

**MINUTES OF FRANCIS TOWN COUNCIL MEETING
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING JUNE 16, 2009**

The Francis Town Council convened in regular session on Tuesday, June 19, 2009 in the Francis Town Recreation Building. Mayor John Bergen called the meeting to order at 7:03 PM.

Present: Mayor John Bergen
Council: Tim Butikofer
John Keyes
Lorin Prescott
Lee Snelgrove
Town Clerk: Lynette Hallam
Attorney: Kraig Powell
Engineer: Scott Kettle
Planner: Alison Weyher
Others attending: Tal Adair, Chad Ambrose (Rocky Mountain Power), Gene Atkinson, Rex Campbell, Christine (Tina) Early, Tom Flinders (Wild Willow LC), Jason Hyde (Rocky Mountain Power), Eric Johnson (Bond Counsel), Chad Mitchell, Marilyn Mitchell, Dade Rose, Larry Steinbach (IBI Group Architects), Paul Watson

Consent Agenda – Approval of Town Council minutes – 5/19/09 Council meeting

Lee Snelgrove made the motion to approve the May 19, 2009 Council Minutes. John Keyes seconded the motion. The motion passed unanimously.

Adjourn to reconvene as Local Building Authority

John Keyes made the motion to adjourn to reconvene as the Local Building Authority. Lee Snelgrove seconded the motion. The motion was approved by a unanimous vote. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes, Lorin Prescott and Lee Snelgrove.

The Town Council reconvened at approximately 7:45 PM.

Approve action of Local Building Authority

There was no action by the Local Building Authority so no approval was needed.

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Public Hearing – Review and possible adoption of FY 2009-2010 Budget

Lynette Hallam indicated the revenues were pretty close to what the final amounts will be. The State does not expect the revenues to be as accurately predicted as the expenditures. Regarding the expenditures in the General Fund, Mrs. Hallam indicated she included the \$100,000, which would be the Town's portion of the office building, as an administrative expense. The budgets that have been submitted by the Council Members for their departments with the labor and other incidental costs are included. In the General Fund, the entire budget went down \$10,000 even with the \$100,000 for the office. This was accomplished by reducing expenditures wherever possible.

In the Enterprise Fund budget, a loss is shown. When the audit comes back it will probably not show a loss because of the depreciation, etc.

In answer to a query, Ms. Hallam told the Council Members that the Materials and Supplies and Contractual Services in the Enterprise Fund included all the improvements that were scheduled. Also, the Impact Fees were down so low because there was very little building taking place. There was only one building permit issued, but there is the likelihood of another one being issued so two impact fees were included.

Mayor Bergen opened the public hearing for the FY 2009-2010 budget.

Gene Atkinson asked about Line 3890 in the General Fund revenues. Lynette Hallam explained that is the amount of money that is forecast to be appropriated from the excess fund balance, but it will most likely be less because of the cushion that is built in to the expenses to keep from going over budget. Mr. Atkinson asked about the additional amount in the administrative fund. Lynette Hallam explained that is including the ground in the current year that was procured for the office and the projected expenditure of \$100,000 in the ensuing year for the office building.

Chad Mitchell asked if the \$21,000 payment for the new office building was included. Lynette Hallam replied it was not because there will not be a payment in the scope of time this budget covers. If the additional \$100,000 the Town has committed to spend toward the office building is not needed after the \$639,000 loan, that amount will not be used.

Tim Butikofer asked where the salt shed was included. Mrs. Hallam replied it was included in the Streets item #4410, Parks item #4510, and in Water and Sewer. That is one place the total expenditures on the Enterprise funds will be less because that amount will be capitalized.

Tal Adair asked how much money was in the excess fund to be appropriated in the General Fund. Lynette Hallam replied if she understood the audit correctly, there is \$474,969. If the total \$288,000 in this taken out this year, then next year's budget will have to be reduced to make sure there are enough excess funds to cover the excess expenditures. In answer to Mr. Adair's

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question, Mrs. Hallam indicated there can only be 18% of the total budget carried forward as an excess when the Town becomes a City.

Dade Rose asked if there is a line item on the budget for sewer improvements. Lynette Hallam replied there is not because that amount will be capitalized. Only depreciation will be expensed. There is also an amount of money in sewer impact fees which will be used. When the decision is made to begin the project, the budget will have to be opened to allow for those expenditures.

Mayor Bergen closed the public hearing.

Lee Snelgrove reported that impact fees can only be use for improvements which are needed because of growth.

Lee Snelgrove asked why there were no expenses for Building Inspector shown. Lynette Hallam said those expenses were shown in the Planning and Zoning expenditures.

John Keyes made the motion to approve the FY 2009-2010 budget. Lee Snelgrove seconded the motion. The motion passed. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes, Lorin Prescott and Lee Snelgrove.

Resolution #2009-03 – a resolution adopting the FY 2009-2010 budget for Francis Town General Fund, Capital Projects Fund and Enterprise Fund

Lee Snelgrove made the motion to adopt Resolution #2009-03. John Keyes seconded the motion. A unanimous vote passed the motion. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes, Lorin Prescott and Lee Snelgrove.

Budget Reapportionment – Review and possible adoption of reapportionment of FY 2008-2009 Budget

Tim Butikofer made the motion to adopt the reapportionment of the FY 2008-2009 budget. Lee Snelgrove seconded the motion. The motion passed with a unanimous vote. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes, Lorin Prescott and Lee Snelgrove.

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Public Hearing – Discuss with possible approval, an annexation petition of the Uinta Shadows II (also known as Uinta Willows) subdivision, located at approximately 1465 South Hallam Road

Alison Weyher reported this annexation petition was accepted for further consideration at the July 2008 Town Council Meeting. The annexation application was previously submitted to the Town in January 2007 and December 2007, where it was denied. A discussion on the initial Concept Plan was presented at the January 2009 Planning Commission meeting and a public hearing was held at the February Planning Commission meeting, following which the Planning Commission approved the concept plan.

The Francis Town Annexation Policy Plan requires that “The Planning Commission, upon referral from the Town Planner, may determine to hold a public hearing and thereafter make a recommendation on the annexation proposal, including any requested zoning designation to the Town Council.” It is important to note that the Planning Commission’s review of the annexation proposal in no way commits the Town Council or vests the Applicant with any approvals for density, design or other considerations.

Ms. Weyher noted the development would be called the Uinta Willows Subdivision and was represented at the meeting by Paul Watson and Rex Campbell. The size of the annexation would be nineteen acres which is immediately north and west of Wild Willow. The property is presently zoned Agricultural Protection zone and was approved for 5 units – now 6 units. The adjacent land uses are agricultural and R-1.

When the Annexation Petition was accepted for further consideration at the July 2008 meeting, considerable discussion was held regarding the Town’s sewer capacity. Councilmembers Snelgrove and Keyes opposed accepting the petition for further consideration until the Town’s sewer issues are resolved. Other items of discussion at that meeting included traffic density on Hallam Road, and the willingness of the Applicant to delay his development until the sewer issues are resolved. Since July 2008 the Applicant has been before the Planning Commission three times seeking approval of the concept plan. That approval was granted in February 2009. This is the first hearing before the Town Council.

Alison Weyher indicated notices for this public hearing were published in the Summit County News and distributed to all residents within 300 feet of the proposed annexation area.

Ms. Weyher identified and analyzed the issues of the proposed annexation:

- The area proposed for annexation is bordered to the south and east by the Wild Willow subdivision; therefore it is a logical extension of the Town.
- The proposed main street, “Birch Way”, ties in with existing roads in Wild Willow, providing another point of ingress/egress for that subdivision.

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- A sewer line has already been installed along Birch Way, limiting the Applicant's ability to design the subdivision.
- While there are considerable wetlands on the property, the Applicant has provided a map, signed by Hollis Jencks, U.S. Army Corps of Engineers, stating that "based on the information provided, a Department of the Army permit is not required."
- Following the October 2008 concept plan discussion, the Applicant modified his plans and is now proposing a 22-lot subdivision with three phases. Phase 1A contains thirteen lots abutting on both sides of Birch Way. The average lot size is .42 acres, including eleven half-acre lots and 2 .25 acre deed restricted affordable housing lots. Phase 2 contains seven lots; the average lot size is .94 acres, with six lots one acre or larger and one lot less than one acre. Phase 1B contains two lots of exactly one acre each.
- In keeping with the Planning Commission's previous discussion, the lots abutting Birch Way will be zoned R-1 to match Wild Willow. The lots in Phase 2A and 1B are each approximately one acre transitioning to a more agricultural zone.
- The delineated wetlands have been incorporated into lots 203 and 206 providing ample room for building pads and pastures without encroachment.
- At the January 2009 meeting, the Applicant agreed to limit basements in the development because of concerns over the high water table.

Some other issues the Council may wish to consider were suggested by Alison Weyher. Concerning the sewer capacity, Ms. Weyher referred the Council to the "Statement Concerning Capacity" issued by the Town in November 2008. At that time it was based on the belief that three subdivisions would be coming on line in the future. The only subdivision that is actively going toward completion is River Bluffs which has been phased and only 26 lots will be constructed during the first phase. There have been building permits issued, however, from existing subdivisions and single lots.

Alison Weyher also discussed the possible annexation fees that would be received from the annexation. Ms. Weyher asked for direction, if the Council is interested in pursuing the annexation, concerning the annexation fees and/or other requirements concerning traffic concerns, etc.

Condition of the property in the proposed annexation was discussed including abandoned vehicles. Ms. Weyher indicated although the Town has received complaints they have been unable to take action because the lots are in the County.

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Alison Weyher recommended, if the petition is moved forward, a condition of accepting the petition be to require the Applicant to cap the well and require all existing homes to connect to the Town sewer.

Ms. Weyher expressed her belief that the Applicants have made a good faith effort to comply with the direction they received from the Planning Commission at the October meeting. The Applicant has agreed to include trails around the periphery of the project and along Hallam Road. However, the Council has had concerns about accepting the petition for further review, especially relating to sewer capacity. The choices Ms. Weyher outlined to the Council were to deny the annexation petition; table the petition pending resolution of the sewer system; or choose to direct staff to work with the Applicants to develop an annexation agreement including annexation fees, a timetable for development and such other considerations as may be appropriate.

Lee Snelgrove asked why a concept plan was being presented if the Council has only accepted the annexation for consideration. Alison Weyher replied that prior to completing any annexation, an annexation policy has to be submitted to the State. A concept plan is presented before acceptance of an annexation so the Council can get a ball park density on the development.

Kraig Powell also offered an answer to Mr. Snelgrove's question. When an annexation agreement is written to go along with an annexation, the Council reviews a concept prior to annexation. This review does not guarantee that plan will go all the way through; the Town is not locked into anything. This concept plan allows the Applicants to show what their idea is and determine what they can do if the property was to be annexed. This procedure does not tie the hands of the new Council either.

Lee Snelgrove inquired about the agricultural protection zone mentioned in the current County zoning for this property; can it be changed. Alison Weyher answered that is just a class of County zoning; it is not a conservation easement.

John Keyes commented right now Tifton Hills is almost approved; Runaway Estates have been approved; River Bluffs has been approved; and there are still quite a few lots in Wild Willow. There are quite a few homes up for sale; and there are a lot of subdivisions on the books. Adding more homes with this subdivision will be a detriment to others who have already completed the process. The plan the Applicants have presented is a good development which would tie into Town nicely. However, if the economy recovers, can Francis handle the roads and the other public works increased burdens?

Alison Weyher reported there are currently there are about 330 existing homes in Francis. Three building permits were issued by Francis in 2008. In January there were 15 homes listed for sale in Francis on the MLS and 70 lots on the market. Also in Francis there 151 platted and not

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developed lots not including Tifton Hills. At present, Francis is looking at being increased by about 50%. This will create more demand for service, but it will also increase revenue in the form of property tax, etc.

Scott Kettle opined no more can be put on the sewer until something is done. Mr. Kettle added that residences don't pay for themselves. The Town gets more revenues but costs increase.

John Keyes asked the Council to keep in mind winter maintenance. Summit County will not take on any more roads for snow removal. All Francis has is one small truck; another will be needed if the Town gets a lot more roads to take care of. Homes do not pay their complete way. Scott Kettle interjected homes are needed to get businesses to establish in Francis. John Keyes declared if the Council allows the tract to come on line, it will have to be 50% occupied before the Town will clear the roads. Right now, public works has all it can handle. More people and more equipment will be needed. Alison Weyher declared that Birch Way in this development ties into Wild Willow.

Mayor Bergen opened the hearing for public comment.

Tal Adair commented the Town has committed that in all developments there will be approved paths and walkways. Alison Weyher indicated the Applicant has agreed to do all that.

Tina Early asked if the development could have their own homeowners association to maintain the roads. Mayor Bergen answered that was negotiable. Scott Kettle added it would become a private subdivision; usually over time the private subdivisions demand public maintenance. Alison Weyher opined there may be situations where private roads would be appropriate, such as Randy Butters development. The road in this subdivision ties into existing roads. It is important to have roads built to town standard and kept to that.

Chad Mitchell asked if the homes already in would be required to go on the Town water system. Mr. Mitchell stated the well servicing the three existing houses is over 200 feet deep; he suggested possibly a secondary water system could be originated from that well. Mayor Bergen commented Francis already has 850,000 gallons of water storage; and Randy Butters also has to put in a well and storage tank. The mayor said the existing well would be a consideration.

Mayor Bergen closed the public hearing.

Rex Campbell expressed this annexation was a natural extension of Francis Town; it fills in the corner and ties in Birch Way for ingress and egress. Mr. Campbell said they had tried to work with the Planning Commission to follow the general future zoning plan and try to fit in the scheme. Mr. Campbell continued they understand there are some issues with the sewer; they figured the Council was working on the solution. The developer wants to become part of the Town instead of a neighbor.

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Paul Watson indicated in the current town boundaries there are similar lots surrounding their development which is filling in a gap. This development will be extending on from Wild Willow. The way to pay for a Town hall is by increasing the size of the Town. The market count is a risk the developer is taking on; if this project was not feasible they would not do it. Mr. Watson opined the way to get commercial development is to add rooftops. On another topic, Mr. Watson agreed Home Owner's Associations (HOA) seem to work well on large size subdivision. The HOA fees become so large on smaller subdivisions, they are prohibitive. Mr. Watson stated he would prefer to have the road public. Concerning the existing well, the developer is willing to work on whatever is in the best interest of the Town and the subdivision.

John Keyes pointed out the increased traffic flow on Hallam Road and Lambert Lane had not been discussed. This development does create some problems that need to be looked at by the Town and the Developers to help alleviate. There need to be traffic studies to determine how much traffic is on that road now. It needs to be looked at and generate a plan to alleviate rather than create more problems.

Lorin Prescott commented if the annexation is approved, it will start a time frame that will not be able to be stopped. Kraig Powell agreed that once the property is annexed, they are in the town and no undue delays can be made. Mayor Bergen said legislation says the Town has to move forward in a reasonable time frame if annexed.

Tim Butikofer opined it will take a minimum of a year for the sewer problem to be solved; he hated to drag this annexation matter on even further. Mr. Butikofer stated he didn't want to make the Applicant wait longer if the County can allow development now; he didn't want to table it until there is a resolution of the sewer situation.

Lorin Prescott queried what would happen if homes are built and are not able to be occupied because the sewer system isn't able to handle the growth. Kraig Powell replied that on a couple of projects a few years ago, it was written in the annexation agreement if at any point the Town cannot provide sewer, the development would be stopped. Mr. Powell indicated that was kind of the policy before he became the Town Attorney, and he would not feel comfortable with that kind of agreement. The Council could say they would annex the property, but homes could not be built but that puts the Town in an awkward position.

Lee Snelgrove motioned to deny the Uinta Willows annexation petition. John Keyes seconded the motion. The motion passed unanimously. Roll Call vote as follows:

<i>Tim Butikofer</i>	<i>Aye</i>
<i>Don Keyes</i>	<i>Aye</i>
<i>Lorin Prescott</i>	<i>Aye</i>
<i>Lee Snelgrove</i>	<i>Aye</i>
<i>Mayor Bergen</i>	<i>Aye</i>

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Information Item – Discussion of energy efficiency, Chad Ambrose – Rocky Mountain Power

Chad Ambrose commented the Council had talked a lot about money tonight. Mr. Ambrose asked where we all would be without power. Mr. Ambrose stated he was the Customer Community Manager for all of Summit County except Park City.

Chad Ambrose talked about energy efficient programs to save money and teaching customers to use less of the product. Without power, there would be no TV shows, no cold drinks; life would be very different. For 86 cents a day the power customer is getting a lot. Mr. Ambrose talked about some of the basic programs sponsored by Rocky Mountain Power. Home energy savings plans offer cash incentives for energy saving appliances. Rocky Mountain Power can pay up to \$75 as a cash incentive. Mr. Ambrose suggested going to www.rockymountain.net for more information. Home improvement incentives are available for energy saving insulation; this allows the customer to conserve energy and conserve power. There are cash incentives for heating and cooling. The Cool Keeper program involves installing a box by HVAC to take control of the system. The goal is to use a little less power during peak periods. There is a \$20.00 annual credit to customers signed up for the program. There is a \$30.00 rebate and Rocky Mountain will pick up your old refrigerator. The refrigerator has to be functional. Energy Star program is available for new homes. Rocky Mountain Power has a list of contractors who are participants in that program. Two other really good tools are to find how efficient a home is by filling out a survey; Rocky Mountain Power will analyze the survey and send back recommendations. The Bright Ideas booklet available on line may be a handy tool for Town residents. Mr. Ambrose offered some brochures to put in the Town hall and said they are all available on their website. Chad Ambrose indicated they also have a fantastic program for commercial and industrial projects. The public is welcome to contact Mr. Ambrose for further information.

Chad Ambrose touched on the Blue Sky program. Rocky Mountain Power through Pacificorp, which is the holding company, generates power through coal, natural gas, wind and geothermal. The program allows the consumer to buy a block of renewable energy. Rocky Mountain Power is one of the largest wind producers in the Rocky Mountain West. Mid American Holding Company which is the overall holding company, is the largest wind producer in the Country. The Town can send a signal to residents they are concerned about energy. It costs \$1.95 for one block.

Department Reports

John Keyes reported the paving in the park is scheduled for Thursday if the weather permits. There are a lot of soft spots by the concession stands which will need to be taken care of before

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paving. Planning ahead, 40-feet of 8-inch water pipe were installed under the road going to the shed which will allow a water line to be put in to the shed. The road is twenty feet wide to the road to the concession stands road which is twelve feet wide. The road to the shed is 18 feet wide. One of the streets in Wild Willow will also be paved.

Lee Snelgrove asked what effect Sheldon Thompson and his drags with his draft horses will have on the newly paved road. John Keyes indicated while it is fresh, it will tear it up. Jody Thompson said she will try to use an alternate road until they are able to go on the new road. There have been some complaints about them using the arena to work the horses.

John Keyes brought up Kelly Lloyd's gravel pit. The rumor is he wants to haul material out. Alison Weyher said she met with Kelly Lloyd and Steve Fitzgerald along with Scott Kettle and Kraig Powell. Mr. Lloyd agreed to start reclaiming the pit. A lot of excess material cannot be moved because Mr. Lloyd is not able to haul it out because he does not have a business license. Mr. Lloyd expressed interest in wholesaling to CMC. Kraig Powell sent a letter to Mr. Lloyd to clarify what was allowed, and there has not been a response. Steve Zabriskie objects to Mr. Lloyd being able to sell the product because Kelly Lloyd has not paid his license fee. Kraig Powell stated the only reason they met with Kelly Lloyd was to make sure the reclamation was satisfied. Mr. Lloyd never paid to renew his bond; and the Town needs to enforce reclamation on him. Mr. Lloyd has a good proposal to get the pit reclaimed. In order to reclaim it in the best way possible, it would be best if the material was moved. Mr. Lloyd's proposal is to use the neighboring gravel pit and let them use it as one big pit so that the reclamation can be done. The company that sub-leased from Steve Zabriskie would be doing the hauling. Every load that goes out of Kelly Lloyd's pit is one Steve Zabriskie will not get paid for. This course would only be followed under the terms and conditions Zabriskie agrees to; he needs to be in on the negotiations.

John Keyes asked about the Spader home problems which were brought up last month. Lee Snelgrove indicated he hadn't been back. Alison Weyher reported it has been about thirty days since she sent the letter concerning the violations so she needs to go back up. Ms. Weyher reported she is now enforcing on four different properties in Francis Town. Pictures are taken of everything every time an enforcement letter was sent. If there are no efforts made, the Town Attorney will advise what the next steps are. Mr. Keyes opined there should be something in the Code or Specifications concerning where meters are to be placed. Scott Kettle stated all new builds are required to place meters as already outlined in the Code.

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Lee Snelgrove asked Scott Kettle if Luke Thomas had consulted with him concerning threading the lines through at the former Spader property and fixing the meter problems. Mr. Kettle indicated they had talked a little.

Lee Snelgrove reported on the progress with Woodland Hills Water indicating he and John Keyes had met with Joe Tesch and put some of the things have been put back where they should be. At Monday's meeting there will be three possibilities of a resolution. The first option is to pass the changes and give them to the shareholders. The second option would be to get an arbitrator to look at it. The third option is to force issues. Mr. Snelgrove felt Francis should just take it over period. Mayor Bergen felt that the three members of the Board can bring it to a vote and get it passed. Alison Weyher reported that one of the points of contention is concerning the impartiality of Joe Tesch, Scott Kettle and herself because they work for the Town. Mr. Tesch has recommended bringing Kraig Powell on board as the Francis Town attorney. Lee Snelgrove said he was fine with that. Mr. Tesch, Mr. Kettle and Ms. Weyher are very sensitive to representing the Woodland Hills Water Company. Mr. Powell will be representing Francis. Mayor Bergen expressed appreciation for the work that is going in to reaching a resolution.

Lee Snelgrove asked when the filing deadlines for the upcoming election were. Lynette Hallam replied the filing period is from July 1st to July 15th and said that was indicated on the water bill and in the newspaper.

Lee Snelgrove reported he is working on an agreement with Kamas City to read Francis's meters with the radio read system. Kamas is working on a proposal concerning the cost for that.

Mayor Bergen reported the Town had been able to purchase two large generators, a trash pump and an air compressor for \$4,500. Lee Snelgrove had sent them to the Town when his employers had not been able to get approval to purchase.

Scott Kettle reported the LDS Church is getting pretty close to wanting to get occupancy. The contractors are still working on some of the road. A small section of the Town's portion of the road had to be left out last year because of culvert issues; Staker will finish our section of the road tomorrow. Mr. Kettle asked the Council what they wanted to do about occupancy. The Church is having trouble with the storm drain ponds; everything else is pretty much done. The

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pond will not be able to be built at this time because of ground water. The Council agreed to let Mr. Kettle handle this and decide when he feels comfortable with granting occupancy.

Tim Butikofer indicated Wild Willow wants the fence pulled out because it is not white vinyl; and he asked about the placement of the road. Scott Kettle stated there was not any requirement for the fence to match. The South Summit School District approved the placement of the road. There are fences by the horse path that will have to be finished with white vinyl.

Kraig Powell suggested that any agreements Francis has with the Church should be put in writing beforehand; then a temporary certificate of occupancy could be issued.

Tim Butikofer asked about the drainage pond. Scott Kettle indicated it should have been done last year; it can be done in the fall. A deadline to complete should be given with the temporary occupancy. Kraig Powell opined this is a unique situation, and there should be a letter.

Lynette Hallam reported the South Summit Rodeo Club had approached the Town for a donation for the contestants going to Nationals and to Fallon, Nevada. The Council agreed to donate some tickets to Francis Frontier Days for the auction that is to be held.

Lee Snelgrove reported everything is lined up for the July 4th parade in Oakley.

Approve payment of bills and Adjourn

Lee Snelgrove made the motion to approve payments of the bills and adjourn. Tim Butikofer seconded the motion.

The Francis Town Council meeting adjourned at 9:30 PM.

These minutes were approved at the July 21, 2009 Council meeting.

John Bergen, Mayor

Lynette Hallam, Town Clerk