

## Minutes

**Francis City Council Meeting  
Thursday, June 9, 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, Jeremie Forman, and Shana Fryer. City Recorder Suzanne Gillett, City Engineer Scott Kettle, City Planner Marcy Burrell and City Attorney Kraig Powell.

**Others Attending:** William H. Crystal, Rex L. Campbell, Les England, Shauna Bushman, Trent Martinez, Tom Grose, Melanie Jackson, John Harley Jackson, J. Michael Pearson and Kevin Cannon

**1. Welcome, Call to Order, & Pledge of Allegiance**—The Mayor welcomed all of those in attendance and asked Councilmember Fryer to lead in the pledge of allegiance.

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

Les England was present to explain what the South Summit Trials Foundation was, and all of the things that they have been doing. He explained what some of the other cities have done in regards to helping them and he explained where some of the trails were. He said there were 300 members in the organization. He also informed everyone that there would be a fundraiser tomorrow night in Oakley.

The Mayor informed him that there was a committee a few years ago that wanted to have a trail from Woodland to Coalville, and asked him if he knew anything about that. He was told no.

### **3. Public Hearings**

**A. Approve the amended city budget for the fiscal year 2015-2016, and pass Resolution 2016-04--** The Mayor explained what the changes on the amended budget were and how the accounting was done. He also explained that the budget could not be over 25%. He explained what the amounts were and how that all worked.

The Mayor opened the hearing to the public to make comment. There was no comment. The Mayor closed public comment time. The Mayor read Resolution 2016-04 to all present. He then asked for a motion.

*Councilmember Ames made a motion to approve the amended budget with Resolution 2016-04 for the fiscal year 2015-2016. Councilmember Fryer seconded the motion. The Mayor and Council all voted in favor, motion passed.*

**B. Approve tentative city budget for the fiscal year 2016-2017. The estimated amount of the non-cash transfer from the General Fund to the Water Fund is \$3,060 for the fiscal year 2016-2017 and pass Resolution 2016-05---**The Mayor reviewed the budget with the council and all present. He explained all of the changes that have been made. The Mayor asked if the council had any questions. There were none.

The Mayor opened the public hearing for comment and there was none.

The Mayor read and reviewed Resolution 2016-05 with all in attendance. He then asked for a motion.

***Councilmember Forman made a motion to approve Resolution 2016-05 approving the budget for the 2016-17 fiscal year. Councilmember Ames and Fryer both seconded the motion. The Mayor and Council all voted in favor, motion passed.***

The Mayor then thanked Recorder Gillet for all of the time and effort that she has put into the budget, he knows and understands how stressful it was for her and he appreciates her hard work.

**C. Rex Campbell Uinta Shadows II Preliminary Subdivision---**The Mayor turned the time over to Planner Burrell. She then read and reviewed the staff report with the council and explained that they have seen this before and it is pretty much the same. She then turned the time over to Rex Campbell.

The Mayor asked Rex a couple of questions and Rex answered those questions.

Engineer Kettle said that a couple of years ago the county looked at the roads and the county said that they would not widen those roads. They would like to see a trail system go through.

Rex said that at the last planning commission meeting there was some concern over the storm water and the irrigation ditches and they ended up losing a lot in order to make a retention pond. He said he doubts that you will ever see standing water in it. They are dropping from 20 lots to 19.

Planner Burrell asked Rex if they were planning on having an HOA. He said they had not thought about that yet.

The Mayor asked the council if they had any other questions at this point. Attorney Powell said that there would be a development agreement with this and they need to define the phases. He just wanted to make sure he understood things clearly. There was a brief discussion on water and the water shares.

The Mayor opened the meeting to the public.

Mike Pearson wanted to know what exactly the retention pond was for and where the water would go. He stated that they had ditch overflow this week so he was a little concerned about that. He also asked about the water and sewer lines and if there would be any changes with that. Rex said that they would hook onto the same line.

There were no other questions so the Mayor closed the public hearing.

The Mayor updated Councilmember Crittenden on what was going on in the meeting as he was a little late to the meeting.

Attorney Powell asked where the well was going to go and how that was going to be decided.

The Mayor asked for a motion to approve the Preliminary Subdivision for Uinta Shadows II.

***Councilmember Ames made a motion to approve the Preliminary Subdivision for Uinta Shadows II including all the conditions of the annexation agreement and the staff report. Councilmember Fryer seconded the motion. The Mayor and Council all voted in favor, motion passed.***

**D. Harley Jackson CUP on Kennel---**The Mayor asked Planner Burrell to review staff report.

Planner Burrell reviewed the staff report with the council and explained what conditions that the planning commission had set. She also reviewed some of the letters that the city had received.

The Mayor asked if council had any questions. Councilmember Forman had some questions on this. He wanted to know if we were following our own ordinance or are we following the county ordinance. Planner Burrell explained why they have made the decisions that they have. He also wanted to know if we are holding you to this standard or are we telling you what it is.

Harley said no that this is his idea and he is good with things. He is trying to improve things.

The Mayor wanted to know how you deal with the noise. Harley said they are run a lot and are worked hard. They are putting sound walls in the kennel so things should work.

The Mayor opened the meeting to the public. There were not questions, meeting brought back to council.

Councilmember Crittenden said if he is willing to take care of the noise issue and things he thinks it's good and he doesn't see a problem with it. He will also have to get a kennel permit from the county.

***Councilmember Forman made the motion to approve the CUP with the conditions on staff report. Councilmember Crittenden seconded the motion. The Mayor and Council all voted in favor, motion passed.***

**E. Trent Martinez CUP on accessory apartment---**Planner Burrell explained to the council what it was that Trent's brother in law wanted to do. They want to live in the apartment above the garage while they build the house. She explained all of the conditions that the planning commission had set. Planning Commission has approved with the separate water hook ups. They are also following the setbacks.

There was a brief discussion on where the property actually was.

Trent wanted to know if because it is an out building, they are requiring 25 feet on the back set back and he would like to change the set back to 15 feet. They would like both setbacks the same.

The other thing is the sewer lateral. He explained what it was that they wanted to do, so that they have one lateral to feed the house and the garage. He is fine with two hookup fees, but they would like just one line.

There was some discussion on the lines, the building itself and why Trent would like some changes made for him on this project.

Councilmember Forman wanted to make his little disclosure that he always makes. He works for Trent every now and then and he pays him. He would like to not to be recused from the discussion, the Mayor asked if he had worked with him on this lot and he said no, but he has on the one next to it. If they are ok he would like to be part of the discussion, but not the vote.

The Mayor wanted to clarify a couple of things here. He explained the reasons why they moved forward with the ordinance to require separate sewer and separate water hookups. He explained it was because of past problems that have been created by other people in the community that have just added on. Then there are problems with everyone fighting over whose fault it is and things like that. So we made an ordinance specifically for that, so that in the future this would not be an issue. He understands Trent's argument, but the reason the ordinance is there is because there were specific problems that needed to be resolved not only for that time frame, but for the future as well.

So the ordinance is in place because of issues that existed and potential issues that could arise that they went to the requirement at that time to eliminate some problems. He feels that they need to stay consistent to the ordinances that passed. It doesn't matter how many square feet or anything, it is problems in the past that were created and that is why the ordinances were made the way they were. He just wanted to make sure that is very clear, they need to stay with the ordinances that have been passed.

Trent said that he thinks that you need to look at it by a case by case bases you can't just say its red or it's white. Trent just wants to know do you want to cut the road again. The Mayor said I'm not saying you don't have a good argument I'm saying I have been on this side with the arguments and the problems in the past.

Engineer Kettle said your saying who knows if they are going to live there forever, he could move and then you could have a different situation. Trent said yeah, but it's one property, one lot. What if they rent it out? Trent said they could, Engineer Kettle said yeah they could and then the renter comes to the city and explains all their problems, and that is what the city is trying to get away from.

Councilmember Forman feels that they didn't think about this type of situation in that ordinance. He explained his feelings in regards to this. Maybe the ordinance needs to be reconsidered, but he is not saying they need to deviate from that though.

Councilmember Crittenden said a conditional use permit requires certain conditions and can't they put some conditions on that. You can't sell the back property and things like that.

Councilmember Ames wanted to know how far apart the house and the garage will be. Councilmember Crittenden wanted to know how far the laterals will be. There was another brief discussion on things that had gone on and why Trent feels the way he does.

There was some discussion again on why and how the ordinance came about.

Attorney Powell asked to speak on this and he said a lot of cities don't allow this at all, you ought to know that. Subdivisions are subdivisions and usually the principal is if you are going to subdivide and have a dwelling lot then you make extra lots. So, this is already an exception to the rule because you would be creating two developments on one lot. So it's an exception in that sense. The next thing unusual about this is that as he was reading through the staff report he couldn't tell if this was a principal use or accessory use. He explained his discussion with Planner Burrell on the matter, so technically it's not an accessory apartment because there is not principal use. So, if you do approve this you better say that when he does build the other house and get certificate of occupancy on the main house that the use is flipped. He advised when motion made that they make sure when the house is built it becomes the main primary use. Third, the main reason lots of cities and counties don't allow this just because you have no idea what is going to happen on the different structures and who will live there, Scott's right when he says that you need to keep things as separate as possible. Plus from a policy standpoint if you make it too easy for people to do this they won't need to do as many subdivisions and if the word gets out that you don't actually have to divide it up into that many lots you can get twice as many lots. Just put two houses on every lot cause they will let you do another dwelling back there, he knows he is exaggerating a little bit, but he wants to tell you all of the pro's and con's.

Councilmember Forman feels that the only thing you are deviating from is the sewer lateral, and he thinks everything else will be the same, you are deviating slightly from that policy. Councilmember Crittenden said you would charge two impact fees. He was told yes.

There was some discussion. The Mayor opened the meeting to the public and there were no comments.

The Mayor asked for a motion.

Councilmember Crittenden said to stay consistent we should require another sewer lateral on that.

Councilmember Forman abstained from here on out.

*Councilmember Ames made a motion that we go with the planning commission's recommendations, approve the conditional use permit with the conditions of a separate water and sewer hookup being installed, the setbacks be allowed as if it were an accessory building, so 12 feet on the side and the back and that when the application is made in the future for a home at the front of the lot that it be required it is designated as the primary home and the one in the back be the accessory building. Councilmember Crittenden seconded the motion. Councilmember Forman abstained. The Mayor and Councilmembers Ames, Crittenden and Fryer voted aye, motion passed.*

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

**A. Sewer & Impact Fee Update**—The Mayor asked Engineer Kettle to share the information that he had. Engineer Kettle informed council that on the sewer project they are about 80% done with pond number four/five. They have the majority of the electrical conduits in, the irrigation lines are about 90% done. The contractor dredging pond number one is going to be out the next week to set up the schedule for that. He also has a payment on the check register.

The Mayor asked if we are getting rid of the dirt that they are not going to use. Engineer Kettle said yeah we have got to get rid of the dirt. The Mayor said at one time we had some commitments on taking the dirt and he wanted to know if that was still a go. He was told yes.

Councilmember Ames asked if they are selling it or just getting rid of it. He was told they are just getting rid of it. Ames said he would take a truck load of it. He would like to level some ground. Engineer Kettle said if he had a trailer he could pull it out there and they would probably fill it up for him.

Engineer Kettle explained that he had some draft impact fee information that he would give them at the end of the meeting. Next month we will have a work session and have Mr. Rosenthal come and explain everything to them.

The Mayor explained everything that had gone on with the impact fees.

**B. Codification discussion**—Mayor Snelgrove turned the time over to Marcy. Planner Burrell said she was going to have Kraig help with this. She explained the AG-1 & Ag-5 zones and she will bring that back next month to the planning commission is going to review.

She explained the name changes on the zones and why we changed them the way that we had. Planner Burrell has really tried to simplify things. She explained that staff would like to change the notice footage from 1000 square feet to 600 feet. That would be more in line with some other cities.

Attorney Powell informed the council that Bob from Mountainlands will be in the work session next week and they will be talking about the zone designation and change. She would like to have the council attend the work session with them so that they are all on the same page. She has really tried to put a lot of time and attention into this.

Planner Burrell explained that we had changed the board of adjustments verbiage to the city planner. Attorney Powell jumped in and said the role of the board of adjustments over the past 30-40 years in Utah

has changed an awful lot. Board of adjustments used to be very common and have frequent meetings and now they are very uncommon, we are just updating things here.

In section 18.05.100 we changed the appeals of the city planner will be made to the city council instead of the planning commission. Attorney Powell said that is consistent with all of our other ordinances. The land use authority is the city council.

She explained that we repealed a couple of sections and she and Kraig explained why, it had been talked about already.

Planner Burrell reviewed all of the changes that the staff had made. She explained that if you have conditional uses then it can really cause the city problems and they spoke a lot about that in the training that she had just attended, so she tried to take a lot of them out.

She informed the council that they will be meeting with Meg Ryan on Tuesday if they would like to attend.

The last item is sensitive land usage on ridgelines.

Attorney Powell said if you look at the sensitive lands section it only applies in an overlay zone. He explained what that meant. There is an additional definition that says, or others as defined by the city council. He explained what they believed the interpretation was. The areas that would be the viewing plot lines are not even in Francis City.

**C. Review and possibly renew legal contract, Resolution 2016-06**—The Mayor explained that Attorney Powell has not had a raise in several years.

Councilmember Ames asked if these amounts included what was charged for private billing. Attorney Powell explained how all of these amounts were figured out. There was a brief discussion.

The Mayor read Resolution 2016-06 to all present. He asked if there were any further questions.

***Councilmember Crittenden made a motion to pass Resolution 2016-06. Councilmember Fryer seconded the motion. The Mayor and Council all voted in favor, motion passed.***

## **5. Council Business**

### **A. Council Reports**—None

**B. Planner Reports**—Complaints on ATV riding in the Wild Willow Park and the Mayor said they are going to fence off the park.

Second letter regarding Sara Bates home saying that there yard is a mess, and the last issue is that Christy Majors is complaining about the yard next door again. Planner Burrell drove by the house and took pictures and Christy's yard looks worse than the one she is complaining about.

The Mayor discussed the commercial design standard survey that had been taken and you can't say that 70 % of the people that took it is accurate compared to the population of the town.

What do we do now? Do you want to look into something for the commercial design standards or what? There was an open house for the commercial design standard and the only people that attended were staff, Engineer Kettle, Attorney Powell and Councilmember Forman, no public or planning commission members even showed up. There was some discussion.

The last item is that there is an opportunity to have some commercial building on Ace Alek's property for a mortuary. There was a brief discussion on the road.

**C. Mayor Reports**—The Mayor asked if they wanted to be in the Oakley Parade. The theme is 1776. 1776 flags and they have the 13 colonies on them. It was decided that Councilmember Crittenden was over the Oakley Parade and Councilmember Fryer is over the Kamas parade.

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

**F. Approval of Minutes from May 12, 2016**---*Councilmember Ames made a motion to approve the minutes from May 12, 2016. Councilmember Crittenden seconded the motion. All voted in favor, motion passed.*

*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.*

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

## **6. Closed Executive Session**

*Councilmember Ames motioned to go back into general session and go home. Councilmember Crittenden seconded the motion. All voted in favor, motion passed.*

## **7. Meeting Adjourned**

Minutes accepted as to form this \_\_\_\_\_ day of July 2016.

\_\_\_\_\_  
Mayor R. Lee Snelgrove

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City Recorder Suzanne Gillett