

Francis City Council Meeting
Thursday, July 9, 2020 7:00 p.m.

This meeting will be held as an electronic meeting without allowing the public to enter the Community Center or another anchor location to participate, pursuant to Governor Herbert's Executive Order 2020-5.

Francis City is inviting you to attend by following the link below or by calling: 1-301-715-8592
<https://us02web.zoom.us/j/83510700819?pwd=UDBUTWxya0NQMJkKbDRlYmRFSVZEQT09>

Meeting ID: 835 1070 0819 Password: 534866

You can also comment by email to comments@francisutah.org

Attending: Mayor Byron Ames, Councilmembers Matt Crittenden, and Jeremie Forman. City Engineer Scott Kettle, City Recorder Suzanne Gillett and City Planner Mandy Crittenden.

Others Attending: Rick Brighton, Stella, PCTN Holdings, Rod Folkerson, Dmitry, Nicks Delta iPad, Tamsyn's Phone, Christopher Burton, Jack Walkenhorst, Paul Watson, Mike Johnston, James Preib, Bill Crystal, TJ Smith, Tom, Pete, Rex Campbell, Ed Molitoris, and Rusty Webster

1. **Welcome, Call to Order, Thought & Pledge of Allegiance**—The Mayor apologized for the delay. The Mayor informed everyone that Councilmember Fryer would not make it tonight and Councilmember Cox
2. notified the Mayor that she would not be able to make it either. The Mayor explained we didn't have a flag for the pledge of allegiance and he didn't like getting in the habit of not saying the pledge, but we can't tonight.

The Mayor asked Councilmember Forman to present the thought.

Councilmember Forman shared a couple of quotes. One was from JFK and it is "The only thing necessary for the triumph of evil is for good men to do nothing." The second part of that is "you can never plan the future from the past." So for him both of those are important especially with everything going on in the world today. As the City Council they need to be the good men and women that do either something or nothing and it is their responsibility to do the right thing. We need to remember the past so we don't repeat those mistakes.

The Mayor explained his image in the background.

2. Public Comment—The Mayor explained the ground rules and how the public comment period worked. He opened the meeting for public comment he went through the names that pulled up on his screen. There are four matters on for public hearing tonight, so if you have a comment on one of them please wait until the public hearing on that item.

There was no public comment; the public comment period was closed.

The Mayor informed everyone that he was going to take one item out of order so that Ed Molitoris did not have to sit through the whole meeting if he didn't want to. Ed is the gentleman that he would like to hire as the new city Building Inspector and he asked him to join this portion of the meeting.

3. Public Hearings

A. Moderate Income Housing---Ordinance 2020-02---The Mayor asked Planner Crittenden to review her staff report.

Planner Crittenden reviewed the staff report and explained what her and Attorney Christopherson wrote up. She explained the conditions that the Planning Commission had.

The Mayor asked about the ratable change from 80% to 50%. He was told the Planning Commission felt that it took too long so they wanted more moderate income upfront.

The Mayor asked council their feelings on this.

Councilmember Crittenden asked for a clarification on the % rates. If there were 10 homes then 5 homes would have to be moderate income.

Councilmember Forman wanted to make clear what this meant. It was explained.

The Mayor opened the meeting for public comment. He went through the list of people on the screen.

Mike Johnston said they need to consider the deed restricting and the sale price. Which means if he bought a house in five years who is going to monitor how much he sales it for? There needs to be more information or monitoring.

The Mayor said the way it is written in order to qualify for this home no matter when sold you would have to fit the model. He feels that mandates the price.

Mike wants to know who assures that happens.

Planner Crittenden said we have talked in the city and when anybody purchases a home and transfers utilities we know the house has been sold. But, she doesn't know how to enforce that. Mountainlands Housing is supposed to be doing that, but their homes are being sold for much more.

Mike feels there needs to be something more done to guarantee it stays moderate income. The Mayor thanked him for his comment.

Councilmember Forman wanted to know how this is handled in other cities. The Mayor said lets discuss this when back in council comments.

Rusty said it just backfired on him in River Bluffs. He was convinced that was the way to do it, but it didn't work so we need to make sure we do it right.

Bill Crystal wanted to know if affordable and moderate-income housing are going to be the same. The Mayor explained how it would work.

Bill wanted to know if you are going to discriminate against the guy who doesn't want to build more, and he was told no. The Mayor explained how it would work.

Rex Campbell feels that the deed restrictions would lay things out and it could be handled right there.

The Mayor closed the public hearing.

Councilmember Forman would like to know what other cities have done. He feels if there is a deed restriction then it should be caught somehow. He just wants to understand how it works.

Ed Molitoris explained that Park City learned the hard way and they put 3% max per year, and they had to offer to the city. Maybe they should check with them to see how they handled things.

Mayor Ames doesn't have any problem with the way this is written, but he does see the concerns that Mike brought up.

Councilmember Crittenden wanted to know when the 5 or 6 lots are recorded with the county. And it's on the deed and on the plat so that should be the title company making sure.

This is a self-regulating statute the way it is written.

Councilmember Forman feels before we do anything we better know how it works, or it's not worth having in place.

Attorney Christopherson joined the meeting to help explain this Ordinance. He said that it is self-regulating, but that the title company should catch that. Once its deed restricted it should take care of itself.

He explained that some cities do it for a specific time period and why. But, the Ordinance up for approval tonight does not include that.

Councilmember Crittenden asked about the process part and it does say 30 years.

The Mayor asked if it satisfied Councilmember Forman's concerns and he said yes and no. He feels like we are just hoping that the title company does their job. So, he would like to avoid some of the more obvious problems.

The Mayor feels that whoever the gate keeper is could miss something at any time.

Planner Crittenden asked if there was any sort of agreement that could be done. Attorney Christopherson addressed the question. You don't want to create more for the city to handle.

Attorney Christopherson said he would look at more alternatives if the city would like. Councilmember Crittenden said he felt that was a good idea and he would like to see that happen. They have good intentions and they want to make sure it stays that way. They were all in agreement.

Councilmember Forman feels we should table it tonight. The Mayor and Councilmember Crittenden agreed.

Councilmember Forman motioned to table until next month's meeting when their questions can all be answered. Mayor Ames seconded the motion. The Mayor and all Councilmembers present voted in favor, motion passed.

The Mayor asked Attorney Christopherson if there was anything else he wanted to add to the meeting. Attorney Christopherson asked if they had discussed Stewart Ranch Annexation Agreement yet. The Mayor said no and Attorney Christopherson recognized they were out of order, but he wanted to discuss. Council jumped to that agenda item.

B. Bill Crystal Zone Change---Ordinance 2020-04---The Mayor asked Planner Crittenden to review the staff report. Planner Crittenden read the report to all in attendance.

Engineer Kettle said in the future zoning map it shows as RH so it would work. It is creating a huge benefit to the city water system.

The Mayor asked for his comments on the applicant saying it is a loop for the water system. Engineer Kettle explained how it would work.

The Mayor opened the meeting for public comment. There was no public comment.

The Mayor asked Bill if he had any comments and he said no, he had nothing to say.

Councilmember Forman moved to approve the zone change as outlined in the staff report. Mayor Ames seconded the motion.

Councilmember Forman amended his motion to approve the zone change as laid out in the staff report and approve Ordinance 2020-04 an Ordinance of the Francis City Council Rezoning Certain Property Known As Parcel FT 104 and Parcel FT 2124 from Residential Half and AG 1 to entirely Residential Half. The Mayor seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

C. Hart Ranch Preliminary Master Plan---The Mayor turned the time over to Planner Crittenden and she reviewed the staff report with all in attendance. She reviewed residents' concerns on the matter. She has two comments and one person is on here and the other came from Lonnie Bates and Rick Brighton.

Engineer Kettle said the water lines will connect to Lambert Lane and extend to phase one and then he explained the next connection and he explained where and how the sewer would connect. Storm drain retained in the development. They will work with the irrigation companies to assure they get their water.

The Mayor opened the meeting for public comment. He read a hand written comment from Lonnie Bates and he read that to all in attendance. He stated concerns he had and items he wanted. Rick Brighton also sent an email and the Mayor read that. He stated the violations of the city code and wanted to know what they are going to do about that.

Rick Brighton said there are a lot of issues that need to be addressed, these are the cities own codes being violated. He is not anti-development at all but these are things that need to be addressed now and not later.

The Mayor closed the public comment period.

The Mayor asked Rusty if there was anything he needed to add. Rusty said there were a couple of things from the Planning Commission Meeting he wanted to address. He thought they resolved the tree issue, but he is more than happy to plant trees. The park will be complete in phase one. There were a couple comments on the townhomes and they are only going to put four townhomes on almost 4 acres.

Rick Brighton wants to know why they can't be internal vs external. He doesn't want the townhomes backing up to Wild Willow. The Mayor informed him that the public comment period was closed.

The Mayor asked council their feelings.

Councilmember Forman asked about the shared driveways. Rusty said yes they are trying to keep the houses right off Lambert Lane. Councilmember Forman sees pros and cons with shared driveways.

Planner Crittenden is concerned with the plowing of the driveways because 30 years down the road the agreement is not enforced. Rusty explained his thoughts on that. The city will never take ownership of that so it won't be a city issue.

Councilmember Forman is hung up on Rick's comment about the way the open space is set up would be a violation of the code. The Mayor has the same question. The code was reviewed.

Rusty explained there are plans for irrigation, but for the farm parcels it will be irrigated as traditionally.

The Mayor asked about the open space definition. The Mayor asked how these two farm parcels can be satisfied as open space. Rusty said it goes back to what the county has done with their ag parcels and he explained that.

The Mayor is torn between the spirit of the code and the letter of the code.

Councilmember Forman agrees with what Rusty is saying but that it's not what is in our code. He explained his thoughts.

Mike Johnston said they don't discount certain items and the farm lots should be the same.

Rusty wants to know where we are missing the code. What do we need to do to bring it into the code?

The Mayor is hung up on access. The proposal and how our code is are different and how does it play out. He feels this is a little the cart before the horse. He doesn't know that he can work through his concerns tonight. He needs to understand how this plays out. The applicant has been willing to work through the issues and he has no doubt that he wants to meet the needs of the city and code.

Councilmember Crittenden agrees with that and there are a lot of grey areas to work through. They both feel that they can work through this.

The Mayor agrees with Mike, but they can't come to an agreement tonight because of the conflict in the code.

Rusty agrees with the Mayor and Mike, but he wants to know if there is anything else he can be working on so he can be doing something in the next 30 days. The Mayor stated the issues that Councilmember Fryer had that maybe something he could work on.

Planner Crittenden stated that there was a buffer around the property that Lonnie Bates requested.

Rusty stated that they tried so hard not to impact a lot of people and minimize that. He feels that he has addressed the fence issues.

Rusty stated that they own lot E8 of Wild Willow and that is the only lot impacted by the open space, the rest of them have the buffer zone.

The Mayor motioned to table until the next meeting. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers present voted in favor, motion passed.

D. Stewart Ranch Final Master Plan---Attorney Christopherson asked the Mayor if he had gone through the Stewart Ranch Development Agreement and the Mayor said yes, but not as if he had written it himself.

Attorney Christopherson pointed out that the Development Agreement and Annexation Agreement are not the same? He explained that the annexation dollar amount is different and they need to clear up the inconsistencies in

the Development Agreement. From a candid view of this he thinks it is reasonable. So the council needs to decide how they are going to handle the remaining annexation fees. In the beginning it was pay half in the beginning and half at master plan approval and now they want to make a change and pay per phase. Attorney Christopherson again stated that he feels it is reasonable to make it a little easier for the developer.

The Mayor wanted to know what the benefit to the city is. Brad said he thinks we will see development sooner on the project than latter.

The Mayor's fear is not the city doesn't get paid. He wonders what happens down the road. He wants to avoid the problem.

The Mayor asked Planner Crittenden to review the staff report. She read and reviewed the report. The Planning Commission forwarded with a positive recommendation.

She reviewed the staff recommendations. She reviewed the discrepancies that she found upon further review after Planning Commission Meeting and she reviewed the annexation petition.

The Mayor explained this will be subject to an item on the agenda that hasn't been discussed yet.

The Mayor asked Engineer Kettle to discuss the discrepancies that the Planner found. He explained that they have phases bigger than 12 lots and they will need to provide an egress for those lots. They need to make sure they have all of their ingress and egress on all of these lots.

The comment about the 30 foot road is a road going through the town homes and is it going to be an access road or a private road.

The mailboxes they do show he just hasn't got that to Mandy yet. UDOT he is working on. The problem with UDOT is they have to have a year. They still don't have written approval from the irrigation company and if anything is done it is subject to that as well.

Councilmember Crittenden wants to know if the first road to the Southfields Subdivision will run the water and sewer at the same time.

Pete said they submitted a letter for the irrigation company and mail boxes so he is confused about that. He feels as long as they have two ways in and out they can go from there. He doesn't understand the ingress and egress, but he thinks it's all fixable.

He had questions on how to make the AMI units. Townhomes are not market rate issues. As far as UDOT, they met with a couple days ago and they thought things were going well.

Engineer Kettle said all we have is a non-signed agreement from the irrigation company. He said Rex submitted that a couple of weeks ago. Rex said they would sign the documents at their next meeting which is the 14th of the month.

Pete said the road width and the townhomes he is showing 24 feet of pavement with some parking. He assumes townhomes will all be two car garages. He assumes it will be a private street.

The Mayor asked council if they had any questions. Councilmember Forman wanted to know why 11 phases, that seems drawn out. Pete said he looked at a reasonable development pattern. He explained his thought process. He said the phasing is an idea.

The Mayor opened the meeting for public comment.

Paul Watson said he was just here to answer questions for the project.

There were no other public comments. The Mayor closed public comments and brought back to council.

The Mayor said regarding the proposed change on the timing of funding issues if council is ok he can live with it with phased payments.

The Mayor said he does not want the city to get hosed not necessarily just the money.

Councilmember Forman feels the more money invested he feels the developer will follow through; on the other hand they may not. He is not sure what creates more risk.

Engineer Kettle said before we didn't require anything upfront and now we do. He feels the council needs to discuss how they want to do this.

Planner Crittenden said there will be a lot of hated people within the city if these annexation fees are not required upfront. The office has heard it a ton from the public. She feels they are going to take a lot of heat on it.

The Mayor informed council there is a lot of material in there packets on this.

Councilmember Forman wanted to know if there is a reason why the sewer needed to be a low pressure system.

Engineer Kettle explained the thinking on it.

Councilmember Forman said it wasn't like they didn't know there was going to be a lot of investment in a 146 lot subdivision.

Pete explained his thinking on it.

The Mayor explained his thinking on things. He doesn't want a half built project. Councilmember Forman agreed though he is not in agreement with the low pressure sewer system.

Councilmember Crittenden said he doesn't like dragging out 11 phases he would be ok up to phase 5 if we are paid in full at that time. It may take five years to get to phase 5 and with inflation, money is not getting worth anymore and if we drag it out we are really not getting as much money in the long run. He would maybe consider a little bit of leeway.

Suzanne reiterated what Mandy said and that we have already had grama requests on this and what money the city has received they are setting precedence.

Councilmember Forman said by phase 5 you would have already sold 75 lots and he is not comfortable extending it past 5 phases. He explained his thoughts on it all; he feels they are being fair.

The Mayor tried to clarify. They will pay per phase as they record per phase and at phase 5 they have to have paid all fees. Councilmember Crittenden feels before phase 5.

The Mayor asked what happens if the city says no the annexation fees are due when master plan is approved, what that does to the project realistically. He asked them to be honest with each other. Rex said who has a crystal ball in the world with this economy. They just want to succeed.

Councilmember Forman does not want this to become a one sided relationship either, but they need to do what is best. He wants everyone to succeed.

Pete said part of the struggle is that they are not the ultimate decision makers, in other projects it's been tied to occupancy permits.

Planner Crittenden said she does not understand either but her and Brad talked about this and they would have to do a master plan amendment.

The Mayor feels all homes in each phase need to be recorded at that time. He also feels that when this annexation was approved and they struggled over the overwhelming benefits to the city it went well beyond the annexation fee. There were a lot of other benefits articulated in the project. In the long term the best interest of the city is to make sure the project is finished.

Councilmember Forman feels some flexibility is great, but he is not going to lay down either.

There is an open space management plan in the packet as well.

Engineer Kettle was asked to explain the easement issues. He explained if the zone change for Bill Crystal happens then Bill will sign an easement agreement with Stewart Ranch.

The Mayor asked for motion

Councilmember Forman motioned to approve the final master plan for Stewart Ranches dependent upon the signed agreement with irrigation company and any other requirements or agreements that need to be signed and with the proposed phasing as outlined and at the time of recording of phase six all remaining annexation fees are paid to the city, so phased annexation fees through phase 5 and the remainder at the recording of phase 6..

Councilmember Crittenden questioned that they are paying as they go up through five.

Engineer Kettle stated they need to base on the number of houses not phases.

Annexation fees need to be paid in full by 65% buildout then they need to have remainder of fees paid and the sewer in phase one needs to be gravity fed. And subject to Bill Crystal approval of zone change and any comments or corrections in the engineer report.

Councilmember Crittenden would feel better at 50% vs 60%

Motion died. The Mayor wanted an explanation on the issues with the sewer system.

The Mayor would like to see fewer than 65% completion and he can go with either type of sewer system as he doesn't know much about either of them. Councilmember Forman explained the difference in sewer systems.

Pete is willing to expedite the annexation fee payment. He wants phase one to take the path of least resistance.

Councilmember Crittenden said 73 lots are 50%. He doesn't want to drag this out, we need to work together, but again his biggest fear is we allow this to go for five or six years before we get to the 50 %.

Pete said he is willing to do 50% occupancy. He needs to generate revenue sooner than later.

The Mayor motioned that we approve the final master plan for Stewart Ranches with phasing of 11 phases as outlined in the master plan and all of the documents included with that, including the open space management plan and the development agreement as drafted accept for the payment of annexation fees being allowed in phases to be paid with each phase of lots up to 50% of total project units recorded then after 50% recorded remaining fees need to be paid in full, along with the low pressure sewer in phase one and the recommendations of the engineer and staff reports. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Crittenden and Forman voted in favor, motion passed.

4. Discussion, Updates and Approval of Potential Action Items

A. Resolution Adopting Final Tax Rates and Budgets---The Mayor asked who could discuss. Suzanne Gillet the City Recorder explained what this Resolution was for and informed the council that if they were looking at raising property taxes at all they should review this.

The Mayor reviewed the Resolution form for year 2020 Tax Rate.

Councilmember Forman moved to adopt the final tax rate and budgets. Councilmember Crittenden seconded the motion. The Mayor and all Councilmembers voted in favor, motion passed.

B. Ordinance 2020-03 on Code Text Amendment (Kimmie) ---The Mayor reviewed Ordinance 2020-03 with all present.

Councilmember Forman moved to pass and adopt Ordinance 2020-03 as laid out with the possible condition of allowed use. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Crittenden and Forman voted aye, motion passed.

C. Old Church Property Ordinance---The Mayor informed council that this was approved last month but we didn't have the ordinance yet.

Councilmember Forman motioned to pass Ordinance 2020-05. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Forman and Crittenden voted aye, motion passed.

D. Frontier Days Discussion---The Mayor informed council that he has talked with the county health director and he doesn't want to cancel Frontier Days to say I'm afraid or to do it because I'm tougher. As of today in Eastern Summit County there are 60 cases and in Western Summit County there are 62 cases. He then discussed the levels of cases.

Nobody is going to know if the Oakley Rodeo was a success or not. He would like the year to be over. He will do whatever helps to get this over with. The Mayors vote will be no. He explained what the County Health Director discussed with him today. It's not in the budget. He feels this year it doesn't make any sense, he doesn't like it but we shouldn't just do it to say we are tough. He feels there is room for something. Drive in movie in the park or a light parade. He thinks we could make some compromises. He doesn't know how we would enforce masks.

The Mayor explained the Rodeo Contractor is advertising it, so we need to figure it out. So, what do you guys think?

Councilmember Crittenden feels that we need to bag it and just do a light parade or movie in the park. As an employee in Kamas he doesn't feel we have the amount of people it would take to take all the extra necessary precautions.

Councilmember Forman feels we need to do something and not a movie in the park. We need to celebrate our country he feels that the health crisis is a crock and he doesn't feel the county should have a say so. He is ok with not doing the rodeo only because it is not in the budget.

The Mayor feels he has some very valid viewpoints.

The Mayor motioned we cancel the Frontier Days Rodeo this year, but we come up with something else to satisfy us. Councilmember Crittenden seconded the motion. The Mayor and Councilmembers Crittenden and Forman all voted in favor, motion passed.

E. Hiring of Building Inspector---The Mayor explained that we had posted the job in several places and he has met with Ed and feels that he is qualified in every aspect of inspections and feels he may be overqualified for the position. He asked Ed to share a little bit about himself.

Ed explained he had 20 plus years of experience as a building inspector, he has worked in several different areas of building inspecting and he explained all the certifications that he had. He has a wealth of experience.

The Mayor explained that he was offered 25 hours a week and what benefits that would include. He explained he would be paid \$35 an hour and that he would get retirement and some holiday pay. He would like approval from council to hire Ed.

Councilmember Crittenden questioned again where Ed was currently working. Ed explained he is currently working in Salt Lake for Salt Lake Greater Lake Metropolitan Service District. He works for seven cities that broke away from the county last October.

Ed joked if he got the job he would have a whole lot less traveling to do.

The Mayor motioned to hire Ed Molitoris and he clarified that he has spoken with Eric and he will work with Eric and Ed. Councilmember Crittenden asked if we hired him for 25 hours a week at \$35 an hour do we have enough work. The Mayor explained his thoughts and feelings on the matter.

Councilmember Crittenden questioned if this was just Francis's employee. He was told yes. Oakley may be interested but we can't wait for them.

Councilmember Forman asked if this was something that we are creating office space for or what. The Mayor said they have not resolved that issue yet.

The Mayor motioned to approve hiring Ed Molitoris. Councilmember Forman seconded the motion. The Mayor and all Councilmembers present voted in favor, motion passed.

5. Council Business

A. Council Reports---None

B. Mayor Reports---None

C. Engineering Reports---Soccer field Sierrascape Landscaper is going to finish up and the budget for that will be going up to get it completed. They are doing more sprinklers than originally planned. Sod scheduled for July 23 & 24.

D. Planner Reports---Lot of complaints on speeding on side roads. They feel we need speed bumps and they will pitch in and pay for them.

Councilmember Crittenden said the bad part is that people need to slow down.

Multi Family Ordinance density should be reduced to 12 instead of 16.

E. Report and Approval of Bills Paid—The Mayor asked if the issues with CKC were resolved. Engineer Kettle explained the slurry seal will seal over time. It's not the prettiest of jobs but we are ok. He also explained the well is completed and they are doing the test on Monday, and he explained the big check to them.

Councilmember Forman motioned to approve the bills. Mayor Ames seconded the motion. The Mayor and Councilmembers Crittenden and Forman all voted in favor, motion passed.

F. Approval of Minutes from June 11th, 2020---***Mayor Ames motioned to approve the minutes of June 11th, 2020. Councilmember Forman seconded the motion. Mayor Ames and Councilmembers Crittenden and Forman all voted in favor, motion passed.***

6. Meeting Adjourned--- ***Councilmember Crittenden motioned to adjourn. Everyone in favor, 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 13th, day of August 2020.

Mayor Byron Ames

City Recorder Suzanne Gillett