

# **Francis Town Council Meeting**

**March 10, 2011 7:00PM**

Francis Town Community Center

## **AGENDA**

- 1. Approval of minutes for January 13, 2011 and February 16, 2011-**
- 2. Bill Crittenden-Discussion and possible extension of last year's contract for Frontier Days Celebration**
- 3. Approve dates for work sessions in April for budget- (Suggested dates April 6<sup>th</sup>, 7<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> or 28<sup>th</sup>)**
- 4. Discussion of job description for treasurer-**
- 5. Discussion and possible motion for direction to the Planning Commission on General Plan**
- 6. Financial Report for month of February**
- 7. Frontier Days -further discussion of the 2010 financial report**
- 8. Mayor Snelgrove-Possible transition from Town to Fifth Class City**
  - a. Memo from Kraig Powell, Attorney**
  - b. Memo from Ulrich**
  - c. Follow up on CDBG monies for lift station**
- 9. Department Reports:**
  - Mayor Lee Snelgrove, water department-**
  - Councilmember Tal Adair, sewer department**
  - Councilmember Gio Melendez, sewer department**
  - Councilmember Kristi Major, parks department**
  - Councilmember Wes Ure, streets department**
  - Town Attorney Kraig Powell**
  - Town Engineer Scott Kettle**
  - Town Planner Alison Weyher**
- 10. Payment of bills**
- 11. Adjournment**

In compliance with Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Town Clerk (783-6236) prior to the meeting.

# Francis Town Council Meeting

March 10, 2011 7:00PM

Francis Town Community Center

The Francis Town Council convened on Thursday, March 10, 2011 Francis Town Community Center. Mayor Snelgrove called the meeting to order at 7:00 pm. Susan Cann transcribed the minutes from this meeting.

Present: Mayor Lee Snelgrove

Council: Tal Adair

Kristi Major

Gio Melendez

Wes Ure

Town Clerk: Susan Cann

Town Engineer: Scott Kettle

Town Planner: Alison Weyher

Absent: Kraig Powell, Town Attorney

Others present: Jeremie Forman, Renae Atkinson, John Barclay, Kit Burton, Gene Atkinson, and Jody Snelgrove.

## 1. Approval of minutes for January 13, 2011 and February 16, 2011.

### A. Corrections for January 13, 2011 minutes.

1. Council member Melendez' statement on page 4 was added.
2. Council member Major asked that on page 3, the fifth paragraph be changed to "does not believe".
3. Page 8 last sentence, remove "will".

*Council member Adair made the motion to approve the minutes with the corrections made tonight. Council member Melendez seconded the motion.*

Mayor Snelgrove                      Aye

Council member Adair              Aye

Council member Major              Aye

Councilmember Melendez          Aye

### B. Corrections for February 16, 2011 minutes.

**Council member Ure joined meeting at 7:05.**

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1. Council member Adair asked that titles such as "Attorney" be removed.
2. Council member Major asked that on page 2, bottom of page, the sentence starting with "It is difficult" be removed.
3. Page 3 second sentence add January 13 to identify minutes.
4. Take out the sentence where Attorney Powell stated "the in terms".
5. Page 9 requested, "had" changed to "he".
6. Last paragraph on page 10 remove the statement from Gene Atkinson. Susan Cann asked if it should be shortened and summarized. Mayor Snelgrove commented that the Town runs the risk of the minutes not accurately depicting the meeting. Council member Adair stated it would be a "case-by-case" basis. Council member Major wanted it noted that she objected to the inclusion of the statement.
7. Gene Atkinson asked for a correction on Page 10 to explain that Renee Atkinson invited him to the meeting.
8. Council member Major asked that on Page 11, the fourth paragraph, third sentence be changed to "their". She also asked that two more paragraphs down, the statement by Council member Adair be clarified to show that staff invited Council member Adair to the meeting.
9. Council member Adair asked that minutes show that Alison Weyher and Kraig Powell gave the same opinion regarding staff inviting him to meeting.
10. Page 12 about sixth line change sentence to read, "Powell relayed to the Council Mr. Tesch's comment that in light of the history he would oppose it being classified conditional use".
11. Council member Major requested that on page 13, sixth paragraph add, "he wanted the Council". Last paragraph, last line remove "is". Also on page 14, second paragraph take out "to", and on page 15, second paragraph, add, "would" or clarify statement and verify Renee Atkinson's statement.
12. Council member Adair asked for prior follow up items that have not been addressed included with future minutes.

Mayor Snelgrove asked for motion to accept February 16 minutes with changes discussed.

*Council member Adair made motion that the February 16, 2011 minutes be approved with the corrections as made tonight by Council. Council member Ure seconded motion.*

Mayor Snelgrove	Aye
Council member Adair	Aye
Council member Major	Aye
Council member Melendez	Aye

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Council member Ure                      Aye

Council member Major asked about the minutes for February 24, 2010 not being on the Town web site.

- 2. Bill Crittenden-Discussion and possible renewal of last year's contract for Frontier Days Celebration.** Mayor Snelgrove, Council members, and Alison Weyher discussed the contract for 2010 and made suggestions for a contract for 2011. Kraig Powell will write a new contract for 2011 for \$6, 300.00.

*Council member Melendez motioned to accept the contract for Frontier Days 2011 with the clarifications and rewritten by Kraig Powell, and authorized Mayor Snelgrove to sign it. Council member Adair seconded the motion.*

Mayor Snelgrove                      Aye  
Council member Adair                Aye  
Council member Major                Aye  
Council member Melendez            Aye  
Council member Ure                    Aye

- 3. Approve dates for work sessions in April for budget-(Suggested dates April 6, 7<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> or 28<sup>th</sup>)** Mayor Snelgrove asked for discussion of dates for work sessions in April to concentrate on the budget. Work sessions were scheduled for April 20 and April 26 at 6:30 pm.

Mayor Snelgrove asked each member of the Council to meet with Luke Thomas to discuss items that need to be addressed in next year's budget. The Town will be reclassified to a fifth class city and this will need to be addressed in our budget.

Mayor Snelgrove advised the Council that Mr. Christiansen requested consideration of reduction of water and sewer rate while repair of fire damages to his son's home are being made. A construction rate of \$20.00 per month for water and sewer service was discussed. The home is currently uninhabitable. The decision was made to wait before taking any action.

Mayor Snelgrove informed the Council of \$10.99 in interest written off for a sewer and water bill at 124 West Wild Willow.

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Mayor Snelgrove informed the Council that the reason the plow blade is not down while Luke is driving through Wild Willow subdivision is that we contract with Summit County to plow those roads. He added that if the Town begins to plow the roads in Wild Willow, the County may no longer honor the contract. Council member Adair asked if the issue of the Town putting the blade down and plowing while going through the Wild Willow subdivision could be discussed with the County.

**Mayor Snelgrove excused Council member Ure to leave.**

4. **Discussion of job description for treasurer-** Mayor Snelgrove read the handout in the Council member's packet outlining the minimum statutory requirements for the Town treasurer and clarifying her added duties. (Copy included with minutes.) Alison Weyher will forward the previous Town Treasurer job description template. Item deferred until work session on March 24, 2011.
5. **Discussion and possible motion for direction to the Planning Commission on General Plan.** Alison Weyher provided a memorandum which included items previously mentioned by Council members to be included in the Planning Commission's update of the General Plan (Copy included with minutes). Weyher asked for the Council's input on additional items to be discussed. She stressed that over the course of the review there will be many opportunities for public input.

Council member Major requested that the Planning Commission review placement of the two Tree City, USA signs. Council member Major asked that the Planning Commission make recommendations for improvement to the office trailer with a limited budget including items such as painting the interior, adding cubicles, and new carpet, based on any grant money that may be available, such as RAP tax and Rocky Mountain Power. Council member Major suggested an advisory board consisting of a member of the Planning Commission, a Town Council member, and members of the community be established to come up with ways to improve the trailer with a suggested budget of \$4000.

**Council member Ure excused at 8:12 pm.**

Council member Adair asked the Planning Commission to review ways to preserve the Provo River drainage views for posterity, perhaps extending area of annexation across the River.

Council member Adair would like the Planning Commission to consider a plan for the park on the west side of Town. Alison Weyher stated that in the costs shown in association with

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the Parks Master Plan, funds were allocated to put in a basic sprinkler system, grass, and one play area. Access is available from Summit Haven and an easement exists from Wild Willow to the park. Scott Kettle said that in the Planning Commission meeting he attended they wanted to concentrate on the Town Park at the current time.

Kit Burton stated that the Town has not been very receptive to developing this area into a park and something should be done.

Scott Kettle informed the Council that the water and sewer is stubbed in the cul-de-sac at Summit Haven that ties in with the Wild Willow park property.

Council member Adair would like the issue of the smaller parks to be addressed with future developments.

Council member Adair suggested the Planning Commission address requiring sidewalks on both sides of the road for any new development.

Another issue Council member Adair would like the Planning Commission to address is zoning for common wall ownership in order to allow economical commercial development. Alison Weyher will review this issue.

Council member Major pointed out that the potential location of trees would be addressed as the Tree Committee works on their plan and funding becomes available.

Council member Major asked Alison Weyher to define boundary of three-acre Wild Willow park with a fence plan or something and a phase plan.

Council member Adair asked the Planning Commission to review the possibility of annexing Victory Ranch into the Town. Alison Weyher stated that this has previously been contemplated and is perhaps 10 to 20 years in the future. Some of the Victory Ranch property abuts the Francis Town annexation declaration area.

*Council member Major motioned that the Francis Town Council direct the Francis Planning Commission to review and recommend as part of the General Plan all of the items that are showing as B on Alison Weyher's March 10, 2011 memorandum, excluding trees for the Town Park, and including sidewalks for new development, the Provo River view preservation, the Wild Willow three acre park plan, common wall provisions in commercial developments and ponder a future relationship with Victory Ranch. Council member Melendez seconded the motion.*

Mayor Snelgrove

Aye

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Council member Adair      Aye  
Council member Major      Aye  
Council member Melendez   Aye

**6. Financial Report for month of February.** Susan Cann presented the financial report for the month of February to the Town Council. The cash summary on page one shows funds of \$320,523.07. The first line is the general checking account with a balance of \$173,956.59. The second line is the Frontier Days account. Alison Weyher directed the Council to look at page 1 of the operational budget report, which shows a breakdown of the revenues including property taxes, sales taxes, licenses, etc. The Council questioned why there was an \$8000 difference in the cash summary and the revenues showing on page 1. Council member Adair stated the date showing on the bottom of page 2 shows March 10, 2011. Council member Adair asked what the negative balance showing on cash summary of \$3600 was. Susan Cann stated that was the amount owed to Francis Town by Woodland Hills, which cannot be paid until approved by Woodland Hills. The Council wanted clarification on why the funds do not balance. Susan Cann stated that the operational budget report gives a breakdown of each account, what has been spent, and what is still left for the budget year. Susan Cann will verify the account balances tomorrow. Mayor Snelgrove will also verify these amounts Friday and report to Council.

**7. Frontier Days -further discussion of the 2010 financial report.** Susan Cann provided a new copy of the Frontier Days accounting report. Susan Cann explained that the in-kind donations have been recorded as a journal entry. The Council requested that the in-kind donations be grouped under a Frontier Days account; since the Town may receive other in-kind donations during the course of the year. Susan Cann will ask Pelorus if this is possible. Council member Adair asked if an in-kind donation was made for the cupcakes donated. Jody Snelgrove stated it was not reported and she did not want it to be. Alison Weyher stated that the in-kind donations that were included as expenses in the budget should be shown. The determination was made to include a \$50.00 in-kind donation credited to Jody Snelgrove for making the cupcakes. The current \$200.00 donation credited to Food Town will be corrected to \$250.00 to reflect the actual donation. Council member Major asked for number of vendor booths that she has listed on her report as the committee chair to be reconciled with the number of vendor booths shown on the Frontier Days vendor booth report. Mayor Snelgrove asked Council member Major to contact Susan Moses and meet with her to go over the vendor booths. Council member Major requested a report of sales tax generated from vendors booths for 2010. After discussion, the reality of the Frontier Day report being a complete accounting will not be able to be achieved because of the accounting process some monies were coded in the 2009 budget.

**8. Mayor Snelgrove-Possible transition from Town to Fifth Class City.** Mayor Snelgrove asked the memos from Attorney Kraig Powell and Auditor Michael Ulrich be

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included in the minutes. This designation will change the amount we can retain in the general fund balance at 18 percent. Alison Weyher added that according to Utah code we are required to maintain a minimum of 5 percent of our annual budget in cash reserves. Mayor Snelgrove stated money could be designated to specific projects to meet requirements for our change to a city status.

- a. **Memo from Kraig Powell, Attorney (copy attached with minutes)**
- b. **Memo from Michael Ulrich, Auditor (copy attached with minutes)**

### 9. **Department Reports:**

**Mayor Lee Snelgrove, water department-** Mayor Snelgrove has discussed items for the upcoming budget with Luke Thomas.

**Councilmember Tal Adair, sewer department-** Councilmember Adair stated that he and Council member Melendez are moving forward with the RFP. They have narrowed the bidders to two candidates, and will present their recommendations to the Council at the next meeting. Council member Adair requested a possible closed session be listed on the next Council meeting agenda to discuss specific numbers in the contract. Council member Adair asked Scott Kettle how he determines when to charge mileage to the Town. Kettle answered that if he is coming to the Kamas valley specifically for Francis Town business then he charges mileage. When he has other business in the area, he may only charge a few miles to Francis Town. Council member Adair asked Scott Kettle to present information about the Horrocks Engineering contract and relationship with Francis Town.

**Councilmember Gio Melendez, sewer department-** Council member Melendez requested an agenda item for the March 24 meeting to present the RFP and possibly award the sewer RFP bid.

**Councilmember Kristi Major, parks department-** Council member Major announced a Workshop, and Forestry luncheon to be held on April 19, where Francis Town will receive Tree City, USA status award and signs. Saturday, April 30 is tentatively set as Francis Town Arbor Day. The activities scheduled for the day include unveiling the Tree City signs and a training workshop about tree maintenance for the Public Works Department with an invitation to attend extended to other public works departments in Kamas Valley. The activities count toward annual budget of \$2 per capita. There were two articles in the newspapers, one in the Summit County News and one in the Park Record about Francis receiving Tree City status estimated at \$2000.00 value.

**Councilmember Wes Ure, streets department-** Council member Ure had previously left the meeting so there was no report.

**Town Attorney Kraig Powell-** Because Attorney Powell was not at the meeting, there was no report.

**Town Engineer Scott Kettle-** Update concerning River Bluffs development. They have submitted two checks, \$14,000 to cover unpaid fees and \$3000 to establish an escrow

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account. Approval of final completion for the subdivision will not be issued until the affordable housing lots are transferred to Mountainlands Community Housing. Mayor Snelgrove asked Scott Kettle to meet with Luke Thomas about costs of radio read for water meters. Follow up on CDBG monies for lift station. Susan Cann and Scott Kettle discussed that the CDBG money for the lift station has been accounted for correctly and documented. Mayor Snelgrove informed the Council that money received from CDBG for a project must be accounted for within three days.

**Town Planner Alison Weyher**-Requested a future discussion with Council concerning Town policies for private roads.

- 10. Payment of bills-** Council member Adair requested that the Lower River Road lift station power charges that appear excessive be investigated to determine if there are any problems. Mayor Snelgrove requested a motion to approve the open invoice register.

*Council member Melendez motioned to pay the open invoice register through the end of the month. Council member Adair seconded the motion.*

Mayor Snelgrove	Aye
Council member Adair	Aye
Council member Major	Aye
Council member Melendez	Aye

- 11. Adjournment-**Mayor Snelgrove asked for a motion to adjourn.

*Council member Adair made the motion to adjourn. Council member Melendez seconded the motion.*

Mayor Snelgrove	Aye
Council member Adair	Aye
Council member Major	Aye
Council member Melendez	Aye

Meeting adjourned at 9:50 pm.

These minutes were approved at the \_\_\_\_\_ Town Council meeting.

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\_\_\_\_\_  
Mayor Lee Snelgrove

\_\_\_\_\_  
Susan Cann, Town Clerk

**Attachments:**

Memo from Kraig Powell, Attorney

Memo from Michael Ulrich, Auditor

**On-going follow up items:**

Verify there was a meeting February 23, 2010

February 24, 2010 meeting minutes should be placed on Town web site

Add Frontier Days to in-kind donation journal title

Verify the amount of sales tax received from vendor booths and Frontier Days

Investigate possibility of compensation time for Luke Thomas instead of overtime

Write-offs for past one or two years for water overages in spring.

Verify Water and sewer departments historically have expenses and revenues been sufficient to cover their own costs

Public flyer to be created explaining sewer or water adjustments

Request for four new scenarios for water and sewer rates

Verify winter and summer months for water and sewer billing

Four year, five-year scenario to save \$100,000 for water and sewer projects

Curt Ludvigson and Neil Duncan meet with Council to discuss water and sewer rates

Council member Adair asked for list of any incomplete follow up items.

Mayor to verify account balances and report to Council Friday, March 11, 2011

Susan Cann to ask Pelorus to include in-kind reports for Frontier Days

Susan Moses to reconcile vendor booth discrepancies in the Frontier Days report

Council member Major requested report of sales tax received from vendor booths for Frontier Days

# Memo

To: Francis Town Council and Mayor  
Cc: Town Planner; Town Clerk  
From: Kraig J. Powell, Town Attorney  
Date: March 8, 2011  
Re: Change of Class from Town to City

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The purpose of this memorandum is to explain the legal standards and procedures for Francis Town's anticipated change in class from a town to a city. Cities and towns in Utah are assigned a classification based on population. A town has fewer than 1,000 residents. A city of the fifth class has between 1,000 and 10,000 residents. Utah Code 10-2-301.

The Lieutenant Governor is responsible for monitoring the population of each town and city. If the population for a town or city increases beyond the population for its current class, the Lieutenant Governor is to issue a certificate indicating the new classification of the city and deliver the certificate to the city. Utah Code 67-1a-2. The state statute does not specify a timeline or deadline for the Lieutenant Governor to perform this action.

I met yesterday with Justin Siebenhaar, the employee in the Lieutenant Governor's office who oversees these duties. He told me that his office plans to complete and deliver all of the municipal classification certificates based on the new 2010 U.S. Census data within approximately 60 to 90 days from today. He also confirmed to me that the 2010 Census population for Francis Town is 1,077 and that this will place Francis in the classification of a fifth-class city.

There is no action that the City needs to take in order to obtain the new classification. We simply wait to receive the certificate from the Lieutenant Governor's office. Also, re-classification is mandatory, not optional. It will happen whether we want it or not.

The main difference for all practical purposes between a Utah town and a Utah city is that a town is allowed to retain a balance in its general fund of up to 75% of estimated revenues each year, while a city is allowed to retain no more than 18%. Utah Code 10-6-116.

END OF MEMO

City vs Town issue

In talking with the state auditor the requirements for City start on the date the Lt. Governor states in the letter that you become a City. For the fund balance issue that is when it starts, so if the letter states you are a City as of May 1, 2011, you will be under the fund balance requirement for the FY ending June 30, 2011. So that means that if you are in excess at June 30, 2011, you will need to budget to spend the money, or transfer the money into the capital projects fund for future capital improvements or purchases. The state is not going to take the money or lower your tax rate for property taxes. So there are options on how you want to come into compliance with state requirements for a City.

Thanks,  
Michael Ulrich