

Francis City Council Meeting
Thursday, April 11th, 2024, 6:00p.m.
2319 So. Spring Hollow Rd. Francis Utah

The meeting will be streamed via Francis City YouTube channel.
<https://www.youtube.com/channel/UC-9wahpEELShvGQZShXGIXg>
You can also comment by email to comments@francisutah.org

Council: Mayor Jeremie Forman, Councilmembers Fryer, Query, and Summers

Excused: Councilmember Hunter, Councilmember Query had to leave for a fire during meeting

Staff: Engineer Scott Kettle, City Planner Katie Henneuse, and City Recorder Suzanne Gillett

Others Attending: Tom Flinders, Rick Rapp, Andy Ball, and wife.

1. Welcome, Call to Order, and Pledge of Allegiance--- The Mayor welcomed everyone to the April 11th, 2024, meeting. He asked Councilmember Summers to lead in the Pledge of Allegiance.

2. Consent Agenda

A. Approval of Check Register Dated April 11th, 2024, and Approval of the Minutes of March 14th, 2024---The Mayor had the Council review the minutes and check register.

Councilmember Query motioned to pass the check register and the March City Council Meeting Minutes. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Fryer, Query and Summers all voted in favor; the motion passed.

3. Public Comment---Mayor Forman opened the public comment period. There was no public comment.

4. Public Hearings---None

5. Discussion, Updates and Approval on Potential Action Items

A. Ordinance No. 2024-05 Zone Change Crittenden Subdivision---Planner Henneuse explained that this is the Ordinance that should have been passed at the last City Council meeting when the zone change was approved.

Councilmember Fryer motioned to approve Ordinance No. 2024-05. Councilmember Query seconded the motion. The Mayor and Councilmembers Fryer, Query and Summers all voted in favor. Motion passed unanimously.

B. Burton Ranch Annexation Petition--- Rick Rapp---Planner Henneuse explained to the Council that they had come in the past and were denied and they have made a lot of changes, and they are back to speak with the Council again. She reviewed her staff report with Council. (See attached report).

She explained that when they came before they were proposing building on both sides of the canal and this time it is just on the South side of the property.

Attorney Christopherson explained that the annexation is not being approved by the City Council tonight. It just means that it will go to the Planning Commission next to see if they approve it. This is not a policy statement to be given today. They are just here today to see if the Council is interested in continuing or not.

Planner Henneuse explained that when they look at an annexation, they look at the land use goals in the General Plan. She went through the concept plan on which they were planning to use. She explained that this could all change if they negotiate on things. (See attached staff report).

This would be a conservation subdivision with AG-1 zoning. She said that they are 70% open space which puts them way above the limits. She briefly reviewed where they wanted to start, and what they had in mind.

Planner Henneuse changed her staff report format a little bit and she explained what she had done and why. (See attached staff report). She reviewed the main benefits of this annexation with the Council. Her analysis of the City Code is that the Planner should review and evaluate the area. She feels the area proposed does not create any islands or peninsulas. She feels it is a candidate for annexation. She would recommend that the Council talk with the County about the road that the County has coming through the property. If annexed who would be responsible for the road.

One thing she saw on the plan was that the code says all dwellings need to be 100 feet back from the exterior road. She noticed that it looked like they were only 50 feet back. She recommends they update the concept plan to follow code. Planner Henneuse also noticed that the townhomes and some of the single-family homes have access on a private alley. She recommended they speak with the fire district and get their approval on that.

Her recommendation is to remember that this is legislative action, and the decision is up to the City Council. Attorney Christopherson explained they are not approving anything right now.

The Mayor asked Tom Flinders and Rick Rapp if they had anything to add to that.

Tom Flinders explained that they came in about 1 ½ years ago. They did not own the Burton property and now they are going to keep the 10 acres and the house.

Rick Rapp wanted to clarify a couple of things. He explained that if the County ever does run the road through them then some things could change with them. He also said there is a well on the property with the house. He explained the options that he felt they had concerning the well. He

also explained that they have several water rights with the property, and he will be talking with Engineer Kettle about that.

The Mayor asked about the possible caretaker unit on the conservation portion. Tom and Rick explained what they were thinking. He also asked about an HOA and if they were going to maintain that. Tom said he felt it would work out best if the City maintained it.

Attorney Christopherson said it depends on what the Council wants to do. He explained all the things he felt that they could do.

The Mayor feels there is some value there, especially with the sewer pond.

Attorney Christopherson explained that the conservation approach is an incentive for the City. Develop and keep some of the rural nature of Francis preserved and then have a denser area.

The Mayor explained that is one thing he liked about the conservation subdivision.

Tom explained this is a pre-conceptual level and that some things could change; they would just like to get annexed first.

The Mayor felt they just wanted to know if they would consider this and really that is all that they are doing.

The Mayor asked the Council for questions and concerns.

Councilmember Fryer explained that she was here the first time they came in and she feels that they have made a lot of changes. It is not her favorite thing, but she can see they are trying to make things work.

Councilmember Summers felt that he agreed with everything that has been said. He sees no reason not to move forward with talking about it. He said there were 500 homes out there and this would be another 100 so they would have to think about that.

The Mayor feels it is something they should consider. It provides the opportunity to save 68 acres and possibly ground for the sewer pond. He is not necessarily for the 100 homes but saving 68 acres is a good compromise and he feels they should consider that.

Councilmember Summers motioned to review the Burton Ranch Annexation petition. Councilmember Fryer seconded the motion. Mayor Forman and Councilmembers Fryer and Summers seconded the motion. Motion carried.

C. Circle T Phase 2 & 3 Development Agreement---Andy Ball---Planner Henneuse started to explain things and Andy jumped in explaining that he has spent three years fighting the lawsuit to keep the open space and he was dealing with a dishonest partner, but he is still here trying to make things right. He wants to make sure he has his Ts crossed, and his I's dotted. He explained that he and his Attorney met with Attorney Christopherson to go over the

Development Agreement and they feel that it needs to be changed. He explained all that had gone on with his dishonest partner. They are at a point right now to get things going and move forward.

Planner Henneuse explained that she has really liked working with Andy and Attorney Christopherson added that Andy's good reputation has remained intact with the City. She explained that at one point they had a Development Agreement for the whole property. Then Logan came in and created a development agreement for Phase 1. Tonight, they are talking about the development agreement for Phase 2 & 3 and creating a new Development Agreement. They want to make it possible for Phase 2 & 3 to move forward and be able to build. She explained that Phases 2 & 3 have 58 lots, but it would only be 57 new lots.

Andy would like changes to updating the Phasing Plan, splitting up the Annexation Fees for Phases 2 & 3 and Planner Henneuse explained those figures and the number of water shares that will be split by the lots. Phase 1 owes about \$30,000 and that will stay with Phase 1.

1700 South (Ranch Road) from Field Hand Way to Stockman Way will be the responsibility of Phases 2 and 3. It will need to be constructed or bonded for before Phase 3 can be recorded. Phase 2 will need to bond for their portion of this road before they can record a plat. Andy explained they have a buyer who wants to buy all three phases, but Logan is asking way too much for Phase 1. Andy explained they needed to have something like this development agreement in place to make Phases 2 and 3 doable for a potential buyer.

Planner Henneuse explained that the road through Phase 1 would need to be brought up to City standard as well as the water and sewer.

Andy explained there is a sewer manhole on the street, and it is done to the manhole, but it is not broke in. The first step is to get the Development Agreement done, then they can move forward.

Planner Henneuse explained they would be required to replace the landscape barrier. (See attached staff report). She recommends approving the changes and having the Mayor sign the Development Agreement with all the changes.

The Mayor asked the Council if they had any questions, comments, or concerns. Councilmember Fryer said she did not have any.

Councilmember Fryer made a motion to allow Mayor Forman the Provision to sign and enter into a Development Agreement with Circle T. Councilmember Summers seconded the motion. The Mayor and Councilmembers Fryer and Summers voted unanimously; motion carried.

Andy explained they changed a spot from a cul-de-sac to a street. It is his understanding that the Webster, Atkinson, and Graham neighbors would not allow use of their half of the road. Andy explained that he felt that they needed to remedy that. Andy wanted to know what the agreement was and if they had control of that road.

Engineer Kettle explained that they did have an agreement. Logan paid for the pavement of the

road. But he does not know what was in the agreement.

D. Budget Discussion---Mayor Forman asked if anyone had anything in mind that they would like to have in the budget. The Mayor explained the concessions and grants. He also spoke about the roads.

E. Corridor Study Match---Planner Henneuse explained that the city was awarded a \$150,000 joint corridor study grant with Kamas, Oakley, and Summit County. The Mayor asked what this was all about. Planner Henneuse explained that the idea of the study came from Oakley where UDOT proposed a future four-lane road through their city center. Oakly invited the other municipalities to be involved. She explained that they were going to split the corridor study three ways. She explained what work would be done in Francis. So how can we make that all happen? Summit County will pay \$5,000, Oakley will pay \$4,000, Kamas and Francis would pay \$3,000 and Kamas has approved their portion already. She explained that we looked at the budget and we can find the money in the budget somewhere.

Councilmember Summers motioned to approve the \$3,000 study match. Councilmember Fryer seconded the motion. Mayor Forman and Councilmembers Fryer and Summers all voted in favor; the motion passed.

F. Policy Discussion Regarding Property Damage---Attorney Christopherson explained that we had a resident with a doorbell video that showed they had mailbox damage. The Mayor talked with the County and several other Cities, and they all said it was a residence problem and they were not going to pay for it. He explained that if this were a major accident then that would be different. He explained he had seen the video and all you can tell is the mailbox is damaged. He explained the Council discussed this last month and recently a couple of Councilmembers discussed it and now think it might be different. He feels it might be wise to have a policy under \$250 if there is some evidence. If there is an affidavit from the resident or something in writing. Do they want to have a policy for items like this?

The Mayor feels there are two ways to look at this. One, being consistent with surrounding entities may or may not have some value. The other side of that is when the value is under a certain dollar amount there is a possibility you avoid some further issues just by taking care of those things, but he feels there should be some sort of written policy for any Council to fall back on. He would like to see some guidelines vs a case-by-case basis. That is his stance on it.

Attorney Christopherson explained that the resident replaced the mailbox and then said I want to be reimbursed. He feels that there should be paperwork or forms that the resident needs to fill out. He feels that if we had an existing policy, it would make things a lot easier.

The Mayor feels that we need to have a written policy and he would like to make clear in a public meeting that if you saw this email he wants to be clear that he did not go to the scene it was the public works director not him and he wanted to make that clear.

We need to set the policy, then the Council adopts the policy and then it can be budgeted for.

G. Frontier Days---The Mayor has the proposal for the Rodeo and the cost did go up a hair which he anticipated. He asked if anyone else had anything for Frontier Days.

Councilmember Summers asked if the committee should get together. The Mayor felt they should get together soon.

The Mayor talked with Shane McMillan and the Lions Club and maybe doing a trap shoot or something over Frontier Days.

Recorder Gillett asked about a case for veterans in the new building.

The Mayor explained he and Planner Henneuse made a presentation with the County today for Restaurant Tax money and Planner Henneuse did an excellent job.

Councilmember Fryer spoke with Wade Woolstenhulme, but he said he would not be on the committee, but he would advise.

Mayor has a commitment from his brother that he will run the concessions.

6. Council Business

A. Council Reports---None

B. Attorney Reports--- Attorney Christopherson explained that he wanted to talk about Grama Requests, and he wants them to learn from mistakes of others. He had a client that had a bad habit of texting staff during a meeting, and somebody noticed the elected officials communicating that way. Somebody caught them and did a Grama request, so Attorney Christopherson explained that they should not send a text to another elected official during a Council meeting. He explained things that have happened in other Cities. If you have a policy situation or issue, come up. If you receive an email to a group, then do not respond because then you must share that request. Make a phone call about a policy issue that is fine there is no record. Phone calls are not records so make the phone call.

C. Planner Reports--- Mayor Forman covered the Restaurant Tax meeting with the County. She then explained she met with the pump track contractor this morning and explained some of the other improvements going on.

D. Engineer Reports--- Foothills at Francis Gate is going to be doing some blasting next week. He is working with Rocky Mountain Power on the well and he is finalizing some things on the well house.

Attorney Christopherson asked if we had a plan to have the pump house connected before the well was done?

E. Mayor Reports--- He explained that the building had been started and we will soon see walls going up.

Councilmember Fryer asked about the ditch and if we were putting culverts in. She was told yes, we were.

Planner Henneuse asked about code enforcement on that. We usually have businesses that have parking for their employees, but the cabinet shop across the street does not.

7. Closed Executive Session—*Mayor Forman moved that they leave open session and go to closed session. Councilmember Fryer seconded the motion. The Mayor and Councilmember Fryer and Summers voted in favor. Councilmember Querry had to leave for a fire, as he is a volunteer fireman. Motion passed.*

8. Meeting Adjourned---*Councilmember Summer motioned to go out of executive session and adjourn. Councilmember Fryer seconded the motion. All in favor, meeting adjourned.*

Mayor Jeremie Forman

City Recorder Suzanne Gillett