

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING SEPTEMBER 22, 2009**

The Francis Town Council convened in regular session on Tuesday, September 22, 2009 in the Francis Town Recreation Building. Mayor John Bergen called the meeting to order at 7:02 PM.

Present:	Mayor John Bergen
Council:	Tim Butikofer John Keyes Lee Snelgrove
Not attending:	Lorin Prescott
Town Clerk:	Lynette Hallam
Attorney:	Kraig Powell
Engineer	Scott Kettle
Planner:	Alison Weyher
Others attending:	Tal Adair, Gene Atkinson, Eric Averett, Steve Brown, Randy Butters, Doug Coe, Rex Hallam, Dusty Hatch, Lori Hoyt, Eric Johnson, Lane Lythgoe, Gio Melendez, Rae Prescott, Jon Shuppy, Luke Thomas, Dixie Thompson and Gio Melendez

Consent Agenda – Approval of Town Council minutes – 8/18/09 Council meeting

Mayor Bergen updated the Council on an item in last month's department reports concerning the cook top hood. The hood that was delivered was not built to the specifications submitted and did not fit; it was sent back to the manufacturer. The mayor asked the Council if the Town should go ahead at this time to install the hood or wait until closer to next year's celebration. Lee Snelgrove suggested the Town go ahead and do it now. John Keyes pointed out it is already in budget and should be completed now so it will be ready for next year.

Lee Snelgrove motioned the consent agenda be approved. John Keyes seconded the motion. The motion passed with a unanimous vote. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

Public Hearing – A public hearing to receive input from the public with respect to the issuance of Lease Revenue Bonds in the aggregate principal amount of not to exceed \$639,000, issued for the purpose of (i) acquiring and constructing a Town Hall and related improvements, and (ii) paying costs of issuing the Bonds, and the economic impact that the improvements proposed to be financed with the Bonds will have on the private sector.

Eric Johnson informed those present that he helps communities around the state to finance public projects. This is a public hearing to get input and economic impact of the proposed town hall. Francis Town went to the State of Utah CIB and obtained a \$639,000 loan bearing no interest. A similar type loan from a bank for a tax exempt entity would have rates from 6% to 7% for which the payback would be over a million dollars. Because of the 0% interest provision, this loan is like getting something for half price. CIB obtains its moneys from mineral lease revenues from counties where there is a lot of mining and oil and gas production. There are some monies

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allocated to Summit County but not as often as Carbon County for instance. It is unusual to get a 0% loan anywhere in Summit County. The fact that Francis Town got the loan indicates the CIB felt this is a worthwhile project and they were willing to help out Francis. Normally a community in Summit County would get a loan with 3.5% to 2.5 % interest. The Town had done its homework to obtain this loan.

Eric Johnson pointed out the loan/bonds are for \$639,000 with a repayment period of 30 years. The first payment will be due July 1, 2012. The payments are \$21,000 a year. There is a larger payment of \$30,000 at the end of contract.

Kraig Powell indicated this public hearing is a formal requirement of the Utah Code; it is required any time a bond election is held. There have been many other public hearings and meetings concerning the Town office. This hearing is a particular requirement to meet the Code. Mayor Bergen pointed there are no tax raises involved on this loan.

Eric Johnson detailed there are requirements if a tax is going to be raised. This bond will not raise any taxes of the Town. The Town has been preparing for this and has figured out how they can meet the payments without any change in taxes. The ballot will disclose there will be no effect on taxes.

Lee Snelgrove asked if any action is required at this meeting. Kraig Powell replied this public hearing is to meet the statute and to disseminate information.

John Keyes opined this is an opportunity that only comes around rarely. The present office is very inadequate; it is hard to heat and hard to cool. Material that isn't stored in the office has to come to the recreation building. It is inconvenient to have a building that is too small to do what needs to be done. The Town has an opportunity to build something they can be proud of and help the workers become more efficient.

Mayor Bergen opened the hearing to the public.

Gene Atkinson indicated he had delivered a 4-page letter pertinent to this discussion with the intention it would be added to the record. Mayor Bergen indicated the letter will be added to the public record as part of the hearing. Gene Atkinson asked if the letter could be read into the record. Kraig Powell opined it is the prerogative of the mayor to make sure the time is prudently used. It is also the prerogative if it should be read verbatim. Time limits are at the Chair's discretion. The mayor left the decision up to the Council. Tim Butikofer said he didn't have a problem if the others did not.

Gene Atkinson read into the record the letter attached at the end of these minutes.

Tal Adair said he had tried to step away from this issue, and considered if he was to try to run a business what are the questions he would like to ask. Would it be appropriate to show how the revenues come in? Does the Town have enough money coming in and can it be used readily for the payments? Mr. Adair added that one of his concerns was the sewer. The Town Council put a moratorium on building due to the inability to handle the increased use of the sewer; that

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problem still has not been addressed. Does the Town have enough revenues to sustain all the expenses besides this project? Are there enough funds to promote commercial? Another thing Mr. Adair wanted were the actual costs. What quality will the Town be getting for those costs? Does the project need to be tapered back so the repair costs won't be so much. Is there contingency in the funds for cost overruns? Has anyone gone to the CIB to ask if an extension can be granted to double check our figures? A ghost bid process was suggested. Mr. Adair summarized asking have we looked at all the options, why are we in such a hurry and do we have enough revenue to cover the expenses to cover not only this projects but all the other projects coming up? If all the approved housing comes on line there will be 67% more houses than what there is today. Mr. Adair stated he does have enough money for increased taxes and does not like taxes. There needs to be a balance of having the right infrastructure and supporting the Town's needs.

Mayor Bergen detailed that the bond was for \$639,000 and the Town has pledged \$100,000 if needed; this makes \$739,000 which will gives some contingency. The mayor posed to Scott Kettle, "Has the Town ever stopped working on the sewer problem" and Mr. Kettle answered, "No." Mr. Kettle stated the Town is working with the State on several issues including where are we going to discharge and what we can discharge. The mayor added until the Town knows from the State what is required for the discharge, the problem cannot be resolved. There could be many options. If the Town is required to be returned to the aquifer where it came from it will have to be piped into that drainage. Land will have to be purchased for high evaporation ponds and one large holding pond to carry the system through the winter. The sewer ponds are working fine, but there is a problem with winter storage; the current ponds have reached their limit. When the original system was put in, the EPA required a fourth pond for storage. Those ponds do not provide enough storage now. As soon as answers are received from the State, progress will be made towards a solution.

Eric Averett commented he has heard this office building is a hurry-up thing. Mr. Averett indicated he has lived in Francis Town for over 40 years. There was talk about an office building when the recreation building was built. There has been much money spent on water and sewer. Even if these are hard times, the Town could never find a better opportunity to build an office building. It is frustrating for the office to be so crowded. The Town is mandated to keep records for a specified period of time, some permanently. There is no storage space for those records in the present office. Regarding the maintenance costs of a new building, the trailer is so hard to keep warm, the new building could cost less. Eric Averett commented he appreciates all the work the mayor and Council have done. Mr. Averett added he appreciates all the work the mayor has done in his term; he has taken a lot of initiative to try to get money to help the Town. Mr. Averett reiterated his appreciation for the entire Council indicating there have been many hard decisions.

Eric Johnson opined the timing is an issue on this loan. The loan authorization from the CIB asked that the loan be closed in 6 months. The Board has given the Town a couple months to allow for the wait for the election. The money will have to be given back if it is not used now, and in the future the Town would have to go back and see if money was available at that time and at what terms.

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Jody Snelgrove asked if the Town is locked into the amount of the loan. Could the building be condensed or be built in phases? Mayor Bergen declared if anything less than \$639,000 is used the Town will have to give the remainder back to the CIB. The Council is looking to have a functional building that will take care of the needs now, yet will be lasting for the future. The size of the building is still being massaged.

Rex Hallam opined the Town should go ahead; the Town will not get another chance like this. If the Town waits, the taxes may have to be raised; and the Town will have to build a million dollar building.

Dixie Thompson said the school put off building a big enough building and it ended up costing more than it would have cost the taxpayers otherwise. Mrs. Thompson felt people should volunteer their time to help. The space is needed. Economically, it will probably be easier to heat and cool the new office than it is the trailer. The property purchase was a good opportunity to buy; and it will be an asset to the Town. Mrs. Thompson asked the residents to think positively.

Dusty Hatch stated he was in favor of the building; but he suggested the Council get a rough idea of what the building will cost. Mr. Hatch found it hard to believe it will be built for under \$700,000. When the Council sees what it will cost, it can be scaled back if necessary.

Gio Melendez asked if the size and other considerations would be discussed in the next hearing. The mayor indicated it would. Mr. Melendez felt very strongly something has to be done to replace the trailer. Building in phases has been discussed as a detriment to have to build on in different phases. Mr. Melendez suggested just looking at the office space first. Council chambers will be 1/3 or more of the cost of the building. Mr. Melendez opined in five years or ten years from now the Town could look at building the chambers; this building (the recreation building) is adequate for that now. It may be more feasible to build in the future.

Mayor Bergen closed the public hearing.

Lee Snelgrove asked what would happen if the bid came in for less than the amount of the loan. Eric Johnson said the election is to authorize a maximum amount of the loan of \$639,000. The CIB will not release the money until the project is bid. The Town will have to show the lender there is enough money to get the project done. If there is not enough money, the CIB will not make the loan. If the bid comes in lower, the Board will lend less. Lee Snelgrove stated his understanding that if the project was less money, the Town would not lose the opportunity of the loan.

Mayor Bergen asked counsel what action was needed at this meeting. Kraig Powell mentioned the Council may want to direct the Town Staff to analyze the pros and cons of the ballot proposition, as allowed by the state.

Lee Snelgrove made the motion to direct Town Staff to analyze the pros and cons of the ballot proposition. Tim Butikofer seconded the motion. Lee Snelgrove amended the motion indicating the information would be made available to public. Mr. Butikofer agreed to the amendment.

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The motion passed unanimously. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

Mayor Bergen indicated the information would be put on the web site and made available to the public.

**Public Hearing – Discuss, with possible approval, design for the Francis Town Office.
Plans are also subject to the outcome of the November 3, 2009 election.**

Scott Kettle declared there have been multiple public hearings and open houses. Time has been spent coming up with a site plan and a floor plan. In order to get the loan, some numbers were determined as to what an average building would cost, and that is how the costs were determined for the application. Mr. Kettle stated if the Council would like, Staff can get some concept bids; then move forward if the bid fits or scale back if changes need to be made. Mr. Kettle indicated Staff was trying to move forward so they can be ready after the election if the proposition passes. Mr. Kettle indicated he would try to get two or three estimates with some fairly firm numbers; and he stated he did not want to get those bids until he had direction from the Council whether or not they were satisfied with the plans.

Scott Kettle summarized the activities at the Planning Commission public hearing. The Commission discussed having a couple of phases or to add to the recreation building. The costs of those options were reported at the last open house. To build in two phases Scott pointed out that the floor plans which were distributed showed Phase 1 would include the offices, the work room, the rest rooms and part of the Council Chambers. Phase 2 would include the remaining office, the conference room, the kitchen and the rest of the Council Chambers. To build the first phase, the estimated cost would be \$617,500. To build the second phase, in however many years, the cost is estimated at \$300,000, making the total cost \$917,500. The cost for the second phase does not include additional costs of funding. Lee Snelgrove asked if these estimates were based on the \$150.00 a square foot cost. Mr. Kettle replied it was based on economy of scale; if you build a smaller building the economy of scale is going to be less plus the added cost in the future to tie on and to tear down what has already been built to add on to the building. All of those things were looked at. The other option discussed was adding to the recreation building so that the present restrooms, kitchen and hall could be used. The cost of a 1300 square foot building was approximately \$303,750, which would be about half the cost of the proposed building to build something that would be “temporary”. The goal is to have a building that would be its own building, not adding on to a building whose intended use is for something else.

The design of the building was discussed by Lee Snelgrove including the location of staff in the northwest corner would let citizens roam the halls causing potential security concerns. Mr. Snelgrove asked why the parking in front was eliminated. Scott Kettle reported the Francis General Plan calls for parking not to be in front of the building. Doors to keep the public from roaming could be installed. The whole idea was to have parking back and side. Lee expressed concern for older people who come in to pay their bill; they will come and park at the most convenient door. They would be forced to walk around the building to get where they need to be and it would be inconvenient. Mr. Snelgrove felt the parking needs to be by the main door –

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front or back – and the clerk’s office should be there. Lane Lythgoe reported he had looked at a number of different facilities from Wasatch County to Park City. Mr. Lythgoe felt this proposed building was situated very nicely because it has good south facing exposure. That parking lot and the south sidewalk will get a lot of good melt in the wintertime. The first five or six parking stalls to the west will accommodate the inflow and outflow of daily business. The people would only have to walk about 15 feet. The philosophy of planning departments around the country is that parking lots in front of buildings is not the way to go; this creates a more pedestrian-friendly atmosphere.

Lee Snelgrove expressed his opposition to shake shingles. Mr. Snelgrove mentioned his 35 years in the building industry. Mr. Snelgrove expressed he and Eric Averett felt shake shingles were a disaster waiting to happen. Lane Lythgoe indicated he has put shake shingles on several buildings. If the shingles are of the right specifications and are installed correctly they can last thirty plus years. Shake shingles are environmentally friendly, asphalt is not. Mr. Lythgoe indicated he had used them in both commercial buildings and residential buildings. Mr. Lythgoe offered to show Mr. Snelgrove buildings that had shake shingles for over thirty years. Mr. Snelgrove indicated he would not be convinced.

Alison Weyher stated several other components were brought up in the Planning Commission meeting. A draft of a letter from the Planning Commission written by Gio Melendez was circulated to the Council in their packets; Ms. Weyher indicated a final copy of the letter would possibly be generated at the Planning Commission the following night. The Commission preferred the Western façade for the building as well as the covered porch. The reason there is no street parking, besides the General Plan, is that Chapter 5 of the Development Code prohibits parking in front of the building without a substantial setback. It would be much more cumbersome to do. The Planning Commission has recommended xeriscape landscaping. Non-polluting lights were recommended. Concerns were expressed concerning snow removal. The possibility of a covered walkway on south side was discussed.

The mayor opened the hearing for public comment.

Gio Melendez understood the problems concerning parking in the front; but he was still concerned about the security. Mr. Melendez asked the Council to consider taking the building and turning it around 180 degrees and have the entrance and offices in the back. There should still be a pleasing façade facing the street; but have the main entrance and the offices in the back. Concerning access for the handicapped, they won’t have to wheel around the building. Mayor Bergen pointed out the daily business involves one or two cars at a time. At the Town meetings there are sometimes twenty plus. The main entrance would be for the onesies and twosies, but the rear entrance would be used by the larger groups that come to the meetings. Mr. Melendez opined the entrance to the Council Chambers could be at the back entrance and put the Town Clerk’s office back there too.

Tal Adair opined it would be a good idea to involve a cross section of the citizens of the community in the planning to help out the process. Mr. Adair volunteered to serve on the committee. This would build big-time community feeling.

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The mayor closed the public hearing.

The mayor recommended that the Council does need to get more input. John Keyes felt that would be beneficial. A workshop was suggested where some people would be invited to participate. Scott Kettle indicated a concept bid could not be asked for until a concept is decided. A workshop was scheduled for Thursday, October 1st.

Scott Kettle left the meeting at this time.

Citizen Request – Request to install a sign on the Town entrance sign at the south end of town, Steve Brown.

Steve Brown stated he would like to add a sign measuring 8 feet by 11 inches on the Town entrance sign stating Bailee Sizemore is the Silver Stated International Rodeo Queen. Mr. Brown said he was coming to the Council for approval and already has permission of the land owner. Mr. Brown requested he be able to leave it up at least one year; he will take it down when he is notified. The sign will be attached to the post with lag screws; it should not hurt the present sign.

John Keyes made the motion to approve Steve Brown's request. Tim Butikofer seconded the motion. Motion was approved unanimously. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

Alison Weyher mentioned some recent developments concerning the Village at Lambert Lane. The property has changed hands. Preliminary plans include mitigating wetlands on site. The extreme north east corner of the Village is wetlands. It is being proposed to have a landscaped entrance to the town. Because that site is and always will be the entrance to Town, the entrance sign on the north end will be moved to that location. The Army Corps has bought off on the concept.

Update – Update of South Summit Impact Fee Analysis and related matters, Kent Leavitt.

Kent Leavitt was not at the meeting. Mayor Bergen indicated he has read part of the analysis and has several questions.

Action Item – Approval of Election Judges for the November 3, 2009 election.

Lynette Hallam announced Myra Housel, Marilyn Littleford and Elaine North have agreed to be election judges. Dixie Averett has agreed to be an alternate judge.

Lee Snelgrove made the motion to approve the election judges. John Keyes seconded the motion. The motion passed unanimously. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

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Department Reports

Mayor Bergen informed the Council that Scott Buchanan on the Planning Commission has resigned. Kristie Bair has been an alternate and the mayor asked the Council for approval to move her up to take Mr. Buchanan's place on the Commission.

Tim Butikofer made the motion to move Kristie Bair to a full Planning Commission member. Lee Snelgrove seconded the motion. The motion passed unanimously. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

Mayor Bergen reported he and Scott Kettle had talked with Chad Ambrose from Rocky Mountain Power. There is a program where the power company will help on the office building to make sure the most energy efficient plan is followed. Rocky Mountain Power has an engineer who is a specialist in building green. In order to sign up for that program Francis is required to sign a letter of intent. The entire burden is placed on Rocky Mountain Power. The program could help Francis get grants to implement energy-saving programs. Kraig Powell opined the letter is one-sided document stating what Rocky Mountain Power will do and what they will not do and there is no expense to the Town. The company needs the letter signed so that they can budget for the action.

Lee Snelgrove made the motion to approve signing the letter of intent. John Keyes seconded the motion. The motion passed unanimously. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes and Lee Snelgrove.

Mayor Bergen reported he had received a letter of recognition for Luke Thomas from the South Summit Fire Department. When they had a problem with a home flooding, they called Mr. Thomas; and he showed up with a pump and helped with the situation. Mayor Bergen commended Mr. Thomas for his good work.

The gross income for Frontier Days was discussed. A copy of a spreadsheet was distributed showing the gross income for the past few years. The accounting of the expenses is being worked on but the spreadsheet gives an idea of the income.

A spreadsheet showing the budget and audit figures from 2003-2008 was distributed. Mayor Bergen pointed there were only a couple of ripples in the growing increase of the excess fund balance. Mayor opined the increase between the beginning fund balance and the ending fund balance indicates the success of the Town's budgeting. Lynette Hallam indicated she is working on getting the audit for 2009 done. Hopefully the auditor will be able to have it ready for the November Council meeting. The audit has to be completed by the end of December.

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Lee Snelgrove reported a problem at Elaine Atkinson's home. Mrs. Atkinson had an overage on her bill, so Luke Thomas checked her meter. The meter she had was not working correctly, and she was given a credit for the overage.

Lee Snelgrove asked if the Town is going to be able to add sand to the road salt to save money. John Keyes agreed it would probably save some money. Mr. Keyes said they had checked advertisements from different salt companies; Diamond beats the rest. John Keyes opined if sand and salt are used it would have to be mixed outside and then pushed in. Mayor Bergen commented there will be a lot less waste with the new building being used for storage of the salt. The mayor recommended Mr. Keyes talk to Luke Thomas about adding sand and getting a trucking company to haul the salt.

Lee Snelgrove reported the wall in the salt bay needed to be higher with concrete for the salt storage, and that much concrete was not needed in the rest of the building. Mr. Snelgrove suggested the Town rock an even line across the front of the building. It will make it look more uniform. Mr. Snelgrove indicated he had talked about this with the mayor, Mr. Prescott and Mr. Keyes; and it was decided to go ahead with the plan. Jody Snelgrove asked if there is going to be rock on the new building so they will tie in with each other; there will be rock on the office building also. The cost for the public works building will be approximately \$1,500.

John Keyes asked if the Town is going to maintain the gravel road to the LDS church. There should be delineators to mark the edges of the road for safety. Kraig Powell opined it is the Town's road. Mr. Powell added he needed to talk to Scott Kettle about the responsibility for maintenance. Kraig Powell indicated the Town has the access right; and he will follow up with Mr. Kettle concerning the maintenance.

Lynette Hallam asked the Council for some suggestions of dates for the appreciation dinner. The clerk was advised that she and Susan Moses should just pick the date. Mrs. Hallam discussed the Meet the Candidate Night and indicated it will be held before the early voting period. The candidates who were still at the meeting were invited to contact Mrs. Hallam to let her know if any dates would not work.

Tal Adair suggested that the other candidates besides himself and Gio Melendez be invited to the workshop. Lynette Hallam indicated she would invite them.

Approve payment of bills and Adjourn

Lee Snelgrove made the motion to approve payment of the bills and adjourn the meeting. Tim Butikofer seconded the motion. The motion passed.

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The Francis Town Council meeting adjourned at 8:40 PM.

These minutes were approved at the October 20, 2009 meeting.

John Bergen, Mayor

Lynette Hallam, Town Clerk