decision what they want to do. They just need to understand that if they don't take the money in they may have to raise property taxes or come up with other ways to make up the cost of more people using the infrastructure.

Attorney Powell stated that he has seen cities just say this is what the impact fee study says and they use it, or they take a thousand dollars off it and say that's good. It's just a decision that the policy makers are going to have to make.

Engineer Kettle said that on the water and sewer side, this is just to meet state standards and we need to do that. We should also be planning for the future.

The Mayor opened the meeting to the public. Engineer Kettle stated that they should all have a letter from Nick Berry in their packet.

There was no comment, Nick was present, but his letter said all he had to say. The public hearing was closed.

The Mayor said when the Attorney and Councilmember Ames were sitting together in salt lake with him during a meeting, he was reading through this packet and the defense attorney that was there looked at it and the only item he thought might be out of line was the water, but the others looked in line. The initial impact in his mind is we are jumping from 5,000 to 16,000 but they are playing catch up because nobody wanted to deal with it, and now 20 years later they would be higher than they are and looking at less of an impact. There was never a roads impact fee and the more people that come the greater demand. At what

point do you stop making the existing residents pay more, we need to get up to date and current on where things should be.

The Mayor would like to table this until they have a chance to absorb all of the information and also have a chance to talk with Mr. Rosenthal during another meeting. Engineer Kettle stated that with the recent decision by the state with the spring, they need to look very closely at the water. He would like to look at everything over the next couple of months.

Councilmember Crittenden agreed with Councilmember Forman, but he also feels that the cost of things is just going to keep going up.

***Councilmember Ames made a motion that we table the discussion on the Impact Fees Ordinance 2016-08 until next month. Mayor Snelgrove seconded the motion. The Mayor and Councilmembers Ames, Crittenden, and Forman all voted in favor, motion passed.***

Attorney Powell reminded everyone that by state law any impact fee you pass in Utah now has a 90 day waiting period.

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

**A. Final adoption and approval of the City Municipal Codes, Ordinance 2016-09**—Attorney Powell informed the council that they have done all of this work for over a year passing ordinances successfully. Now we need to tell the codification company that everything is done and ready to go. It will come back to the council for the final vote once it is in the booklet. He has emailed these to all of them over the past couple of weeks. He wanted to review the new zones with the council. LI is light industrial, PF public facilities, C1 Commercial, AG-2 2 acre sized lots, and AG-1 one acre sized lots, RH residential half acre, and RC residential cottage. Those are all of the zones. Attorney Powell said that Marcy has really cleaned up the use tables.

Attorney Powell reviewed and read Ordinance 2016-09 to the council. He explained some of the changes that had been made in the ordinance. He also informed them they needed to have rules of procedure, and that was added in the Ordinance also.

***Councilmember Forman made the motion to adopt Ordinance 2016-09. Councilmember Ames seconded the motion. The Mayor and Councilmembers Ames, Crittenden and Forman all voted in favor, motion passed.***

**B. Summit County Animal Control Memorandum, Resolution 2016-07--** Attorney Powell informed the council that Resolution 2016-07 is to adopt the Summit County Animal Code, which is good since we are finalizing all of the codification tonight. The Mayor read the entire Resolution to all in attendance. The county will be doing all of the animal control.

***Councilmember Ames made a motion to pass Resolution 2016-07. Councilmember Forman seconded the motion. The Mayor and Councilmembers Ames, Crittenden and Forman all voted in favor, motion passed.***

**C. Attorney Powell Tifton Hills Update/Brad Bylund Investor for Tifton Hills**—The Mayor turned the time over to Attorney Powell. He reviewed the memo that was emailed out to the council. He reviewed the project with the council and some of the reasoning on why things were done the way that they were. They discussed the lots and locations, wildlife study, conservation easement etc. (see attached memo). He also reviewed parts of the annexation agreement with the council. He then explained what approvals had been granted. He explained that Mr. Bylund was here tonight as he was the investor for Randy Butters, who had passed away in a plane accident. Mr. Bylund wanted to be updated on where the city stood with everything on Tifton Hills and that is why Attorney Powell reviewed everything with the council.

Attorney Powell reviewed where the city was at on the project and what he remembered being done on the project. There was some discussion on the fire flow and the size of homes. There may be some easements that may need to be taken care of. He is just trying to provide a pretty comprehensive list. There is a draft of CCR's in the file, an annexation fee that has not been paid yet and they have been annexed so the conditions set do apply.

If they provide an amendment to the development/subdivision application if they want to do a different type of project or whatever, then they would have to negotiate with the council what type of conditions if any from the annexation agreement they would you be willing to waive or modify and they haven't found a good solution for that.

Another fork in the road would be taking everything back out of the city and unwinding everything. You first would have to give your blessing of that. The developer would first have to ask, the council would have to agree and then it would be up to the county whether they challenge it or not. So, it's not an easy prospect to de-annex.

The Mayor gave Mr. Bylund the floor. Mr. Bylund thanked the council for allowing him to address the council. He explained that he and Randy Butters were pretty close and Randy needed some financial help. He stated that he is not a developer and doesn't know much about this process. He is trying to do whatever is most expedient. He wants to find the best way to move the property forward and make things better for everyone.

He stated that it would be nice for the city to have the water tank on the hill and the sewer line would be a great access and most of the sewer lines are already in place but one. His concern is that as he has met with realtors and potential developers, and in talking with them they feel he needs to get the sewer line in. He is not a developer and does not want to spend that kind of money to make the property more shovel ready without working with the council. He wanted the councils input on things and would like to try to make things work. That is why he is here tonight. He has talked about the possibilities and changing things a little bit, but it is really though the position he is in. He wants to be an asset to Francis. He lives in Genola and understands the property rights and things.

The Mayor said he would like to share a bit of a conversation that he has had with Marcy. If they come back and ask for changes in the development agreement and only have 12 homes up in there, then it would alleviate having to have another egress onto highway 35. If they did twelve homes then they would possibly have to upgrade the lift station that's up there, but it would eliminate the need to come across the foothill with the sewer line. Mr. Bylund said that would make it pretty hard to re-coup any money at all.

The Mayor said that from his perspective he is concerned with the well and the tank. Engineer Kettle explained some of the things that they have talked about with Mr. Bylund in regards to a well and tank.

The Mayors concern with the development up there is that it all stay as low as possible and not go clear up on the hill. He hates to see the property that is annexed sitting there and doing nothing.

There was some discussion on how the water and sewer was supposed to be run in the beginning. Engineer Kettle explained all of the things that he had discussed with Mr. Butters in regards to that.

The Mayor feels that tonight Mr. Bylund just wants to see if the council is willing to work with him and work together on all of this. Mr. Bylund says that this is very, very difficult to make this work right now.

The only way an annexation like this comes to fruition is if the development happens. There was a quick review on all of the costs it will take on this project and they need to look at all of the options out there.

Council agreed they need to talk more and negotiate on some things. They will continue the dialog. Mr. Bylund said the he will get back with them again next month. He really appreciates all the time the staff has put in helping him.

**D. Water and Sewer Update**—Engineer Kettle explained that on the sewer ponds they are installing a claim fitter right now so they are getting close on ponds four and five. Tentative completion date is the end of the month, but he doesn't think it will be done by then, but they are moving along pretty good. The Mayor wanted to know if they would have to make a motion on extending the contract. Engineer Kettle said they may have to do something.

The water, the biggest thing is the division of drinking water feels that the spring may be under the direct influence of surface water and if it is they give us three options. One, is to go through and redo the spring and hope that it cleans it up. Two, treat it as a surface water source and build a treatment plant and that is not real feasible. Third, to basically not use. The city has 18 months to figure out what they are going to do with that source. They can shut the spring off or make a boil order, it was decided to shut the spring off.

Councilmember Ames wanted to know if this was because it can be affected, or it is. He was told because the state said so. Engineer Kettle explained how and why all of this came about and the concerns of the state.

Engineer Kettle recommends not necessarily water restrictions, but they need to notify the residents of what is going on. They will need to use the other two wells and if one of them goes down we will be in trouble. So we need to try and get people to conserve water and maybe water odd numbers of street three days and even streets three days to try and help conserve. He has to do that where he lives and it works.

The bottom line is the city really needs to find another source. There was a lengthy discussion on things that could possibly be done. The real option is to find the water and drill a well. We have again 18 months to come up with a new source.

***Councilmember Forman made a motion to send out a drinking water notice with the two corrections. Councilmember Ames seconded. The Mayor and Councilmembers Ames, Crittenden and Forman all voted in favor, motion passed.***

**E. Approval of Planning Commissioner & Alternate**—The Mayor said they had a couple of letters of interest to replace Jill Jacobson on the Planning Commission. He also thought it would be a good idea to place an alternate as well because several of the commissioner terms will be up in December. Councilmember Ames asked how the alternate would work. The Mayor explained how it would work.

Casey Vorwaller introduced himself and explained where he worked and what his job entailed. He has been in fire protection and code enforcement for ten years. He grew up in a small town in Idaho and likes living in a small town.

Jason Averett introduced himself and he applied because he too had been approached. He was born and raised in Francis and he has been an electrician for 20 years.

The Mayor asked for a motion to approve one applicant as an alternate and one a permanent position. Councilmember Ames asked if there was a preference as to who the alternate was and who was permanent. Both gentlemen said it didn't matter to them.

***Councilmember Crittenden made a motion to appoint Jason Averett as the permanent and Casey Vorwaller as the alternate. Councilmember Forman seconded the motion.***

Councilmember Ames asked how the time frames ran and when the terms started and ended. Council had a brief discussion on the terms.

*Councilmember Ames, Crittenden, Forman and Mayor Snelgrove all voted in favor, motion passed.*

The Mayor informed the gentlemen that Planner Burrell would be in touch with them.

**5. Council Business**

**A. Council Reports**—Councilmember Crittenden wanted to know if there were any plans to fix pot holes, he was told yes.

**B. Planner Reports**—None

**C. Mayor Reports**—None

**D. Report and Approval of Bills Paid**—*Councilmember Ames made a motion to approve the check register. Councilmember Forman seconded the motion. All voted in favor and motion passed.*

**F. Approval of Minutes from June 9th 2016**---*Councilmember Forman made a motion to approve the minutes. Councilmember Ames seconded. All voted in favor and motion passed.*

*Councilmember Forman made a motion to go into closed session. Councilmember Crittenden seconded the motion. All voted in favor and motion passed.*

**6. Closed Executive Session**

*Councilmember Ames made a motion to go back into regular session and adjourn. Everyone was in agreement.*

**7. 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 \_\_\_\_\_ day of August, 2016.

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Mayor R. Lee Snelgrove

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City Recorder Suzanne Gillett