

## Francis Town Council Meeting

April 8, 2010

### Francis Town Community Center

The Francis Town Council convened in regular session on Thursday, April 8, 2010 in the Francis Town Recreation Building. Mayor Lee Snelgrove called the meeting to order at 7:05 P.M.

Present:	Mayor Lee Snelgrove
Council:	Tal Adair
	Lorin Prescott
	Gio Melendez
	Kristi Major
Town Clerk:	Susan Cann
Attorney:	Kraig Powell
Planner:	Alison Weyher
Engineer:	Scott Kettle

Others attending: William H. Crystal, Bill Crittenden, Kit Burton, Andrew Williams, Rebecca, Williams, Gene Atkinson, Eileen Dunn, Dade Rose, Richard Cook, Randy Butters.

**1. Approval** of Town Minutes – March 11, 2010. Councilmember Adair stated that he sent an email letter to Mayor Snelgrove stating that the minutes do not state everything that the council discussed. Councilmember Adair's opinion is the minutes as they are constituted right now do not give the whole story of what the council said. Councilmember Adair asked when legal counsel gives advice, should his statements be included? Kraig Powell responded that the Utah law states that only a summary of council statements or legal council needs to be included but when a member of the public speaks that statement must be recorded.

Corrections noted: Page 8: added to the bottom of the page: Councilmember Major requested compensation policy be reviewed. Page 9: Mr. taken out and councilmember replace all Mr. for Councilmember Adair. Page 7: Scott be identified as Scott Kettle throughout the document. River Bluff changed to River Bluffs. In addition, Councilmember Major requested that for consistency the font type be Times New Roman and the font size by 12 for the minutes, council was in agreement for this request. Councilmember Adair suggested Councilmember Major proof the minutes before the draft is sent out to the rest of the council.

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*Motion by Councilmember Major to approve minutes for March 11, 2010 as corrected in this session. Motion seconded by Councilmember Melendez.*

Roll Call vote:

Councilmember Prescott: Absent

Councilmember Melendez: Aye

Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Nay

**2. Action - Eagle Scott Project / Town Sign, Andrew Williams.** Mayor Snelgrove introduced Andrew Williams, a scout from Francis, who has a proposal for the Town Council. Andrew Williams presented his idea for an Eagle Scout project which is to move the town sign from the present location to the new town boundary. Councilmember Adair asked Andrew Williams what he planned to do in regards to the sign. Andrew stated that he may repaint the sign, contact the Army Corp of Engineers for the correct procedure, contact the landowner, and get permission from the land owner to place the sign on the new site. Alison gave Andrew her phone number and asked him to call her. Alison told Andrew that she had talked with the property owner and he would love to work with him on this project. Alison explained to Andrew that the property owner has a wet lands consultant under contract who could work with him to get the approvals necessary from the Army Corp of Engineers for the proper timing of moving the sign when the land is dry. Alison stated that the property owner has some concerns about the position of the sign but he is excited to work with Andrew on this project. Councilmember Major asked Andrew if he planned on just repainting the sign or rewording the sign. Mayor Snelgrove stated that the words were routed into the wood. Councilmember Major commended Andrew on his willingness to take on this project. Councilmember Prescott asked Andrew if he had approval from his scout leaders for this project. Mayor Snelgrove explained that coming to the council was the preliminary step to qualify for an Eagle project. Councilmember Adair stated that the purpose of Eagle projects is for the scout to take the initiative and manage the project and as one of Andrew's leaders he has approved this project. Councilmember Melendez asked Andrew if he would be willing to give an update to the council at the next meeting and a time line to keep the council informed. Councilmember Major stated that she would make sure the press is notified when the sign is moved as this would be a historical event for Francis and great exposure for the scouting program as well. Alison stated that it will take several months for this project to be completed.

*Motion was made by Councilmember Adair to approve Andrew Williams Eagle project to move the sign from its current location to the town border on the north end of the town. Motion seconded by Councilmember Major.*

Roll call vote:

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Councilmember Prescott: Aye

Councilmember Melendez: Aye

Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Aye

Voting was unanimous.

3. **Action and Award Bids** - for Sewer and Pasture Leasing. Mayor Snelgrove stated that according to the direction of the council last month he opened the bids for leasing of the sewer and pasture ground and is prepared to present them at this time and he posed the question to the council if they would like him to present the bids or go a different direction. Kraig Powell advised the council that Mayor Snelgrove had contacted him regarding the bid opening and pointed out that the advertisements specified a particular method of payment and in the course of receiving these bids the Mayor and some of the council members had questions as to whether the one lump sum payment upfront for the entire lease, which is the way the lease was done in the past, was the most desirable way. Kraig Powell stated that the Mayor shared with him that some of the bid information proposes to pay in different fashion. Kraig Powell advised that if the council would like to have discussion at this point he would be happy to render any advice or answer any questions; and if for any reason the council would like to solicit new bids it is appropriate to disregard these bids. Kraig Powell stated that the main reason in his mind is the issues of payment over the multiple years, a single lump sum payment or some other payment arrangement would, for example, be a reason that you could ask to repeat the bidding. Mayor Snelgrove stated that on previous years it was a one year lease and payment required upfront before the lease was signed. Mayor Snelgrove advised that there were two bidders on the property behind the rodeo grounds and three bids on the sewer grounds property. Mayor Snelgrove stated that the bids are fair but if the council wants to consider doing a yearly payment versus a three year payment, the process must be done over. Councilmember Melendez reminded us that last month, timing was. Councilmember Melendez stated that re-issuing, re-advertising, submitting and receiving bids could take another two or three weeks. Considering the fact that bids are in hand and in an effort to continue moving things along, if desired the conditions could be changed. Kraig Powell stated he appreciated Councilmember Melendez's concern regarding the timing and he wanted to make sure the council is fully aware of his advice on balancing those issues. Kraig Powell stated that from a procedural prospective he does not think anybody could question the procedure of giving people more time and more information to make a more appropriate and more informed bid. Kraig Powell stated the question of the timing and how much time that we have or they have to do that, there are no specific requirements for the bidding process in either the town code or the state code about how long the bidding process has to be and the fact this is a small town and those who are interested probably are aware of what is happening and so he would be comfortable from a legal perspective in making a shorter period if the council desired to rebid. He continued, there are ways it could be posted, in the newspaper for one week, which would be next Friday, and that would give people time to make an appropriate bid. Kraig Powell stated that in regards to the bids themselves right now it will be his legal advice that because of the way

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the bid form was written and because of what it requested, only the technically conforming bids with the one lump sum payment should probably be considered. Kraig Powell said that he realizes that there is disclaimer language that says the town was allowed to refuse any bid for any reason and we do not have to choose the highest bidder but still you open yourself up to more challenge by straying from procedures as they were outlined and specified. Kraig Powell advised considering only the bids with the lump sum payment upfront holding to the letter of the law as it was advertised. Councilmember Melendez asked if the council chooses to reopen the bidding, could they request new bids from only the current bidders or would the bidding have to be opened to everyone. Kraig Powell stated that he had thought a lot about this issue over the last 24 to 48 hours and he thinks it would be important to reopen to the public. Kraig Powell said that people may say that they want to try who did not submit a bid the first time under the conditions would want to try with a rebid and it might take almost as long to get bids back from the current bidders as it would to letting the public know by posting at a couple of places in town and running it just one week in the newspaper and having a future council meeting or a special meeting to announce it. Kraig Powell said he would advise opening the bidding to the public if the council chooses to have a rebid. Councilmember Major stated she was not familiar with the bid form and asked Mayor Snelgrove if there were sufficient and legitimate bids to proceed today. Mayor Snelgrove stated he thought there were fair bids. Kraig Powell stated, if the council wants to rebid, my legal advice is to disregard those bids. However, the bids are the property of the town, so it is appropriate for council members to review them at this time, but he would advise the council that if the bids are disregarded not to make them publicly announced at this point because they will be disregarded. Then the council would have more information to decide if they want to go forward. The use of the rodeo grounds is determined by Frontier Days based on any available grazing. The sewer property is different: allowing them access for the entire year. There is not an out time for the sewer grounds (due to Frontier Days). The year's bid this time allows access from April 10<sup>th</sup> for three years to April 10<sup>th</sup>. Mayor Snelgrove stated this is a more beneficial term of lease. Councilmember Major asked the Mayor if it would be fair to see the bids tonight and resolve it tonight. Mayor Snelgrove asked if the council was ready to proceed. Councilmember Melendez asked if it would be legal for the council to look at the bids without it going on the record. Kraig Powell stated yes, it is the reason why you are looking at the bids for the purpose of answering this question about whether the council wants to rebid based on the issue of the three year lease. Councilmember Melendez asked if the council could go to executive session after looking at the bids to determine if the council wants to rebid. Kraig Powell replied it is also allowed under Utah law for lease of property under the best terms and conditions. Councilmember Melendez stated that he did not want to have to discuss on the record, items which could influence the rebid because it defeats the whole concept of a sealed bid. Councilmember Adair stated that they want to be fair to everybody. Councilmember Prescott asked about the person only paying yearly, where would that leave the town. Kraig Powell stated that would leave the person in default and the town would have to try to collect and probably because of the low amount it would be cancelled and then rebid. The council agreed that the bid amounts should not be revealed until the issue of rebidding was resolved.

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*Motion to adjourn to executive session to look at the existing bids to decide whether or not go forward with the existing bids or change and rebid was made by Councilmember Melendez. Motion seconded by Councilmember Adair.*

The meeting was adjourned to executive session.

*Motion to move out of executive session was made by Councilmember Adair. Motion seconded by Councilmember Major.*

Voting was unanimous.

The meeting was reconvened in general session.

*Motion to read the existing bids into the record and afterward the council vote on the bids was made by Councilmember Melendez. Motion was seconded by Councilmember Adair.*

Roll Call vote:

Councilmember Prescott: Aye

Councilmember Melendez: Aye

Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Aye

Voting was unanimous.

Mayor Snelgrove read the bid for the rodeo ground property of 4.5 acres from Bill Crystal of \$1015.50 and Samuel Turpin of \$1575.00.

*Motion was made to accept Mr. Turpin's bid of \$1575.00 as a payment for three years as specified in the bid form was made by Councilmember Major. Motion was seconded by Councilmember Melendez.*

Roll Call vote:

Councilmember Prescott: Aye

Councilmember Melendez: Aye

Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Aye

Voting was unanimous.

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Mayor Snelgrove presented the bids for the 38 acre sewer property lease from Lynn Thornton of \$3200.00, David Ure \$5533.00. David Ure also offered yearly payment and half payments. However because of the way the bid was advertised, those bids were nonconforming and on advise of legal counsel will not be considered. The third bid was from Bill Crystal of \$5700. **A copy of the bids is included with these minutes.**

*Motion was made by Councilmember Melendez to accept the bid of the highest bidder, Bill Crystal based on the contract and the payment to cover the three years with an option for another three years. Motion was seconded by Councilmember Prescott.*

Roll Call vote:

Councilmember Prescott:	Aye
Councilmember Melendez:	Aye
Mayor Snelgrove:	Aye
Councilmember Major:	Nay
Councilmember Adair:	Nay

Motion passed.

Kraig Powell stated that whenever a motion is made the opportunity should be given to the council for discussion before voting. Mayor Snelgrove asked if there was any discussion, there was no discussion.

- 4. Action - Summer Help.** Mayor Snelgrove explained to the council that Lance Jenson, last year's summer has no desire to return. Luke Thomas has requested that the person hired this year be at least 18 years of age which would allow them to assist in more areas than they have in the past. Insurance requires someone over the age of 18 to work on water or sewer problems. Mayor Snelgrove asked the council for discussion. Councilmember Major requested information about the additional duties that would be required this summer versus last summer. Mayor Snelgrove explained that there are not necessarily more duties but someone who is 18 would be allowed to help Luke Thomas with things that a younger person is not allowed to do. Luke would like to have someone who is responsible enough that he could list what needed to be done each day and the person hired would complete the assignments without as much supervision as was necessary in the past. Councilmember Major stated she would like to meet with Luke to get a better understanding of the job duties and asked if we are guaranteeing 20 hours per week or on an as-needed basis. Mayor Snelgrove explained that in reality if the council did not feel there was money to hire summer help then it would fall to the council to step in and help or pay Luke the overtime. Bill Crittenden commented that Luke does a great job for the town and should be recognized for it. Councilmember Melendez stated that getting Luke the help he needs is essential for the summer. Councilmember Adair asked Councilmember Major if she knew about the action item before the meeting. Councilmember Major stated that she did not. Councilmember Adair stated that if you have appointed a person to a certain department then as a sign of respect that person should be involved in the decision

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making for hiring for their department and notified prior to the meeting about any action that would be taken regarding their department. Mayor Snelgrove explained that the action he wanted for tonight was asking the council if they were open to advertising for summer help and then giving permission for Councilmember Major and one other member of the council authority to advertise, interview and report back to the council at May's meeting. Mayor Snelgrove explained that if the summer help goes to assist with a sewer problem that would not come out of the parks budget. Councilmember Major would like to have the opportunity to meet with Luke Thomas and discuss the needs for this position.

Kraig Powell explained that in the past the council receives a packet on the Friday before meetings to allow the council time to find out about items on the agenda before council meeting and if the council members have questions they should contact someone and find out about the items they are not sure of that are on the agenda.

Councilmember Melendez asked if a council member could place an item on the agenda or what was the process to have an item placed on the agenda. Kraig Powell stated the standard is the Mayor can put any item on the agenda or two council members can have an item added to the agenda by recommending to the Mayor.

Councilmember Adair asked Kraig Powell if having work sessions would be an effective way to handle this. Kraig Powell said that when towns are running things routinely and everyone is in the groove then the regular council meetings are fine but work sessions are valuable in that they allow the council members to talk about things in a less pressured way.

Councilmember Melendez asked if it is possible to talk about old business or new business that is not on the agenda. Kraig Powell explained that items that are not on the agenda state law allow bringing the item up for information but that no action can be taken. Councilmember Major stated that in the Utah League of Cities & Town book it says that it is at the discretion of the chair to allow an item to be brought up and discussed but no action can be taken on that item.

Councilmember Prescott was excused from the meeting at 8:45 p.m.

*Motion made by Councilmember Melendez to give Councilmember Major the authority to discuss with Luke Thomas and to hire summer help. Motion seconded by Councilmember Adair.*

Roll Call vote:

Councilmember Prescott:	Absent
Councilmember Melendez:	Aye
Mayor Snelgrove:	Aye
Councilmember Major:	Aye
Councilmember Adair:	Aye

Voting was unanimous.

Kraig Powell advised if the town is hiring someone new it would be best to have some form of public notice, it does not rule out hiring someone who is related to someone you know, but you need to say you

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have given everyone a fair chance and it has been an open process. Councilmember Major asked if she should report back at the next meeting the progress that has been made. Mayor Snelgrove stated that he would be okay with Councilmember Major hiring someone if they find the right person so that the work is getting done. Councilmember Major will report next month on the hiring of summer help. Kraig Powell stated that by delegation she can hire the person, get them briefed and all of that, but ultimately they report to the Mayor as the chief executive officer even though as an employee they may report to her directly but the Mayor is the boss from a legal prospective. Councilmember Major stated she will do a proper job description based on the discussion with Luke Thomas. Mayor Snelgrove stated he would be available to help do interviews on Friday.

- 5. Action – Proclamation** – Arbor Day Mayor Snelgrove turned the time over to Councilmember Major for the proclamation. Councilmember Major explained her intention as the head of the Park Department is to lay the ground work so that one day we can obtain a Tree City U.S.A. status that will open us up for a grant for \$5000.00 to enhance our park and town. Councilmember Major has applied for a grant that we are qualified for at this time and she is waiting to hear back regarding that. One of the steps in becoming a tree city is a proclamation. Councilmember Major then read the proclamation. *A copy of the proclamation is included with these minutes.*

Councilmember Major stated her intention if we receive the small grant is to purchase a small Colorado spruce and plant it on that day. If not, then she will use Park budget money to purchase some mulch to put around our current trees in the park and hold our first Arbor Day on May 1<sup>st</sup>. This will be a great opportunity to let people know we are working on this goal. Oakley has already achieved this; Peoa is working on it and may have possibly received a \$2500.00 Arbor Day grant. Councilmember Major is working with Jason Barto, President of the Lion’s Club and he has been very helpful with starting this process. Mayor Snelgrove asked for discussion, there was no discussion.

*Motion made by Councilmember Melendez to accept the proclamation with the change of the date to May 1<sup>st</sup>. Motion seconded by Councilmember Adair.*

Roll Call vote:

Councilmember Prescott:	Absent
Councilmember Melendez:	Aye
Mayor Snelgrove:	Aye
Councilmember Major:	Aye
Councilmember Adair:	Aye

Voting was unanimous.

- 6. Discussion** – Frontier Days Alison Weyher advised she has created a spreadsheet to show all expenses of Francis Frontier Days from the past several years and has created a spreadsheet to show all the expenses. Alison stressed the importance of the advertising budget. Suggestion of not having personal or home phone numbers on the flyer. Suggestion made to use the office phone number and the web site on the flyer. Alison will be working on the sponsorships. This year it will be a learning experience for everyone and we need to have committee meetings often in order to get everything organized.

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Councilmember Adair opined that the staff could be paid from the money held from the entry fees. Councilmember Major wanted to make sure that those people who had helped with Frontier Days in the past had been asked to help this year if they wanted to. Mayor Snelgrove replied they had chosen not to participate. It is important to have someone oversee Frontier Days but the council members need to be involved in more than assigned areas. There is a problem however if the council is the committee the meeting has to be advertised. Discussion among council for someone to coordinate Frontier Days: Greg Averett will be over the rodeo. Mayor Snelgrove will verify that Greg Averett will do the Junior Rodeo and the kid's games. Alene Seizmore is in charge of the Queen Contest. Idea presented that the queens need to be more involved in the PR by handing out flyers, talking to the rodeo stations and advertising Frontier Days. Sheldon Thompson will be in charge of the horse pulls. Jeremy Foreman and his sister will do the horseshow on Friday. The concession stands require the greatest number of volunteers. Mayor Snelgrove asked for ideas on a person to coordinate everything. Alison said she would be willing to oversee the different areas and put the budget together and make sure everyone stays on track. Mayor Snelgrove said he has no problem with co-chairs working together. Councilmember Adair stated that the more we get the community involved the better Frontier Days will be. Councilmember Major has contacted Tim Butikofer and he will organize the arts and craft festival but will not be available that weekend. Discussion of names who could be asked: Ray Prescott, John Barclay, Gwyn Purvis, Gene Atkinson were possibilities. Kit Burton suggested contacting people who are members of the Wild Willow Horse Association to help such as Craig Marsing, Steve Marsing, Karen Waterson, and Cheryl Robinson. Councilmember Adair asked if the town could use the Wild Willow facilities for any of the activities and Kit Burton stated yes.

Councilmember Adair posed the idea of not holding a thank you party after Frontier Days. Suggestion was made to use up the left over hamburger and hot dogs the next week instead of door prizes if a thank you party was necessary.

Councilmember Major asked if trading was possible for some of the items we need for Frontier Days. Alison stated that it would be possible to have some things donated but coordination is really needed. Councilmember Adair asked if it would be appropriate for him to donate. Kraig Powell stated it would be totally appropriate. Councilmember Melendez asked about budget and entertainment times. Alison answered that usually the entertainment is held for the Monday morning breakfast and the barbeque dinner. The usual payment has been \$100 for the breakfast and \$200 for the dinner. Councilmember Adair suggestion was to use the ball diamond area for the entertainment this year as an alternative. Councilmember Major asked about charge for police to close off the street and it was determined there was no charge. Jeremy Foreman is our liaison with the Summit County Sheriff office.

- 7. Discussion – Slash C Rodeo.** Bill Crittenden thanked the council for allowing him to produce the Labor Day weekend rodeo last year. Bill Crittenden shared with the council that his purpose in coming ask council's opinion on last year's rodeo and he wished to produce the rodeo celebration this year. Councilmember Adair stated that he thought that Bill Crittenden did a great job but he would like to see funnier clowns to entertain the people. Bill Crittenden explained that the clowns he provides are basically used to protect the bull riders. Councilmember Adair and Bill Crittenden discussed use of clowns. The

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cost for this type of entertainment would be \$800 to \$1400. Councilmember Major said that she saw a lot of the rodeo and the clowns were a huge asset but questioned the increased cost. Councilmember Major and Bill Crittenden discussed expanding the rodeo grounds. Councilmember Major questioned if we are really selling out the seats or are we giving away more tickets than we sell and can you over sell tickets. Bill Crittenden asked council for permission to produce the rodeo; he needs an answer as soon as possible. Mr. Crittenden stated that he would come for \$6000.00 but he cannot come for any less and the cost would not include the additional clown. Mr. Crittenden would like an answer from the council as soon as possible.

Mayor Snelgrove asked Bill Crittenden to explain about the added money. Mr. Crittenden wanted to know if the town wanted him to hire the flag carriers at \$300, which is \$100 over last year. Alison stated that in 2007 there was \$7000.00 in added money due to a lot of sponsor donations.

Bill said \$6000 includes the stock, flag carriers, pick up men, clowns for the bull riders and the people to help with the shoots the added money and the entry fee money is what the cowboys get. Bill Crittenden asked the town to consider belt buckles as an additional item. Mayor Snelgrove and Bill Crittenden discussed saddle for bull wars and Bill stated it was a big deal. Mayor Snelgrove asked if there was \$2000 added money and maybe a first and second prize belt buckle would it be necessary to have a saddle also. Bill Crittenden stated that the saddle was very important and it would probably even be better to decrease the added money down to \$1500 and get the saddle. Bill Crystal opinion is that the more money you pay the higher caliber of cowboy you will get but it is important to keep it at a level that the local cowboys can participate. Councilmember Adair wanted to know what the threshold would be. Bill Crystal said it is the same as a job that the more money offered the better caliber of cowboys you will have. Alison suggested that we have at least monthly meetings to coordinate the Frontier Days and invite Bill Crittenden to be a part of the committee. Bill Crittenden asked the council to make a decision tonight so he can make plans, and also about the payouts for cowboys. Councilmember Adair wanted to know if the \$6000 included paying for the secretary. Bill Crittenden explained how the payout would be if he did it- they hold out the money to pay the secretary, the judges and the association from the entry fee from the cowboy. Bill Crittenden said that it would be a good idea to open the entries up to the local cowboys ten days before the general sign ups.

8. **Discussion – Budget.** Kit Burton said that he had talked to Alison briefly about this matter earlier this evening. It is a very serious matter and he has been raising the issue of the impact fees and the expenditures there of before every council since 1996. The whole issue of impact fees is very important in view of what a prior administration tried to do in 1994 and 1995 which resulted in a state lawsuit. It was also subject of a federal lawsuit in 1996. At issue here is the impact fee relating to the sewer plant a plant has not been built. Kit Burton wanted to make sure that the record is made that he will be asking the town to reimburse the impact fees of at least \$225,000 that have been collected from 1998 to 2004 this is all pursuant to various state statues that say that you have to spend the money within six years of collecting these impact fees. There can't be a nebulous plan in mind and put that in your audited statements to satisfy the state statue. Reading from audited financial state in June 30, 2006 \$323,892 of sewer impact fees collected and then it has over to the right hand corner for 2007 -2010 the town planned to spend all this money on sewer permits and that has not happened and as a result there have been all

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kinds of problems in terms of annexations, in terms of moratorium, damages have been created, and continually there has been no plan set forth. So, in terms of at least the six years prior to 2010 the sewer impact fees Mr. Burton thinks should be returned to the people who paid them. Kit Burton stated that he knows that Alison has researched this and has the information in that regard. Mr. Burton stressed to the town that this is not a threat by any means he is trying as a courtesy to make the council aware of the fact that the way he looks at that statue and having talked with former ombudsman for real estate, Fred Call, it would appear as though it is mandatory, we are not talking about just Wild Willow, were talking throughout the entire town and the whole purpose of this has been to instill some urgency in the use of these funds as it has not been done. Mr. Burton has gone through the various town minutes for the year 2000 up until 2007-2008 of where the studies were supposedly undertaken but has learned of no results of the studies. According to Mr. Burton, Paul Christenson stated that the studies had never been done. Meanwhile the clock has been ticking and now in view of the unanswered problems with respect to the sewer issue he thinks we have to come to some resolution and if what it takes to get the ball rolling here is some type of affirmative action to return that money to the citizens of this town who paid it I guess that is what is going to happen because so far this town has not addressed that issue, has never attempted to address as far as he knows and in spite of all of his good faith efforts to bring this fact to the various town council members since 1996 nothing has been accomplished. It would be great if for instance someone from the town council would attend the seminar on the impact fees. Due to the economy if somebody were to require the town to pay that back right now what would it do to the town? We are talking about consequences that are amazing. What would happen if somebody asked why haven't you done this? Why has the money been sitting there in the coffers and not taking care of the sewer issue? You damage me because of the fact that nothing has been done whether it is someone who is trying to annex in or someone has an ax to grind that could pose a problem. Mr. Burton thinks that it is time this issue is faced head on and gets a definitive answer.

Kraig Powell wanted to respond on the record as well so council is aware of some of the history and stated: I very much appreciate Mr. Burton's input tonight and as town attorney I have appreciated his input over the last couple of years. I have had a couple of meetings with him a couple of times during that time period. This is a complicated issue. It is a complicated issue in Francis especially because of the size of our town, it is really an all or nothing proposition our impact fees really cannot be spent here and there in little sums on sewer especially; it is an all or nothing proposition, if we are able to get that plant built as soon as we need to be very pressing. Kraig Powell stated he wants to express as well that he has also been concerned about this and have expressed Mr. Burton's concerns to elected and appointed officials at various times and that I would hope Kit that with the urgency of the matter which I agree is and with our new officials in place that we would be able to convey this importance. Many of the new officials have expressed interest in these very matters and have asked for types of research and analysis and questions that you have been investigating yourself and so it is my intention to protect the town from financial liability, from legal liability. I understand that the questions Mr. Burton is raising are serious but they are also very complicated questions and I would hope that we could get on them very quickly. And as he said, not to put this off any longer this is front burner and we have got to get this solved or we will face the liability that he is talking about. Mr. Burton stated he appreciates Kraig Powell's comments and stated that as he has indicated to past officials he is willing to cooperate and provide the history from 1994 to the present and that offer is still on the table but something has to be done but otherwise this town is in severe jeopardy.

Arrangements have been made for a member of the town council to attend the seminar on the impact fees. Alison will be attending on behalf of Tesch Law Firm and either Councilmember Melendez or

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Councilmember Adair will attend for the town. Alison has provided a staff report about the impact fee. Alison requested permission from the council for staff to update the ordinance regarding impact fees to be in compliance with the current state code. The town needs to do an impact study which Horrocks Engineer could do. Alison stated that Francis is required to submit a municipal water waste planning program and in every report year we talk about the fact that we need a new sewer and that we are saving the money for the new sewer and that we are trying to come up with enough money because we do not have any sources of income. Kraig Powell informed the council that many attempts have been made to solve this issue but it is going to take some money not to just build the facility but to design the plan and get it going. One of the problems that is an extenuating circumstance is the water rights most recent complication that has arisen is the return flow requirements and where if we have more sewer fields, if we actually have a mechanical plant, Utah Division of Water Rights, Division of Drinking Water Department, Department of Environmental quality, where they will allow that discharge to be made. Most recently talking with the town engineer the discharge issue was still in limbo. There are some compelling circumstances that we can list as findings and there are protections in the state code that we can make to make the public aware of why funds are not yet being expended so that we are allowed to go past the six year period. It is not advisable to do that but in a situation like we're at Kraig Powell thinks we are going to need to do that probably in the next month or two to pass a resolution that expresses according to the impact fee statute why we have not expended the funds in the various time periods and what the status of that is. The interesting thing about that exception statute when you make that explanation it requires you to specify a drop dead date it requires you to fix the date by which you will spend that money and that can't be violated by somebody then passing another resolution. What we need to do to pass that is get an estimate from a profession who says worst case scenario and then we have to study this then we are going to have a plant then we have to study this then we will use the required funds by this date whether the date is three years from now or four years from now. Councilmember Adair stated that in his research in trying to learn his job there are people who can do the study that would advise us in a capacity that would allow us to get money, etc. Kraig Powell stated that impact fees are totally unique there is nothing else like them in the law and so that is why he suggested that Alison and a councilmember attend the seminar about impact fees.

Mayor Snelgrove asked if it should be put on the agenda as an action item for next month to direct someone to update the impact study. Kraig Powell advised yes as an action item. Kraig Powell's number one recommendation is to have this on the agenda before the town council in an open meeting whenever it is discussed. Problems in the past there were some perfectly legal attempts to get developers to pay for some of those things but the problem is trying to negotiate some of these things is developers do not want then discussed in public meetings. Kraig Powell stated his advice would be that the sewer issue be addressed as a town council responsibility and they work on it until it is solved the biggest liability face is that people do not know what is going on and that leads to suspicion and it needs to be an agenda item for as long as there are things to report. Kraig Powell suggested that between now and then Mayor Snelgrove talks with Scott Kettle and about people about how best to do that. The impact study is one part the work that needs to be done for the sewer itself may be separate. Councilmember Adair stated he would be willing to head up that problem. Alison asked if anything could be done with the current ordinance. Kraig Powell advised that the process needs to be working backwards from the numbers that are provided to decide what the impact fee should be.

Mayor Snelgrove updated the council on the budget. Councilmember Adair stated that Tim Butikofer has his notes for the sewer and he will share those. Mayor Snelgrove suggested that Councilmember speak with John Keyes if he has questions about the roads. A copy of the line expenses will be provided for

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separate departments. Councilmember Adair commented that the enterprise fund is one fund that we are allowed to make a profit and that it should be looked at carefully to make sure we are managing it prudently to cover the expenses and do not have to go to the citizens for a major increase. Mayor Snelgrove said that he knew what meters would need to be replaced and budgeted for that would be the process council members need to go over for their department budgets. Alison mentioned that a necessary budget item for sewer next year would be money to pay for the land for the generator at the lift station. Kraig Powell stated that Scott Kettle would be a good resource on infrastructure costs and Luke Thomas would be another good source.

Mayor Snelgrove suggested council reviews proposed revisions at the work session because we have to open the budget in May and we are required to have a balanced budget.

**9. Information – Minutes.** Kraig Powell explained the memo clarifying the minutes. What it does indicate is that Utah law is probably backwards on the point that in the minutes the item that the council members has to included, but what the council members say does not have to be but if a member of the public speaks then that summary has to be included in the minutes. It is up to the council what they would like to have in the minutes. The general rule is that the substance of what is discussed has to be in the minutes. From a legal liability standpoint it does not matter to much what the minutes say because the recorded minutes will be what the lawyers use. Any changes made on the draft minutes need to be made in a public meeting. Discussion about the way council members would like included in the minutes. Specific items requested by the council in the minutes were addressed such as Councilmember then the last name of the council person as a sign of respect and consistency. Specific line corrections were addressed. Councilmember Adair questioned if specific items requested by an individual council member have to be included in the minutes. Kraig Powell stated that yes if the item was factual it should be included in the minutes but if there was debate among the council as to the accuracy of the statement then the council may need to listen to the recorded minutes to determine the accuracy. Kraig Powell said that if a council member is concerned about the accuracy and not just the style of the minutes then they may need to listen to the recording and present the requested changes at the next council meeting.

**10. Information – Work Session Packets, Mayor.** Mayor Snelgrove will provide copies to the council regarding the information regarding salaries and job description as soon as he receives it from Mountainlands. The work session will be held on April 19 at 7:00 p.m. The policies and procedures in relationship to Francis will be discussed at the work session.

### **11. Department Reports**

Alison Weyher reported that there are grants available at this time. The planning commission at its meeting in April will be looking at goals and priorities and the general plan. Future of the town as we move forward with Francis the grants are for big improvements some ideas no mechanisms for Alison to write the grants. The town is in need of new restroom facilities, this would encourage more use of the park. The bicycle races will stage at the town hall and better restroom facilities are needed. A trails master plan is another item that the planning commission is working on. Some bicycle paths are another on. The planning commission will bring these ideas to the council as a basis for applying for the grants. Councilmember Adair asked if the town was paying Alison for writing the grants and suggested that the

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town compensate her doing such. Alison said that at this time it has not been an issue and can be discussed with the Mayor.

Councilmember Melendez: There was a meeting with Karl North and the decision was made to take a look at putting clay ditch on the west side of the road to help drain the water away from Mr. North's property and then all the way out to Wild Willow. Karl North has an issue concerning the fact that should we have a really big snow year if we push to much snow to his side it would not drain properly and that will be addressed as well. Ideas were discussed with Mr. North such as seeding natural habitat on his side of the road. Councilmember Melendez felt that progress was being made, a plan was made, and Mr. North accepted it. Kraig Powell stated that he has asked Scott Kettle for a street master plan in dealing with this issue. If a compromise is worked out Kraig Powell will make sure it holds up under the town ordinance. Discussion about the importance is staying on top of this issue. Councilmember Major asked about signage for Hill Top road and the need to address the issue.

Councilmember Major spoke about the census and our status and the press we received regarding our participation. Councilmember Major shared with the council the article regarding the power outage. Councilmember Major reiterated that it is not too late to complete the census and updated the council regarding the flyer that will be included in the water bill. Councilmember Major has received bids for installation of a new water fountain that is ADA compliant and will bring this to the council for approval at a later date.

Councilmember Adair asked if the water bill could address volunteers for Frontier Days.

Mayor Snelgrove updated the council regarding assessment from Mountainlands did not increase.

**12. Approval - of Bills to be paid.** Councilmember Major asked about the Christmas light purchase, verification will be made for that purchase. Councilmember Major asked if notification should be made in advance for purchases made for individual departments. Question asked about expense for mileage and reimbursement for Susan Cann for training, Mayor Snelgrove had approved this expense. Councilmember Adair questioned about buying lump sums of power for a cheaper rate. Mayor Snelgrove stated he will ask the liaison from Rocky Mountain Power about available power rates. Councilmember Major questioned Tesch Law Office charge regarding the River Bluffs charge. Kraig Powell explained that whenever a charge is billable to the developer it is noted as such on the bill sent to the town, this charge was regarding fixing the ditch, Summit Haven was regarding the bond release and that was reviewed with Scott Kettle. Request was made to add unemployment category as a line item. Councilmember Adair requested process to approve the payment for departments. Mayor Snelgrove stated that guidelines should be defined and he will find out and report back.

*Motion made by Councilmember Adair to approve the bills. Motion seconded by Councilmember Melendez.*

Roll Call vote:

Councilmember Prescott: Absent

Councilmember Melendez: Aye

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Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Aye

Voting was unanimous.

### **13. Adjourn**

*Motion made to adjourn the meeting by Councilmember Adair. Motion seconded by Councilmember Melendez.*

Councilmember Prescott: Absent

Councilmember Melendez: Aye

Mayor Snelgrove: Aye

Councilmember Major: Aye

Councilmember Adair: Aye

Voting was unanimous.

These minutes were approved at the May 13, 2010 meeting.

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Lee Snelgrove, Mayor

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Susan Cann, Town Clerk