



Staff Report

To: Francis City Council

From: Katie Henneuse

Report Date: December 2, 2024

Meeting Date: January 9, 2024

Title: Town Center Restaurant – Local Consent to Sell Alcohol

Type of Item: Legislative

Location:

The proposed restaurant site is located on the southeast corner of State Road 35 and Spring Hollow Road. It is adjacent to the proposed Town Center Hotel, near the new Francis City Hall. The restaurant is planned as part of the previously approved Town Center mixed-use development. Town Center will be built on parcels FT-90, FT-92, and FT-99. The combined parcel acreage is 3.49 acres.



Background:

The Town Center site plan, architectural plans, and landscape plans were approved in the fall of 2022. The plan was for two large mixed-use commercial and residential structures on parcels FT-99 and FT-92. Russ Witt was the applicant. The Town Center property was purchased by Rusty Webster in 2024. He also became the owner of the neighboring property, FT-90 in 2024. Webster plans to update the site plan to expand the Town Center project onto FT-90 and to build a hotel. He is also planning to make some architectural updates to the Town Center project. He will submit a separate application to apply for the site plan and architectural updates.

Executive Summary:

The applicant is proposing a restaurant that serves alcohol on Parcel FT-92. The property is zoned City Center (CC). Restaurants are an allowed use in the City Center Zone; however the Francis City Code and State Law requires that establishments selling alcohol get written consent from the City Council before applying to the Utah Department of Alcoholic Beverage Control for a license to sell alcoholic beverages. If the City Council votes to grant local consent, the application will then be considered by the Planning Commission and City Council as a conditional use. (18.15.110)

State Code Review:

32B-5-201(2)

To obtain a retail license... a person shall submit to the department... written consent of the local authority.

32B-1-202(2)(b)

(b) Except as otherwise provided in this section or Section [32B-1-202.1](#), the commission may not issue a license for a restaurant if, on the date the commission takes final action to approve or deny the application, there is a community location:

- (i) within 300 feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or
- (ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.

City Code Review:

5.10.030 Consent of local authority.

As required by the Utah Alcoholic Beverage Control Act, a business shall seek and obtain local consent from the Francis City Council before applying to the Utah Department of Alcoholic Beverage Control for a license to sell alcoholic beverages.

18.15.110 Establishments offering alcoholic beverages for sale.

Any application for a permit to operate an establishment that offers alcoholic beverages for sale must first be reviewed for local consent by the City Council, which the City Council may grant or deny, in its sole and absolute discretion.

Staff Recommendation:

This is a legislative item. The City Council should weigh the pros and cons of granting local consent and make a decision they feel is in the best interest of the City.

Community Review:

A public hearing is not required for this item. Public hearings will be held during the review of the conditional use permit.



NATHAN S. BRACKEN
nbracken@SHutah.law

Sent via email to
comments@francisutah.gov

Francis City Council
2317 S. Spring Hollow Road
Francis, UT 84036-9610

Re: Request for Francis City Council to Provide Local Consent or Francis Town Center Conditional Use Permit Per Section 18.15.110 of the Francis City Code

Dear Francis City Council:

I represent Kamas Valley Investment Group, LLC (“**Kamas Valley**”), which is developing the Francis Town Center mixed-use development in Francis’ city center zone. The purpose of this letter is to ask the City Council to grant “local consent” under Section 18.15.110 of the Francis City Code to allow the Planning Commission to review Kamas Valley’s conditional use permit for the development and to make recommendations regarding the same to the City Council.

By way of background, the development will include a 70-room hotel, retail space, and 21 apartments. When completed, the hotel will include a full-service restaurant that will serve alcohol in accordance with the laws and regulations of the City of Francis and the State of Utah. The development will also include two fast food restaurants with drive-throughs. While Kamas Valley will own and operate the development as a landlord, the future tenants of the hotel restaurant will obtain the licenses and other necessary approvals from Francis and the Utah Department of Alcoholic Beverages needed to serve alcoholic beverages.

The hotel and restaurant components of the project require a conditional use permit under Section 18.57.020 of the Francis City Code. Kamas Valley has submitted a conditional use application for these components. Because the hotel restaurant will serve alcohol, Section 18.15.110 of the Francis City Code states that Kamas Valley’s conditional use application “must first be reviewed for local consent by the City Council” before it can be reviewed by the Planning Commission and then by the City Council. Importantly, providing “local consent” would not provide any approvals for the development. Instead, providing local consent would only authorize Francis to consider Kamas Valley’s conditional use permit in accordance with its land use regulations and governing Utah law.

Kamas Valley has designed the development to support the City’s general plan, particularly in terms of providing commercial revenue to support Francis’ commercial tax base and to expand retail opportunities along the City’s commercial corridor. Thus, Kamas Valley believes its

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LAND WATER LIFE

conditional use application warrants consideration and respectfully requests that the City Council provide local consent for its application to proceed in accordance with Francis' review process.

Thank you for considering this request. Please let me know if you have any questions.

Sincerely,

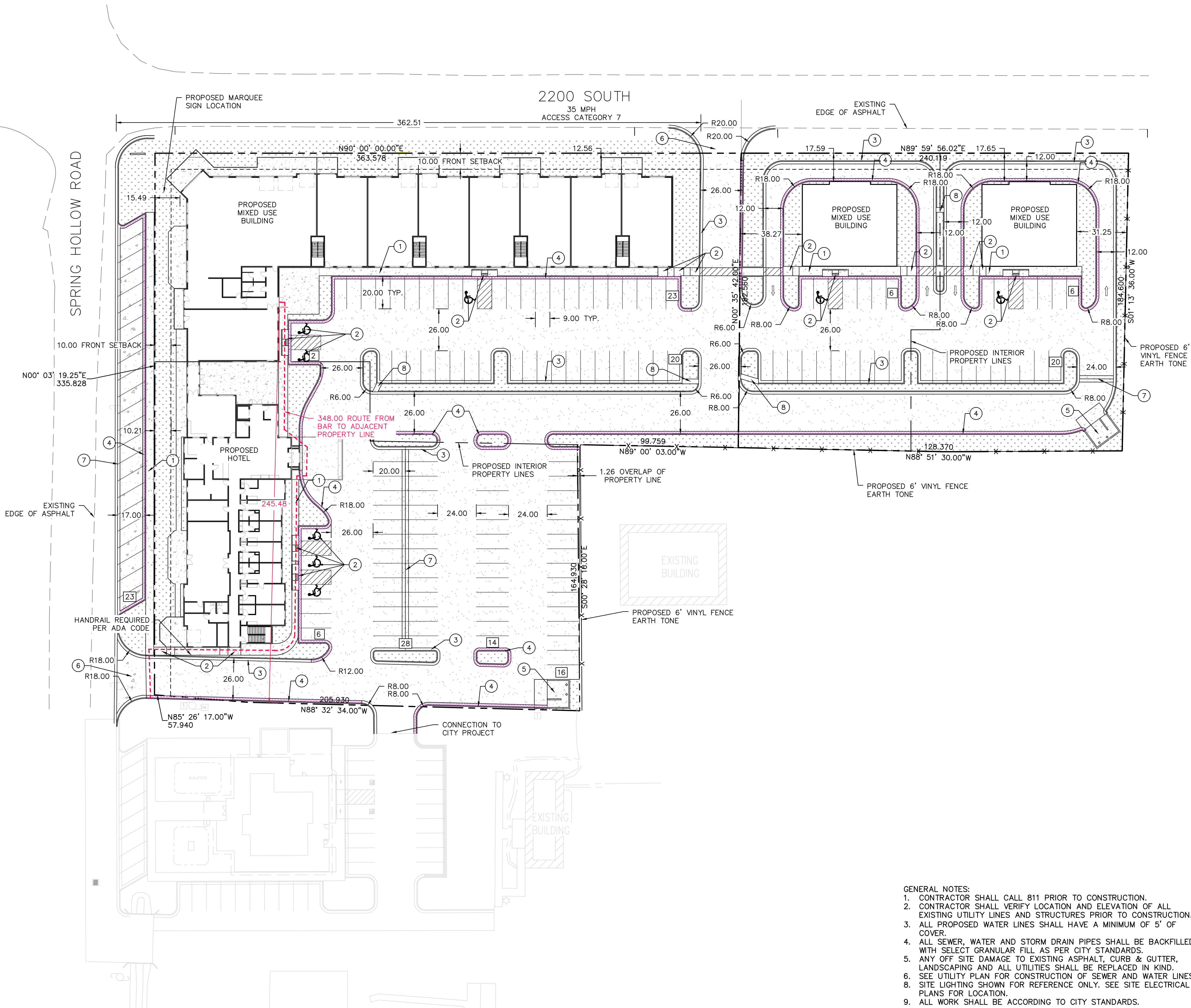
SMITH HARTVIGSEN, PLLC

A handwritten signature in black ink, appearing to read "Nathan S. Bracken". The signature is fluid and cursive, with the first name "Nathan" being the most prominent part.

Nathan S. Bracken

Cc: Brad Christopherson, Francis City Attorney

SIGNAGE NOTES:
EACH BUSINESS SIGN TO MEET FRANCIS CITY SIGNAGE CODE REQUIREMENTS.
ANY SIGN PROPOSED NOT MEETING FRANCIS CITY SIGNAGE CODE MUST BE SUBMITTED FOR A CONDITIONAL USE REVIEW.



- LOT LINES (PROPERTY) ---
EXISTING CURB AND GUTTER ---
PROPOSED CURB AND GUTTER ---
SETBACK LINE ---
EXISTING FENCE ---X---
LANDSCAPE AREA [Pattern]
CONCRETE AREA [Pattern]
ASPHALT AREA [Pattern]
REVERSE PAN CURB [Pattern]

SITE DATA

WEST LOT AREA:	108,028	SF (2.48 ACRES)
BUILDING AREA:	30,240	SF± 28.0%
PAVEMENT AREA:	64,985	SF± 60.2%
LANDSCAPE AREA:	12,803	SF± 11.8%
EAST LOT AREA:	44,064	SF (1.01 ACRES)
BUILDING AREA:	6,045	SF± 13.7%
PAVEMENT AREA:	27,857	SF± 63.2%
LANDSCAPE AREA:	10,162	SF± 23.1%

BUILDING DATA

ZONE: CC (CITY CENTER)

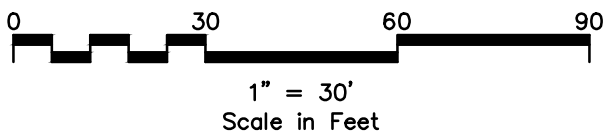
SETBACKS:
FRONT YARD: 10'
SIDE YARD: 0'
REAR YARD: 0'

PARKING TABULATION

REQUIRED: RETAIL = 4 PER 1,000 SF
RESTAURANT = 1 PER 3 SEATS OR 1 PER 100 SF
HOTEL = 1 PER ROOM
RESIDENTIAL = 3 PER DWELLING UNIT
REDUCTION: 25% RETAIL REDUCTION FOR RECIPROCAL USES
REQUIRED: RETAIL = 56 STALLS (14,000 SF)
RESTAURANT = 66 STALLS (198 SEATS)
HOTEL = 70 STALLS (70 ROOMS)
RESIDENTIAL = 54 STALLS (18 UNITS)
REQUIRED: 246 STALLS
REDUCTION: 185 STALLS
PROVIDED: 141 STALLS ON-SITE + 23 STALLS ON-STREET
8 ADA STALLS
SEEKING SHARED PARKING WITH CITY OF 21 STALLS.

SITE DESIGN NOTES:

- PROPOSED SIDEWALK PER APWA PLAN 231. SEE SHEET C-4 FOR DETAILS.
- ALL ADA STALLS AND RAMPS TO BE INSTALLED PER ADA STANDARDS AND CITY STANDARD STREETS-5. SEE SHEET C-4 FOR DETAILS.
- PROPOSED CURB & GUTTER PER APWA PLAN 205 TYPE E. SEE SHEET C-4 FOR DETAILS.
- PROPOSED REVERSE PAN CURB AND GUTTER PER DETAIL 1. SEE SHEET C-4 FOR DETAILS.
- PROPOSED DUMPSTER LOCATION. SEE ARCHITECTURAL PLANS FOR DETAILS.
- COMMERCIAL DRIVE APPROACH PER CITY STANDARD STREETS-7. SEE SHEET C-4 FOR DETAILS.
- PROPOSED 4' WATERWAY PER APWA PLAN 211. SEE SHEET C-4 FOR DETAILS.
- PROPOSED CURB CUT. SEE SHEET C-4 FOR DETAILS.



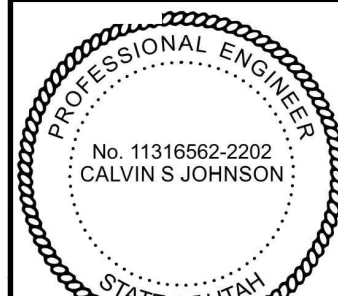
CONCEPT

- GENERAL NOTES:
- CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
 - ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
 - ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
 - ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
 - SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
 - SITE LIGHTING SHOWN FOR REFERENCE ONLY. SEE SITE ELECTRICAL PLANS FOR LOCATION.
 - ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com



FRANCIS TOWN CENTER
SITE PLAN
2217 S SPRING HOLLOW ROAD, FRANCIS, UTAH 84036



SHEET:
C-1
DATE: 12/19/2024

Francis City

Open & Public Meetings & Ethics Act 2025 Annual Training

Presented by:

Brad Christopherson
HAYES GODFREY BELL, P.C.
2118 East 3900 South, Suite 300
Holladay, UT 84124
(801) 272-8998
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HAYES
GODFREY
BELL
LAWYERS

Utah Open and Public Meetings Act

Utah Code Ann. § 52-4-101, *et. seq*

**“take their action openly and
conduct their deliberations openly.”**

All meetings are open unless lawfully closed

Meetings

Utah Code Ann. § 52-4-201

- All meetings open to the public unless closed
- Includes “work meetings” and “executive sessions”

Quorum

Utah Code Ann. § 52-4-103(11)

- Quorum in Francis Heights = 3 City Council Members required.
- **Any vote by Council must have at least 3 votes to pass**
- Members present in person or by electronic telecommunications

City Code § 2A.01.090

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, provided, that fewer than a quorum may adjourn a meeting. The number of Council Members necessary to constitute a quorum is three (3), excluding the Mayor.

A public meeting requires:

Public Notice

Utah Code Ann. § 52-4-202

Orderly Conduct

Utah Code Ann. § 52-4-301

- 24 hours notice: agenda; date; time & place
 - Exception: emergencies
- Agenda: “reasonable specificity of topics”
- Topic raised by the public – discretion of Mayor (or whomever is chairing the meeting).
- Notice: post at City Hall; Utah Public Notice Website; and to newspaper or local media correspondent. Other electronic means encouraged.
- Annual notice of scheduled meetings to be published annually.
- Disruption of meeting: may remove person if “orderly conduct is seriously compromised”

Electronic Meetings Allowed

Electronic Meeting

Utah Code Ann. § 52-4-207

- Prior formal authorization of the City is required
- Public notice required
- Anchor location – City Hall
- Facilities so all can attend, monitor, & meaningful participation

Minutes and Recording Required of All Meetings

Written Minutes Required

Utah Code Ann. § 52-4-203(1)

- Written minutes and a recording shall be kept of every meeting

Written Minutes Include:

Utah Code Ann. § 52-4-203(2)

- Date, Time and Place
- Names of members present and absent
- The “substance” of all matters proposed, discussed or decided
- Record (by person) of votes
- Name of each person providing comments & the substance of comments received
- Any other information from meeting that a member requests be included
- Pending minutes – reasonable time
- Approved minutes – 3 business days after approval
→ official record
- Permanently retained

Minutes and Recording Required of All Meetings

Recording

Utah Code Ann. § 52-4-203(3)

- **“COMPLETE UNEDITED RECORD”** of all open portions – from beginning to end
- Properly labeled: date, time & place
- Available within 3 business days of meeting
- **PERMANENTLY RETAINED**

Closed Meetings: Purposes and Record

Closed Meeting

Utah Code Ann. § 52-4-204

- Quorum + 2/3 vote (4/5 if entire Council is present)
- Must meet subject matter requirements §205
- Publicly announced and record: the reason for closed meeting; location; and each member's vote for or against the closed meeting

Closed Meeting – Purpose

Utah Code Ann. § 52-4-205

- Discuss individual's character, professional competence, or physical or mental health (no recording, but affidavit of Mayor required)
- Strategy session – litigation
- Strategy session – real property (value, best possible terms); Sale = prior notice; terms disclosed before final
- Deployment security measures
- Investigative proceedings – criminal misconduct
- Deliberations; procurement evaluation committee; protest; appeals
- Procurement: trade secrets; misc.

Closed Meetings: Purposes and Record

Prohibitions

Utah Code Ann. § 52-4-205(3)

- Interview – elected position; discuss filling interim or temporary vacancy

Closed Meeting – Record

Utah Code Ann. § 52-4-206

- Recording required: beginning to end; date, time, place; names present and absent & names of others who attend
- Minute allowed (if taken, details above)
- Permanently retained

Exceptions: Recording/minutes not required: character, competence, health; security measures. Presiding officer - affidavit

Emergency Meeting

Emergency Meeting

Utah Code Ann. § 52-4-202(5)

- “Emergency” is not defined
- Attempt to notify all members
- Best notice practicable
- Majority members approve of the meeting

Other issues . . .

Chance Meeting – Social Gathering

§ 52-4-208

- Act does not apply
- Don't conduct any City business

Criminal Penalty for Violation

- Class B misdemeanor: 6 months jail; \$1,000 fine

Electronic Messaging?

Utah Code Ann. § 52-4-210

- Text messages? Emails?
- Purposes of act
- Not restricted when meeting not convened
- Interplay with the Government Records Access and Management Act

Municipal Officers' and Employees' Ethics Act

U.C.A. 10-3-1301, et seq.

STATE ENACTMENT . . .

- **Municipal Officers' and Employees' and Employees Ethics Act (§10-3-1301 through 1312)**

PURPOSES

- to establish standards of conduct for municipal officers and employees . . . and
- to require those persons to disclose conflicts of interest between their public duties and their personal interests

OUTLINE OF PROHIBITIONS - 6

- **USE OF OFFICE-PERSONAL BENEFIT**
- **\$ FOR ASSISTANCE IN TRANSACTION**
 - **BUSINESS REGULATED BY CITY**
 - **BUSINESS DOING BUSINESS WITH CITY**
- **INVESTMENT CREATING CONFLICT OF INTEREST**
 - **INDUCING VIOLATION OF ACT**

1. USE OF OFFICE FOR PERSONAL BENEFIT §10-3- 1305

PENALTIES:

- AN “OFFENSE” A CRIMINAL
ACT
 - DISMISSAL/REMOVAL
- RESCIND TRANSACTION & CITY
KEEPS BENEFIT

3 SUBSECTIONS (PERS. BENEFIT) . . .

(A) DISCLOSE OR IMPROPERLY USE
PRIVATE, CONTROLLED OR
PROTECTED INFORMATION (DEFINED
BY GRAMA)

- TO *FURTHER OFFICER'S ECONOMIC
INTEREST*

- OR -

- *TO SECURE SPECIAL
PRIVILEGES/EXEMPTIONS FOR HIMSELF
OR OTHERS*

(B) USE OR ATTEMPT TO
USE OFFICIAL POSITION

- *TO FURTHER OFFICER'S
ECONOMIC INTEREST*

- OR -

- *TO SECURE SPECIAL
PRIVILEGES/EXEMPTIONS
FOR HIMSELF OR OTHERS*

**(C) KNOWINGLY RECEIVE, TAKE, SEEK OR
SOLICIT A GIFT OF SUBSTANTIAL
VALUE OR SUBSTANTIAL ECONOMIC
BENEFIT TANTAMOUNT TO A GIFT
THAT:**

- WOULD TEND TO INFLUENCE TO DEPART
FROM FAITHFUL AND IMPARTIAL
DISCHARGE OF DUTIES - OR -**
- KNOWS OR SHOULD KNOW THAT GIFT IS
PRIMARILY A REWARD FOR OFFICIAL
ACTION**

EXCEPTIONS (PERS. BENEFIT) . . .

- OCCASIONAL NON-PECUNIARY
GIFT < \$50
- AWARD PRESENTED FOR
PUBLIC SERVICE
- BONA FIDE LOAN - ORDINARY
COURSE
- POLITICAL CAMPAIGN
CONTRIBUTION

2. COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING CITY §10-3-1305

- **APPLIES TO: (A) ELECTED OR
APPOINTED MEMBERS OF
PUBLIC BODY; (B) APPOINTED
OFFICER OR EMPLOYEE**
- **PUBLIC DISCLOSURE
REQUIRED**

COMPENSATION — PENALTIES

- “AN OFFENSE . . .”
- PROSECUTION — BRIBERY REFER.
§76-8-105
 - RECISION OF TRANSACTION
 - REMOVAL FROM OFFICE



IT IS AN OFFENSE FOR AN
ELECTED OR APPOINTED OFFICER
OR AN EMPLOYEE TO RECEIVE OR
AGREE TO RECEIVE \$ FOR
ASSISTING IN A TRANSACTION
INVOLVING THE CITY

UNLESS . . .

FILES A SWORN STATEMENT WITH . . .

- ELECTED/APPOINTED —
MAYOR AND DISCLOSES IN
OPEN MEETING
- EMPLOYEE — SUPERVISOR
AND ANYONE INVOLVED IN
EVALUATION OR APPROVAL . .

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CONTENTS OF DISCLOSURE . . .

- NAME & ADDRESS
OFFICER/EMPLOYEE
- NAME & ADDRESS PERSON BEING
ASSISTED/SUBSTANTIAL
INTEREST
- DESCRIPTION OF TRANSACTION
AND NATURE OF SERVICE TO BE
PERFORMED

TIMING IS CRUCIAL:

10 DAYS BEFORE
AGREEMENT - OR -

10 DAYS BEFORE
RECEIPT OF
COMPENSATION

WHICHEVER IS
EARLIER

3. INTEREST IN BUSINESS REGULATED BY CITY §10-3- 1307

- OFFICER, DIRECTOR, AGENT,
EMPLOYEE OR OWNER OF
SUBSTANTIAL INTEREST IN
ANY REGULATED BUSINESS
 - DISCLOSURE REQUIRED:
POSITION HELD; NATURE AND
VALUE OF INTEREST;
INCREASE IN VALUE OR
OWNERSHIP

- DISCLOSURE BY SWORN STATEMENT
TO THE MAYOR
 - MAYOR REPORTS OR DELIVERS A
COPY TO COUNCIL
- EXCEPTIONS: VALUE < \$2,000 - OR -
INTEREST IN LIFE INSURANCE

4. INTEREST IN BUSINESS DOING BUSINESS WITH CITY

§10-3-1308

- DISCLOSURE BY OFFICER,
DIRECTOR, AGENT,
EMPLOYEE OR OWNER
- SUBSTANTIAL INTEREST IN
BUSINESS THAT DOES OR
ANTICIPATES DOING
BUSINESS WITH CITY
- DISCLOSURE ENTERED IN
MINUTES



DOING BUSINESS WITH CITY . . .

- DISCLOSURE FILED
WITH MAYOR
- MAYOR REPORTS TO OR
PROVIDES COPIES TO
COUNCIL

5. CONFLICT OF INTEREST INVOLVING DUTIES §10-3- 1308

- “ANY PERSONAL INTEREST
OR INVESTMENT” BY
ELECTED OR APPOINTED
OFFICIAL
- WHICH CREATES A CONFLICT
 - DISCLOSURE IN OPEN
MEETING

6. INDUCING OFFICER
OR EMPLOYEE TO
VIOLATE ANY
PROVISION OF THE
ACT §10-3-1309

▪ CLASS A
MISDEMEANOR



CRIMINAL PENALTIES

- **BASED ON THE \$ VALUE OF
THE COMPENSATION,
CONFLICT OR ASSISTANCE**

ETHICAL VIOLATIONS

- Standard of proof: “Knowingly or intentionally violates . . . ”
- Penalty: “Shall be” dismissed from employment or removed from office & rescind transaction
Q=enforcement?

END . . .

QUESTIONS?