

Francis City Council Meeting
Thursday, March 27th, 2025, 6:00 p.m.
2317 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.gov

Staff: Mayor Jeremie Forman and Councilmembers Sam Hunter, Shana Fryer, Clayton Querry and Clint Summers. Planner Katie Henneuse, City Recorder Suzanne Gillett, and City Engineer Scott Kettle, and City Attorney Brad Christopherson

Others Attending:

1. Welcome, Call to Order and Pledge of Allegiance---The Mayor welcomed all in attendance and stated that Councilmember Summers will be here shortly.

2. Consent Agenda---Approval of check register dated March 27th, 2025, and minutes from March 13th, 2025.

Councilmember Fryer motioned to approve the check register from March 27th and the minutes from March 13th, 2025.

3. Public Comment---The Mayor explained how the public comment period would work.

Lisa Khajavi said she appreciated the work that the Council does. But she is wondering if the Council is worried about being sued. (See Lisa's attached comments).

She feels the public outcry is not an anti-business stance. She explained that she has been over in Deer Valley, and they have a project with a skating rink and other things they are working on. She said the Olympics are coming. She stated that she sees the Mayor riding around on a horse. And it is good he is out, but she was not happy with his comment on crime, and she explained her thoughts.

She is wondering why three items are still being addressed when the main project isn't. She also wanted to know how the pending staff ordinance was coming. She feels that our code and zoning don't answer to the General Plan.

The Mayor explained the process that the changes had to go through. So right now, it is at the Planning Commission level.

Attorney Christopherson explained there are several places out of compliance with State Law and when we get past these time-consuming items, we will be working on those changes. The legislature has been very active with infiltration and taking things away from the city.

Planner Henneuse explained that everything Brad said was true. She said they are looking at aligning the code with the General Plan. She would invited her to meet with her and bring any codes from other Cities that she likes, and they can talk about it.

Attorney Christopherson explained we are looking at the tables in all of the zones.

Julie Keyes 227 St Road 35 is really concerned about dedicated parking with facilities of the city with one specific business. They are asking for extra parking, so it appears to be they are trying to find a way around the city's code. Why should the city be the savior to this project? It doesn't sound fair to the citizens. She brought up the business across the street and does that mean they can start parking on city property as well. She feels they need to look at the whole thing and how it's going to affect current and future residents. She feels they need to step back and see how it is going to affect the whole community and not just favor one business.

Doug Coe said these headlights are going to constantly be flashing in their houses. He is also concerned about the water as his water comes through Rusty's property to his property.

4. Public Hearings

A. ~~Town Center CUP Permit~~---The Public Hearing on the Hotel CUP Permit will not be held. The applicant has requested additional time to address outstanding issues. The Mayor explained why it was postponed.

B. Town Center Conditional Use Permit for Restaurant with Alcohol Service---Planner Henneuse has one report that covers all of these topics. She presented some slides on the screen. She reviewed her staff report. (See attached staff report).

She reviewed what the applicant was wanting to do. She then went to the site plan. She explained the city code and some of the goals. She explained that they were going to look at the commercial development portion.

Parking, she explained that most of it is behind the structures. She explained that she did a parking tabulation. (See attached staff report) She explained that the applicant can apply for a reciprocal use parking. She reviewed the parking tabulation.

During the business license approval process, they will make sure that the applicant has all the necessary parking. They would like 36 stalls from the city for shared parking. They need at least 19 more stalls.

She then reviewed the lighting by showing pictures on the screen. She reviewed the dark sky ordinance and explained what would be allowed. All lights are full cut off all lights and are below 18 feet. They are planning on reducing the lighting by 50 % later in the night.

That's all she is going to cover on the commercial development.

Planner Henneuse reviewed her staff report. She explained that the lighting affect is very minimal, and the noise will be compliant with the code.

The first thing is fencing, screening, and landscaping buffers. She reviewed the layout for everyone to see. She explained what buffers were being proposed. The buffer plan will mitigate the affects that may occur.

Signage and lighting, she went back to the site plan and explained what the applicant was proposing. Each business sign will need to meet City Code. She could not see any detrimental effect.

Outdoor lighting, full cut off not anticipated and abnormal lighting changes. Plan to reduce lighting as much as possible after 11:00 pm.

Planner Henneuse reviewed the headlight studies that had been done. She explained that the applicant went out and marked the property so they could see what homes would be impacted. She shared a map of where drive through one will be. She explained everything that had been looked at. She explained what trees would be put in to block the radius of lighting.

The access on Spring Hollow did align with someone's window and she explained what they have talked about doing. With this one there is not a good way change this site. The applicant has offered to plant trees or something on their property at his costs to try and mitigate things.

Next is noise and odor. Planner Henneuse explained that they had done a noise study, and they have gone to the properties to take readings, and she explained what the numbers and readings were and that they compared them to the City Code noise ordinance. She displayed a diagram showing what the decibel noises would be, and they have tried to come up with ways to buffer the noise of those around. The HVAC needs to be put on the other side of the building to help with the noise ordinance.

The Noise Disturbance Study performed by City Staff (see attached report) concludes that the detrimental effects of additional noise can be mitigated with the planned buffer on the adjoining residential property line, restricting delivery and trash pick-up hours to the daytime Monday – Saturday, and requiring that mechanical equipment for building 3 (drive-through 2) be placed as far from the adjacent existing residence as possible and be enclosed. Planning Commission has reviewed and had the following requirements..

Commercial Development Parking – Positive Recommendation 3-2. The assenting Commissioners felt the parking plan met the code requirements. The dissenting Commissioners expressed concerns about the reciprocal and shared parking not being finalized. Site Plan – Positive Recommendation with City Engineer's recommendations 3-2. The assenting Commissioners felt the site plan met the code requirements. The dissenting Commissioners expressed concern about headlights from the access points and drive-throughs aligning with homes across the street. Note – The applicant and City jointly performed a headlight study to address this concern, see attached. Outdoor Lighting Plan – Positive Recommendation 5-0. Conditional Use Permits Restaurant with Alcohol Service – Positive Recommendation 5-0 with their conditions included in Staff recommended conditions. Drive-Through Restaurant 1 – Positive Recommendation 4-0 with their conditions included in Staff recommended conditions. Drive-Through Restaurant 2 – Positive Recommendation 3-1 with their conditions included in Staff recommended conditions. The assenting Commissioners felt the conditions mitigated the

reasonably anticipated detrimental effects. The dissenting Commissioner expressed a concern that there would be too much happening in the parking lot with two drive-through restaurants and a hotel. The Commissioners discussed possibly removing or changing the parking orientation of the islands to create better traffic flow

Staff Recommendation:

Commercial Development Parking - Approve the parking plan contingent upon the applicant reaching a shared parking agreement with the City for at least 19 stalls on City property.

Site Plan – Approve or deny. Follow the City Engineer’s recommendation.

Outdoor Lighting Plan – Approve with condition that outdoor lighting be reduced by 50% after 11:00 pm.

Conditional Use Permits Restaurant with Alcohol Service – If the commercial development plans are approved or if they are tabled and no other reasonably anticipated detrimental effects are expected by potential changes, approve with the following conditions:

1. Build and maintain an 8 ft precast decorative concrete wall on the east property line adjoining the existing residence.
2. Plant and maintain an evergreen tree buffer as shown on landscape plan on the east property line adjoining the existing residence.
3. Deliveries and trash pickup are only allowed between the hours of 9:00 am and 7:00 pm.
4. Hours of operation are between 5:30 am and 11:00 pm.
5. Outdoor lighting be reduced by 50% after 11:00 pm.

Drive-Through Restaurant 1 – If the commercial development plans are approved or if they are tabled and no other reasonably anticipated detrimental effects are expected by potential changes, approve with the following conditions:

1. Build and maintain an 8 ft precast decorative concrete wall on the east property line adjoining the existing residence.
2. Plant and maintain an evergreen tree buffer as shown on landscape plan on the east property line adjoining the existing residence.
3. Deliveries and trash pickup are only allowed between the hours of 9:00 am and 7:00 pm.
4. Hours of operation are between 5:30 am and 11:00 pm.
5. Outdoor lighting be reduced by 50% after 11:00 pm.

6. Plant and maintain an evergreen tree that reaches at least 6 ft in height at maturity on the drive through turning radius.

Drive-Through Restaurant 2 – If the commercial development plans are approved or if they are tabled and no other reasonably anticipated detrimental effects are expected by potential changes, approve with the following conditions:

1. Build and maintain an 8 ft precast decorative concrete wall on the east property line adjoining the existing residence.
2. Plant and maintain an evergreen tree buffer as shown on landscape plan on the east property line adjoining the existing residence.
3. Deliveries and trash pickup are only allowed between the hours of 9:00 am and 7:00 pm.
4. Hours of operation are between 5:30 am and 11:00 pm.
5. Outdoor lighting be reduced by 50% after 11:00 pm.
6. Plant and maintain an evergreen tree that reaches at least 6 ft in height at maturity on the drive through turning radius.
7. Mechanical equipment for this building be placed as far from the adjacent existing residence as possible and be enclosed.

The Mayor asked if applicant or Council had any comment.

Nathan Bracken Council for the applicant. He explained that the applicant had some pressing measures. He said that he agreed with the staff report that the planner shared. He feels that they have met all the conditions. He talked about the courts and substantial evidence in support of the mitigation. So, he wants to talk more about the parking plan at the next meeting. He feels they are providing more than what the City needs, and he feels they are trying to be a good neighbor. He feels that they should move forward tonight regardless.

Engineer Kettle explained there are no detrimental effects. They need to turn in water shares, and he explained where they will connect on State Rd. 35. He explained that he would like to see the exits as far away as possible from the intersection. He explained that they did a traffic study, and it didn't show their needed to be any major improvement.

Councilmember Hunter wanted to know how many shares are required for each room, the restaurant, the hotels, and apartments. Engineer Kettle explained how they figured how much water needed to be turned in.

Nathan said that as long as they meet code and its in the study it doesn't matter who parks there.

The Mayor opened the public hearing period.

Lisa Khajavi spoke about her concerns. (See attached comments provided)

Julie Keyes shared her thoughts and concerns.

Doug Coe shared his concerns and thoughts on how this affected people.

The Mayor closed the public hearing and brought back to Council.

The City had some problems with the recording and the sound during these public comments. The comments were concerns about several items.

The Mayor closed the public hearing and turned the time back over to the Council.

Councilmember Summers expressed that he voiced his concerns at the last meeting.

Councilmember Hunter wanted to know what happened if the state denied the local consent. He was told that they just couldn't have alcohol.

The Mayor said they would just have restaurant with no alcohol. He also wanted to get everything mitigated and taken care of now.

Councilmember Query had concerns on the conditional use permits. He wanted to know if we are leaping over things.

Attorney Christopherson explained there are potential changes to the hotel and that's why that is not in place. He said that parking is one of those. He explained with the reduced number of rooms that there is a reduction in the number of stalls needed. He explained that three residential units may be turned to hotel units. He also explained that the applicant is looking at two parking ideas. One with City property and one without City property.

Councilmember Query asked about the 25% parking reduction. Planner Henneuse explained that the parking comes into play when they get the business license permit.

There was some discussion on the reciprocal parking. Planner Henneuse explained her thoughts on the parking. Councilmember Query wanted to know when the Town Center was approved in the first place, and how many changes before the last project is invalid.

The Mayor said that the last development was approved, and this couldn't be approved the same. You can't have a conditional use with site plan and everything else. He tried explaining his thoughts on that. Councilmember Query wanted to know if we had to grant this.

Engineer Kettle said that is all commercial development. They try to evaluate and tell them what they need. Councilmember Query explained that he doesn't feel they have enough information.

Planner Henneuse said another thing to consider is the location of the parking and she read the code on parking.

The Mayor said you can approve the conditional use permit contingent on the parking.

Councilmember Hunter read the whole packet, and he said 19 was the original number requested and now they want 35. Why?

Nathan said their preference is to do parking with the City. He explained that he felt the City needed extra parking as well. He thinks having extra parking at there expense is a win for everyone. They only need an extra 19. He doesn't think they have to, but it is in everyone's best interest.

The Mayor tried to explain the difference between the uses. There was discussion on the parking stalls.

Nathan's concern is they don't want their tenants on our property, and they don't want our tenants on there property. But they recognize that it's the Cities call.

Planner Henneuse explained that they just looked at Uinta Cabinets and their parking. She explained her thoughts on it. She said they wouldn't necessarily be coming back to the City Council if the business changed.

The Mayor feels on this particular item the restaurant with alcohol service he thinks everything done is important and he realizes the traffic study, but his question is those vehicles are all going to come out and make a turn and he doesn't know if that is possible to mitigate and is there a way to do that. If it was his house you are going to see it and it has a detrimental effect. Attorney Christopherson said mitigate does not mean eliminate.

Councilmember Fryer wanted to clarify that this is going to be a sit-down restaurant and it's not going to be like the Westerner to get drunk and leave. Its not going to be the old Silver Spur.

Nathan said it is a restaurant like any in Salt Lake and you can get a glass of wine, but you go there to eat and maybe get a drink. He said the only reason its conditional is because you have to have an alcohol permit.

Councilmember Hunter wanted to know if the restaurant was in the hotel.

Audi Smoot explained what it was they were looking at. And no, the restaurant is not in the hotel.

The Mayor explained in the staff report they need an 8-foot fence. He likes the hours of operation, he likes the reduced lighting, and the trash pickup time.

Conditional use permit on the Restaurant.

Councilmember Fryer made a motion to pass the conditional use permit for the alcohol and restaurant with the staff recommendation 1-5. Councilmember Querry seconded the motion. The Mayor and all Councilmember voted in favor; motion passed 5-0.

C. Town Center Conditional Use Permit for Drive Through Restaurant 1---

Drive throughs---Councilmember Hunter said the cars are going to be in that line and there is going to be a speaker and the mitigation with the trees and can they request more trees. He is worried about the outside that is going to face 35. Planner Henneuse said there was a change the Planning Commission asked to be made, and she explained what the changes were. He feels they can't mitigate 100% of the headlights, but the more the better.

Planner Henneuse said to think about other places where there are drive throughs and they don't have fences.

Councilmember Fryer likes the look of trees better, but maybe a hedge would work.

Attorney Christopherson explained that this will help bring in money for property tax benefits and it will bring in sales tax. He explained everything that he thought it would bring in. He brought up the Councilmember from Kamas that was at a meeting and spoke about the amounts of money received and stated that he was incorrect in what he said.

Councilmember Querry said that he has seen one study that shows they can support 90 rooms, but not one that would support more.

Audi said the lady that did that study said in addition to.

Attorney Christopherson said his concern is what is the dollar figure based on their numbers.

Planner Henneuse said we are not approving the conditional use permit just for this applicant, but it runs with the land.

Public Hearing was opened.

Lisa Khajavi said the two drive throughs are close to an intersection. She quoted from City Code. Just a quick note on the tax base, the research that she has seen shows that it comes from the residences. The drive throughs do not meet the values of Francis City Code guidance. The City Council can legally deny for various reasons, and she reviewed some of those. She read from the Utah State Code.

Her opinion is that we have a massive amount of evidence of negative effects of drive throughs, and she reviewed some of them. She is concerned about the traffic with backing up by the drive throughs.

She left a copy of all of her comments. (See attached).

Public hearing was closed.

Nathan explained that he did a conference on this, and he brought up what court cases have adhered to. He explained the reasonable mitigation measures and he feels that they have provided substantial evidence. If it is in the City Code and they meet all the detrimental effects this needs to be approved.

The Mayor asked council for any questions.

Councilmember Querry said he looked at the site plan on drive through two, and he wanted to know if they did anything on the exhaust and air pollution. He would be worried about it if his house were over the fence and that was blowing in their windows he would not like that.

Attorney Christopherson said the code didn't have anything in code to allow that, and it hasn't been identified until tonight. He said it was not brought up by the Planning Commission. Councilmember Querry said he is bringing it up now. The Mayor wanted to know the distance from residential to the house. Councilmember Querry's concern is that it affects two more than it affects one. He said he gets it if it's in code fine, but if they can figure something out then they need to.

Attorney Christopherson said there is a study that was done with sound walls and a master thesis was done in Holladay and he said there is a significant difference. Councilmember Querry wanted to know how tall the wall is.

Nathan is familiar with the study. They have an 8-foot wall, but it is still in the City Center Zone. He doesn't know if this is going to make that big of a difference. He would prefer to have action tonight.

Councilmember Summers asked couldn't they have one drive through instead of two. Nathan said they wanted two.

The Mayor said for drive through restaurant number one, he reviewed the conditions.

Councilmember Querry said he would still like to see something on the pollution. Maybe it will go 100 feet, maybe it won't. So, if they are doing it for one we should do it for both. He feels that this was over looked, and it is a valid concern, and he feels that it is a detrimental effect.

Attorney Christopherson thinks we don't have a standard in our ordinance for that. He said there is one for light pollution.

Councilmember Summers said that if we had a refinery plant put in there is nothing that could be done. Attorney Christopherson said it's not in City Code.

Attorney Christopherson said he is not trying to be difficult. He said we don't have an articulated standard that is objective.

Councilmember Hunter said in all of these meetings the main contention is that we have to adhere to the State standards. Attorney Christopherson explained that a refinery is governed by the State.

Councilmember Querry asked so we can only ask for mitigation if it is somewhere in the code. Councilmember Summers said increase the offset. Attorney Christopherson went back and forth with Councilmember Querry. Councilmember Querry understands that Attorney Christopherson is frustrated with him. Councilmember Querry wanted to know if it was on the City to come up with the mitigation. Is it reasonable for him to have a study done on the effects of the idle rate? He knows that it is going to take some digging. If the drive through wasn't right up against the fence it wouldn't bother him that much, but it is. He understands it is a site two issue and not site one issue.

Nathan said the concern they have is you don't have a study to address it.

Drive Through restaurant #1

Councilmember Summers motioned to table Drive Through 1 until a study on exhaust concerns is entertained and looked at. Councilmember Fryer seconded the motion. The Mayor and Councilmember Fryer voted nay Councilmembers Summers, Hunter and Querry voted aye. Motion passed 3-2.

D. Town Center Conditional Use Permit for Drive Through Restaurant 2---

Drive Through Restaurant #2

Public hearing opened.

Attorney Christopherson said can we waive comments as they will be the same the same comments again. The Mayor said he would allow public comments and opened the meeting to public comment..

Lisa Khajavi read more on the air pollution. She thanked the Council for tabling and looking into this. She will send more studies to the City Recorder. She would also add them for the nearby residents, and this will affect people just walking home and through the parking lots.

Julie Keyes 227 East ST RD 32 stated that Summit County does have an idle policy, and she explained that the time cannot be more than 3 minutes and maybe we could look to the County to find out what studies have been done.

The Mayor closed the public hearing and brought back to Council. One thing he would like to point out is that they are talking about concerns for the adjacent property owner who is not present.

Councilmember Summers made the same motion for drive through number 2 as he made for drive through number 1. Councilmember Query seconded the motion. The Mayor and Councilmember Fryer voted in nay. Councilmember Hunter, Query and Summers voted aye. Motion passed 3-2.

5. Discussion, Updates and Approval on Potential Action Items

A. Town Center Commercial Development---Parking---With what they have planned they need 189 spots. Planner Henneuse said this is the number required (See attached table). She would recommend it based upon the number that they do shared parking.

Councilmember Summers wanted to know what the point of approving this is if you don't know if you are going to have reciprocal parking. He feels it is contingent on shared parking or no shared parking.

Councilmember Query wanted to know why all of the contingencies. Attorney Christopherson explained that they requested that we pull the one for the hotel. Attorney Christopherson said since we did a special meeting they decided to go ahead and continue. Councilmember Query said it is so contingent upon the agreement. Attorney Christopherson said he is still working on the agreement. The 25 % reciprocal is the Planning Commission decision.

Councilmember Query wanted to know if the City Council made the decision on the shared parking. Attorney Christopherson said they are working on the final draft. Councilmember Query wanted to know how much work is it to hold off until the parking plan is done.

Planner Henneuse said if they needed to come back and discuss they could.

The Mayor said the on-street parking was part of the original approval. We have on street parking in front of our building. The question is do they want to approve it tonight or talk about it again?

Councilmember Summers wanted to know where they were at with the parking plan. Attorney Christopherson said it's not done yet due to conversations with Mr. Bracken. The applicant did a study after the study and made sure, and they gave an updated study, and he explained what was discussed. He explained they are looking at some residential units in the hotel suite option so they can rent out and that will change residential parking requirements. That is the change they are contemplating.

Councilmember Query said the Mayor mentioned on street parking. He asked Engineer Kettle about the entrances coming into the intersection with the parking on street. He said when we did this on street parking he was not sure we would have piped the ditch.

It was stated that the parking as a principal was dictated by use.

Councilmember Query motioned to table the parking plan. Councilmember Summers seconded the motion. The Mayor and Councilmember Fryer voted nay and Councilmembers Summers, Hunter and Query voted aye. Motion passed 3-2.

Site Plan

Engineer Kettle said if approved to include his staff report.

Mayor Forman motioned to approve the site plan with the Staff recommendation, Planning Commission and Engineer recommendations. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Fryer, Hunter, Querry and Summers all voted in favor; motion passed 5-0.

Lighting.

Planner Henneuse reviewed the conditions on the outdoor lighting .

Mayor Forman motioned to approve the outdoor lighting plan with the condition that the total lumens be decreased by 50% after 11:00 p.m. Councilmember Fryer seconded the motion. The Mayor and Councilmembers Fryer, Hunter, Querry and Summers all voted in favor. Motion passed 5-0.

B. Budget---The Council briefly discussed budget priorities, with Councilmember Querry expressing a desire to see Hilltop and Hallam repaved. The Mayor asked Councilmember to email their budget ideas to the City Recorder within a week.

C. Appoint Planning Commissioner---The Mayor explained that Kim Lawson has elected not to seek re-appointment, and they have asked Trevor Beck to join the Planning Commission, and he would like to appoint him.

Councilmember Hunter motioned to appoint Trevor Beck to the Planning Commission. Councilmember Querry seconded the motion. The Mayor and all Councilmember's voted in favor; motion passed 5-0.

D. Frontier Days---Tentative Schedule

The Council had an extensive discussion about planning for Frontier Days. They reviewed and adjusted the schedule considering changes such as moving the rodeo to Friday and Saturday nights, relocating horse games to Monday, and adding new events.

Key decision and discussions included:

- Horse clinic Tuesday—Thursday
- Scheduling the concert on Friday from 5:00 PM to 7:00 PM followed by the rodeo at 8:00 PM.
- Moving Slack to Saturday Morning.
- Combining horse games with the kids' rodeo on Monday.

- Considering adding a car show or similar event on Saturday to fill the gap between activities.
- Discussing how to manage ticket sales, including holding back a portion for local residents and in person sales.
- Addressing the Lions Club's concerns about their food booth location and exclusivity.
- Considering options for family-friendly movie for Sunday night.

The Council agreed to finalize some decisions, such as the choice of movie and potential Saturday event, at the next Council meeting in two weeks.

6. Council Business

A. Council Reports---None

B. Planner Reports--- Planner Henneuse is working on Grant request due Monday

C. Engineer Reports---Finalizing electrical for well. Bleachers may double the capacity. \$370,000

D. Mayor Reports---None

7. (As Needed) Closed Session to Discuss Pending or Reasonably Imminent Litigation, Purchase, Exchange, or Lease of Property and/or the Character, Professional Competence or Physical or Mental Health of an Individual.

8. Adjourn---*Councilmember Hunter motioned to adjourn. The Mayor and all Councilmembers seconded the motion. Meeting adjourned.*

Mayor Jeremie Forman

City Recorder Suzanne Gillett