

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

The Francis Town Council convened in regular session on Tuesday, August 18, 2009 in the Francis Town Recreation Building. Mayor John Bergen called the meeting to order at 7:01PM.

Present:	Mayor John Bergen
Council:	Tim Butikofer – arrived late John Keyes Lorin Prescott Lee Snelgrove
Town Clerk:	Lynette Hallam
Attorney:	Kraig Powell
Planner:	Alison Weyher
Others attending:	Kit Burton, Randy Butters, Eric Johnson and Gio Melendez

**Consent Agenda – Approval of Town Council minutes – 7/21/09 Council meeting**

*Lee Snelgrove made the motion to approve the minutes of the 7/21/09 Council meeting. John Keyes seconded the motion. The motion passed unanimously. Voting in favor: Mayor Bergen, John Keyes, Lorin Prescott and Lee Snelgrove.*

**Action Item – Discussion and possible approval of a resolution calling a Bond Election**

Mayor Bergen explained that this item has been moved up from #6 on the agenda because this day was Eric Johnson's 25<sup>th</sup> wedding anniversary, and he had asked if the item could be moved up so that he could celebrate with his wife.

Mayor Bergen read the heading paragraph of the Resolution Calling Bond Election #2009-03 as follows: A resolution calling a special bond election for November 3, 2009, to submit to the qualified electors of Francis Town, Utah, the question of the issuance of not to exceed \$639,000 Lease Revenue Bonds of the Local Building Authority of Francis Town, Utah to finance a town hall and related improvements, calling and scheduling the time, date and place for a public hearing regarding the issuance of the bonds: Approving the form of and directing the publication of a notice of election, the ballot proposition and other voter information; and related matters.

Eric Johnson rehearsed some of the history as to why he was asked to prepare the resolution. Francis Town obtained a loan from the CIB for \$639,000 bearing no interest. Based on that, Mr. Johnson explained he was asked to create a Local Building Authority through which that loan could be assumed. As part of that process there is what Mr. Johnson called a referendum provision. There was a public hearing called with respect to the Local Building Authority. The provision says that if there is a petition filed within a 30-day period after the public hearing questioning the issuance of the bonds (bond is a fancy term for a loan) an election must be held. Within that thirty days there was a petition filed by more than 20% of the registered voters. Because of that, before it can issue the bonds, the Town has to call an election. The last possible date to call an election is Thursday, August 20<sup>th</sup>, in order for it to be on this year's ballot.

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

Mr. Johnson stated he was going to go over the resolution. The “whereas” clauses introduce and explain the material Mr. Johnson had just covered. In Section 2 the resolution calls a public hearing. The public hearing will be held September 22, 2009. It is required by law that a public hearing be held.

Lee Snelgrove asked if the purpose of the September 22<sup>nd</sup> meeting would be to have enough people attend to be able to explain what the finances of this loan would do. Mr. Johnson stated it is to explain why the election was called and what it is about; it is an informational meeting. Eric Johnson added the Town is not limited to just that public hearing.

Mayor Bergen explained that the meeting had been moved to the 22<sup>nd</sup> because there is to be an open house concerning the matter on the 15<sup>th</sup> of September so that there can be input from the public before the meeting.

Eric Johnson stated the purpose of the hearing is to discuss the bonds and the financial impact. Mr. Johnson explained this bond election is different than most bond elections. Most bond elections authorize not only a bond but they also authorize the imposition of a tax to repay them. This bond election will expressly not do that; there will be no taxes authorized by this bond election. The Town will have no authority to increase taxes based on this election.

In Section 3, Mr. Johnson explained the Town calls the election for November 3<sup>rd</sup>. In Section 4 the Town Clerk is directed to choose the election judges. Section 5 authorizes the registration of the bond election. Section 6 deals with the notice of the election. The actual ballot proposition is in this section and was read by Mr. Johnson. Mr. Johnson commented that the final maturity date referenced in the ballot proposition of thirty-five years is because the CIB sometimes does not require the initial payment for a few years, this gives a cushion of a few years on the thirty-year loan. The mayor pointed out the first payment is not due until 2012.

Eric Johnson pointed the information on the ballot proposition under the Notice Related to Property Taxes which indicates taxes will not be increased by the issuance of these bonds.

After the ballot information the resolution gets into some of the things that are involved in the election. It also informs people that there is a forty-day time period in which people can challenge the election. Lee Snelgrove asked how the 40-day time period matched up with the 6-month time period that the CIB has given to close the loan. Mr. Johnson explained that the CIB is aware of the situation and will give an extension. The Town Clerk also pointed out there is are 45 days after the election until the proposed closing date.

Section 8 requires that this resolution be delivered to the Lt. Governor’s office no later than Thursday, August 20, 2009. Sections 9 through 13 deal with details of how the election is to be run. The last four sections are basically boiler plate language that deal with the resolutions.

Lee Snelgrove asked if the money from the CIB loan, if the proposition passes, is to be tied only into this project; if there is money left over, could it be used somewhere else in the Town or does it have to be returned. Eric Johnson explained that normally, if there wasn’t an election called and there was extra money involved, the Town could go back to the Community Impact

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

Board (CIB) and ask if they minded if it was used for another purpose. Typically they would say yes. However, with the bond election the Town is getting the approval of the voters. So the Town would not be able to use it for other purposes without asking the voters. In this instance, Mr. Johnson said the Town would have to return the money.

**Resolution #2009-03 – A Resolution calling a special Bond Election for November 3, 2009, to submit to the qualified electors of Francis Town, Utah, the question of the issuance of bonds of the Local Building Authority of Francis Town, Utah to finance a Town Hall and related improvements ; calling and scheduling the time, date and place for a public hearing regarding the issuance of the bonds; approving the form of and directing the publication of a notice of election, the Ballot Proposition and other voter information and related matters**

*John Keyes made the motion to approve Resolution 2009-03. Lorin Prescott seconded the motion. The vote was unanimous. A roll call vote was called:*

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

**Action Item – Discussion and possible approval to an amendment to the Annexation Policy Plan**

Alison Weyher reported that last month the Town Council adopted a revised Annexation Declaration Area Map, which includes proposed zoning. Tonight’s ordinance incorporates the map into the Annexation Policy Plan and adds the language “Potential zoning is indicated on the Annexation Declaration Area Map. Applicants may apply for different zoning at the time an annexation petition is submitted.” This new language will appear under Section 2 and under Section 7.

This change has been made in two steps to ensure that the Map attached to the Annexation Policy Plan is correct. Following last month’s Town Council meeting the map was updated to indicate the area immediately north of Wild Willow, previously considered for annexation as the Uinta Willows project, would be changed to AG zoning. The map after tonight will be incorporated into the Annexation Policy Plan.

Mayor Bergen asked if this action would put Francis Town in full compliance with State requirements which Ms. Weyher indicated it would.

Lee Snelgrove asked if the revised Plan gives the option to waive annexation fees until development happens for those who have property both in Francis and the County. Alison Weyher answered in the affirmative.

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

**Ordinance #2009-01 – An Ordinance, pursuant to Section 10-2-401.5, Utah Code Annotated, adopting a revised Annexation Policy Plan for Francis Town**

*Lee Snelgrove made the motion to approve Ordinance #2009-01. John Keyes seconded the motion. The motion passed unanimously with a roll call vote:*

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

**Action Item – Discussion and possible approval to an ordinance concerning minutes and recordings of public meetings**

Kraig Powell explained this is an ordinance to update the Town’s procedure for approval of minutes and recording meetings. This applies to all entities within the Town. The Utah State Legislature amended these provisions slightly this year. The Legislature now provides that draft minutes from meetings which have not been approved must be public and must be available within a reasonable time after the meeting. Copies of the draft minutes can be released upon request and should be labeled as “draft” or “unapproved.” Lee Snelgrove asked whose definition would be used as to what is a “reasonable time.” Referring to Section #3 of the ordinance, Mr. Powell said that time has been set at fifteen business days after the meeting. The Legislative action also requires that a recording of the meeting must be available to the public for listening within three business days after the meeting. At the next available meeting, the Council is to make a proposal on the minutes to approve them. The default provision that is included is if the Council doesn’t take action at the next meeting, by default they become the approved minutes. Lee Snelgrove asked if there is a time frame included when the next meeting will be held; for whatever reason, cancellation, etc., it may not be the next month. Kraig Powell replied there is no time event requirement; it just has to be the next meeting. John Keyes asked about the recording---whether or not it can leave the office or they have to listen to it there. Lynette Hallam indicated a copy can be made and the requestor can take it. The recording medium now will be CD’s.

Kraig Powell indicated there was a motion needed to approve the ordinance.

**Ordinance #2009-02 – An Ordinance establishing Policies and Procedures for the keeping of and approval of minutes for the public meetings of the Town Council and other Public Bodies of Francis Town**

*Lee Snelgrove made the motion to approve the adoption of Ordinance #2009-02 concerning minutes. Tim Butikofer seconded the motion.*

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

*Roll call vote:*

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

*The motion passed with a unanimous vote.*

**Department Reports**

Mayor Bergen reviewed some calendaring changes. Inasmuch as September 5<sup>th</sup> and 7<sup>th</sup> are Frontier Days and Council meeting on the 15<sup>th</sup> is early in the month, the mayor recommended moving September's Council meeting to September 22<sup>nd</sup>. That move would allow scheduling of an Open House concerning the proposed office building on September 15<sup>th</sup>.

*Lorin Prescott made the motion to approve moving the Council meeting to September 22, 2009. John Keyes seconded the motion. The motion passed with a unanimous vote. Voting in favor: Mayor Bergen, Tim Butikofer, John Keyes, Lorin Prescott and Lee Snelgrove.*

Lorin Prescott reported the concession building is being readied for the celebration. Mr. Prescott indicated the new hood and fan are to be installed.

Lee Snelgrove reported there is an issue with the telemetry. It needs to be determined if a separate circuit is needed in the recreation building for the telemetry. The mayor instructed Lee Snelgrove to call Jason Averett at Probst Electric and ask him to look at it.

Lee Snelgrove indicated Francis still has not received a price quote from Kamas City for the radio read of our meters. It is felt that can be in place before winter. New lids have been installed on the water tank and it is now in compliance.

At the Woodland Hills Water shareholders' meeting, Mr. Snelgrove stated there weren't enough shareholders to approve the changes to the bylaws, constitution and operations and procedures. It has been determined that under the old rules, which are in effect until the new rules are adopted, a 2/3 majority vote is not needed. There will be a meeting on the next Monday, and the documents will be passed. Mayor Bergen reported Alison Weyher and Joe Tesch have met with Bill Miles since the last meeting and resolved his problems. Mr. Snelgrove indicated he had asked Mr. Tesch and Ms. Weyher clarify to Mr. Miles if he did not accept it, Francis Town would vote against it and the rules would stay as they are. The mayor agreed the Town has the ability to do that and the Francis is trying to change this for the benefit of the Woodland Hills residents. Alison Weyher opined in reality Francis is in a better position if the changes are not

**MINUTES OF THE FRANCIS TOWN COUNCIL MEETING  
MEETING HELD AT FRANCIS TOWN RECREATION BUILDING AUGUST 18, 2009**

approved. The changes are to include more representation from Woodland Hills. If things go back to the way they were, Francis is in a better position.

Mayor Bergen reported that Luke Thomas has been contacted by Questar. Questar is quoting \$6,313 to run the gas to the Public Works building. Scott Kettle had indicated to the mayor when the gas was run to Woodenshoe Arena in Peoa, it cost \$4,000; and he had thought it would cost about \$5,000 to run it to the Public Works shed. If the Town can participate in the trenching, hopefully it will bring the cost down. Mr. Kettle will work with Questar to work out an agreement. Lee Snelgrove asked about the extension of the power. Mayor Bergen replied we are working with Rocky Mountain Power & Chad Ambrose. There has not been a price quote from Rocky Mountain Power. The Town has agreed to work with a “green” expert concerning the new office building. Mayor Bergen felt they would work with us better than Questar for the cost of extending the line.

John Keyes reported the last of the hay on the adjoining piece of property has been baled. The agreement with Eric Averett was he could have half of the hay for baling it. Bill and Cooper Crystal will put their livestock in to graze down the hay on the ditches before Frontier Days for the baling they did. Mr. Keyes said he wanted to say thanks to the other Council Members for letting him do all the work.

Tim Butikofer thanked John Keyes for doing all the work; and said he had nothing to report.

**Approve payment of bills and Adjourn**

*Lee Snelgrove made the motion to approve payment of the bills and adjourn the meeting. John Keyes seconded the motion.*

The Francis Town Council meeting adjourned at 7:45 PM.

These minutes were approved at the September 22, 2009 meeting.

---

John Bergen, Mayor

---

Lynette Hallam, Town Clerk