

MINUTES OF FRANCIS TOWN COUNCIL MEETING

MEETING HELD AT FRANCIS TOWN RECREATION BUILDING FEBRUARY 11, 2010

The Francis Town Council convened in regular session on Thursday, February 11, 2010 in the Francis Town Recreation Building. Mayor Lee Snelgrove called the meeting to order at 7:01 PM.

Present: Mayor Lee Snelgrove

Council: Council member: Tal Adair

Council member: Kristi Major

Council member: Gio Melendez

Council member: Lorin Prescott

Town Clerk: Susan Cann,

Town Planner: Alison Weyher

Others attending: Susan Moses, Mark Moses, Undersheriff Dean Carr, Peter Swisher, Gene Atkinson, John Barclay, Scott Kettle, Ray Prescott, Jack Prescott, Eric Averett

Consent Agenda-Approval of Town Council minutes—01/19/2010 Council meeting. Council member Melendez requested name change on page 4 second paragraph change Council member Melendez from Geo. No other changes requested.

Council member Adair made the motion to accept the consent agenda. Council member Major seconded. The motion passed: Mayor Snelgrove aye, Council member Adair aye, Council member Major aye, Council member Melendez aye, Council member Prescott aye. Minutes approved with change.

Approval of Bonds for Town Council and Mayor. Alison Weyher explained that Utah state code requires all municipal officers be bonded and it also requires the bond of the council be approved by the mayor and the bond of the mayor be approved by the council. The town currently has a \$2, 000,000 general liability policies. There are no bonds in place for the major or town council. There is a \$65,000 bond in place for the treasurer and a \$20,000 bond in place for the town clerk. The auditor recommends that towns carry a bond in the amount of 7% of revenues for Town Treasurer. Since our revenues are just under \$700,000 we are currently in good shape for the bonds we have for the treasurer and the clerk. The auditor recommends a \$10,000 blanket performance bond to cover the council and the mayor. If we roll over these bonds to our other insurances through the Utah Government Trust, which offers us the cheapest rates, the payment per year is \$100.00 for the \$10,000 bond, the amount recommended by the state and the auditor. Mayor Snelgrove asked for discussion. Council member Adair questioned if amount was enough in today's world. Alison Weyher explained that the bonds were adequate as it states that as elected officials you will perform you duties faithfully and honestly. It is in addition to the \$2 million dollar liability policy that the town has should anything go wrong. Mayor Snelgrove asked for approval of bonds.

Council member Melendez made the motion that we approve the bond for the Mayor. Motion was seconded by Council member Adair. Vote: Council member Adair aye, Council member Melendez aye, Council member Major aye, Council member Prescott aye. Mayor signed the bond approval for the council.

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Public Hearing and Ordinance 2010-02 – An Ordinance pursuant to Utah Code 10-3-818 adjusting the compensation of town treasurer. Mayor Snelgrove gave background information about the way the wages had previously been set for Susan Moses based on part-time employment. Due to the changes that have come about the last month and the town having the ability to increase her hours Mayor Snelgrove desires that Susan be given full time hours and that her wages made equal to the Town Clerk. This wage increase has to be done by ordinance. Mayor Snelgrove stated that giving Susan Moses 40 hours is justified based on the overtime that has previously been paid out averaging 10 to 15 hours every pay period. Overtime will be a rare occurrence going forward with approval being given by the Mayor. Training will overlap so that each person working in the office will be able to cover all duties should the need arise due to illness or vacation. Council member Major questioned the percentage of the pay increase from \$11.00 per hour. Council member Melendez stated that it would be approximately \$1.50 an hour. Mayor Snelgrove countered that Susan Moses's wages were currently at \$12.00 per hour not \$11.00.

Adjourn to executive session requested motion by Council member Adair. Motion seconded by Councilwomen Major. Voting: Council member Melendez aye, Council member Adair aye, Council member Major aye, Mayor Snelgrove aye, Council member Prescott aye. Council adjourned to executive session. Alison Weyher volunteered to take notes as discussion would be about Susan Moses and Susan Cann. Mayor Snelgrove stated that this was acceptable.

Motion to come out of executive session made by Council member Adair. Motion seconded by Council member Major. Vote: Mayor Snelgrove aye, Council member Prescott aye, Council member Melendez aye, Council member Adair aye, Council member Major aye.

Council reconvened into regular session.

Peter Swisher made the comment that the additional duties that have been assigned should be considered and council should look at the additional duties treasurers do in other towns. Peter Swisher also wanted to know if the decision was not made tonight would her pay increase be retroactive to when she began working 40 hours per week. Mayor Snelgrove stated that it can be retroactive.

Motion to table this ordinance until next month made by Council member Adair. Motion seconded by Council member Melendez. Vote: Council member Adair yes, Council member Melendez yes, Council member Major yes, Council member Prescott no, Mayor Snelgrove no.

Discussion and Possible Approval –Resolution 2010- Lambert Lane Sewer Easement. Mayor Snelgrove explained that he had been given several papers by Duane Lambert who requested that all of the agreements concerning the easement across his property be spelled out legally. Mr. Lambert is concerned that if anything happens to him then it is in writing and someone is not coming back to make changes.

Mayor Snelgrove stated that the papers go back to when Glade Prescott was the Mayor and it was a hand shake and a written statement. Mayor Snelgrove took all the information he was given and meet with Duane Lambert, Kraig Powell and Scott Kettle several times to discuss the issue. Mayor Snelgrove asked Scott Kettle to come forward and explain to the council about the sewer easement. Mayor Snelgrove stated that nothing is being altered, that the agreements are already in writing. The purpose is to make the documents legally binding to the town, Duane Lambert, and his heirs.

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Scott Kettle explained the easement that allows the sewer from Lambert Lane to our sewer ponds has been recorded and Mr. Lambert was paid for those easements. The issues now are in regard to agreements from 1992. The town had some problems with sub water coming up into ponds from the canal and ground water. The decision was made to put a sub drain around the ponds and they needed an easement from Mr. Lambert to do that. An agreement was signed in 1992 but it was never notarized and recorded and there were changes to it. Mr. Lambert wants to have everything spelled out at this time because over the years there have been some issues with who is entitled to the water. Mr. Lambert wants to make sure that everything is recorded at this time. The easement that is before the council includes a summary of the original agreement and things that no longer pertain have been removed. At the current time there is no survey. In the spring a survey will be done with a proper description so it can be recorded. The easement agreement shows 50 feet on one side of his property and 30 feet on the other side of our lagoons where the easement is. There is a pipe which is basically a French drain that was installed to pump ground water from around our sewer ponds and an easement has been granted for that. With that the town agreed that Mr. Lambert could irrigate 20 acres of property with water from our sewer ponds. The pipes were all installed to pump water from our sewer ponds to Mr. Lambert's property. Mr. Lambert wants it written down that he has the ability to have enough water to irrigate 20 acres.

The agreement states that if Mr. Lambert no longer irrigates, or farms, or if for some reasons the sewer lagoons are gone, we do not have to provide the water. As the sub drains collect the water the original agreement called for pumping the water but it flows out of a manhole that Mr. Lambert plugs then unplugs to use the water. Mayor Snelgrove clarified that this is groundwater and not sewer pond water. Scott Kettle asked the council to go over the easement agreement and give him any feedback regarding it.

Mayor Snelgrove explained to the council how the easement directly affects the town as far as letting Mr. Lambert have enough water for the 20 acres. In the past when the sewer ground was leased the person leasing thought they were entitled to all the water which is not the case. Mayor Snelgrove stated that this needs to be written into the contract that a portion of the water will go for irrigating the 20 acres of Mr. Lambert. Scott Kettle explained that depending upon the water that is available that year the water turn is agreed upon. The town's goal is to get rid of access water. Scott Kettle stated that originally Mr. Lambert was leasing the property and took care of it. When he no longer needed the property then the town started leasing out the property and that is when the issue of who was entitled to use the water started occurring. Council member Major asked if we have had issues in the past over the water. Mayor Snelgrove stated that yes there have been but if we specify the terms in the lease agreement that we have obligations with the water then there is no misunderstanding. Mayor Snelgrove stated that there are stipulations in the agreement that if they quite farming then the requirement for the water goes away. Council member Melendez asked if the property was sold are the water transferrable. Scott Kettle said that if the property is sold and they continue to farm they can continue to use the water but if they quit farming the requirement for the water goes away.

Gene Atkinson stated that if the document is recorded and it is ground water at some point the state water engineer will require all ground water to be metered and be quantified and the duty is 3 acre feet of water per acre. Scott Kettle clarified that it is effluent from the sewer ponds, the sub drain water, not ground water, and if water flows across Mr. Lambert's ground we are not saying he has so many acre feet of water, if the water flows across the ground he can use it. Mayor Snelgrove stated that we are not giving him any specific paper rights to the water. The pipe is there and if water flows he can use it. He can do what he wants with the water if he doesn't want to use the water it goes down the ditch.

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Mayor Snelgrove stated that when Mr. Lambert uses the water it keeps sub water from getting into the sewer ponds. Mayor Snelgrove will show Duane Lambert the easement agreement and it will be on the agenda for approval next month. Mayor Snelgrove asked Council member Adair if he had anything to add as it affects his department. Council member Adair is in agreement with the easement as shown.

Discussion-Potential New Town Hall. Council member Melendez said that as of yesterday no formal requests had been received so he called the people who had verbally stated they wanted to be on the committee and invited them to the meeting tonight. Council member Melendez received written request from Jack Prescott to be on the committee at the council meeting. Council member Melendez plans on meeting next week with the building committee and he will contact those people who expressed an interest to come. He requested that if the people in attendance at the council meeting have any ideas of what they would like to see, not necessarily which drawing to use, that they bring their ideas and come to the meeting. Council member Melendez wants to have possibly three different proposals for the building to put before the town; a smaller building, a middle size building and the one that was turned down. Council member Melendez has requested information from Kraig Powell as to where we stand on a new building that is proposed. Does it have to be balloted? Council member Melendez's understanding is that we may not have to go vote on the fact that something different in price and size being proposed. Council member Melendez expressed his understanding that as long as the citizen's committee proposes something different then the town council and planning commission could make the decision and the building would not have to go to another citizen vote. Mayor Snelgrove gave an update about the building plan. Mountain Lands has provided two new suggested floor plans for the building one 1600 square feet, one 3600 square feet, and they will have one at around 2400 square feet. We still have the other drawing that had been proposed. The projected cost is \$170 per square feet which is an average cost to build a building at this time. Those plans could be a starting point for the committee. Mayor Snelgrove reminded the council that the housing authority stays in place and the council is the local building authority. Because the voters turned down the loan CIB requires another vote. The special election is held in June and the proposal has to be in place by March to meet the voting requirements. Scott Kettle explained that with the town council meeting in March we can meet the deadline announcements but it has to be in March. The timing is very limited before the special election in June.

Discussion by council about requirements for notification of special election followed. It was decided that the council could call for the special election without calling for public hearing but there would be public meetings about the building between March and June to inform the public of the issue. Council member Melendez wanted clarification about what would be on the ballot. Council member Adair stated that because the bond was defeated last time it has to go before the citizens again and that this issue should be treated with great sensitivity. Mayor Snelgrove stated that the issue on the ballot has to be the amount of money that the voters are willing to bond for but the specifics of the building do not have to be ready for March. Alison Weyher will get with Kraig Powell to get the specific timeline for the ballot vote. It is Alison Weyher stated it is her understanding that it has to be 90 days before the special election in June. Council member Adair asked if we have the finances available to build a new building. Mayor Snelgrove answered yes. Council member Major stated she has a new contact for grants that might be of some help. Council member Melendez asked anyone in the room interested in being a part of the committee to please let him know after the meeting.

Discussion—Undersheriff L. Dean Carr, Summit County Sheriff's Office.

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Mayor Snelgrove introduced new Undersheriff Sheriff Dean Carr and turned the time over to him. Sheriff Carr stated that it is his intention to reach out to the city councils and develop relationships to learn what the concerns are in their city or town and how the Sheriff Department can provide more effective law enforcement. The Sheriff Department has initiated new Intel policing. Studies show that 6% of the population commits about 60% of the crime. They are going to start targeting repeat offenders to reduce the crime rate. Two studies indicate that three to five percent of addresses account for 50 percent of the calls for service. If they see something happening they will address the issue but they need input from community. Over the last two years they have had an officer doing gang identification work and he has identified over 100 gang members associated with Summit County. Forty percent of the gang members live here, the other 60 percent work here or hide out here when the heat is on. Now that the sheriff's office has an identified gang presence in Summit County they are going to make sure it does not become a problem. A specialist will be hired who is a former gang detective in Salt Lake City. If anyone has any concerns Undersheriff Carr would like to hear from them. The Mayor has Undersheriff Carr's cell phone and will be able to contact him at anytime. Sheriff Carr will be assigning a deputy to attend our meetings. Gene Atkinson mentioned that last summer when he was at the park riding his horse there were seven members of MS 13 here. Undersheriff Carr asked how he knew they were from that particular gang and Gene Atkinson stated he recognized the tattoos. Undersheriff Carr stated that the Sheriff Department would like to be notified if this happens in our area and they will send a unit to check it out. The documentation process now allows documentation of gang members and that is all entered into data base this allows law enforcement to know where they are.

John Barclay asked Undersheriff Carr about receiving several letters in email scams that he has been forwarding to the Attorney General's office and wanted to know if that is the appropriate way to report them. Undersheriff Carr stated it was. The Sheriff's Department has an internet specialist and they have the ability to find out where a predator is by their IP address and arrests have been made because of it. This is now a full time position.

Mayor Snelgrove commended the Sheriff's Department on what a great job they are doing. Undersheriff Carr stated that if they know what our issues are they can address them. Mayor Snelgrove stated that he has discussed the speed issues in town we are having and Undersheriff Carr stated that in the spring they would be addressing the speeding issue.

Discussion—Utah Open and Public Meetings Act. Mayor Snelgrove stated he would prefer that people call him rather than email. Mayor Snelgrove shared the legal decision requested from Kraig Powell regarding email communication and stressed the importance of not violating the open meeting law. The Mayor stressed the importance of remembering that there is a fine line when emails are sent back and forth between council members that the open meeting act is not crossed. If council members have questions about emailing they should ask the Mayor as he has discussed this issue in detail with Kraig Powell. Mayor Snelgrove reminded the council not to make decisions outside of council meetings, especially when three council persons are together to avoid crossing the line involving the open meeting act.

Discussion and Possible Approval—Council of Governments Resolution Interlocal agreement resolution. The Mayors of Summit County and three county council members sit on the board. Mayor Snelgrove was voted in as the Vice Chairman of this committee. Mayor Snelgrove asked the council to read through the bylaws and be ready to vote for approval of the Interlocal agreement next month. Mayor Snelgrove would like the consent of the council to accept this agreement on behalf of Francis.

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Mayor Snelgrove explained that we have already been entered into this Interlocal agreement but there have been some changes such as the number of county council members who are on the board. Alison Weyher stated that there has been an effort made to get a balanced membership.

Department Reports

Mayor Snelgrove reported he had received a letter from Council member Adair resigning from the board of adjustments. Mayor wants a letter sent to planning commission members reminding them of policy regarding attending planning commission meeting. Next month council will need to appoint new members to the planning commission.

Mayor Snelgrove discussed the information sheet on purchase authorization. Council members have authorization to spend up to \$500 as long as it is in their budget. The amount from \$500 to \$1000 need to consult with the Mayor in the decision. Over \$1000 brought before approval of town council. Anything up to \$300 employees should use a purchase order. If expense is over \$300 then the council member over the department would need to be consulted. It did pass unanimously in council meeting but it was not done by ordinance it was done as an action of the council. Mayor Snelgrove would like this put in place by ordinance.

Council member Melendez has questions for Luke regarding street signs that are down. Scott Kettle stated that if it is a regulatory sign it should be taken care of now. Council member Major stated that the stop sign at the corner of Wild Willow and Hallam Road is down. Council member Melendez said the street sign for Wild Rose and Hallam Road is down. Council member Adair stated that the arrow signs are missing on Hill Top.

Council member Adair updated the council about the grinder for the lift station on Hallam Road that is expected in soon. These will be used to grind effluent before it reaches the pump station and help the pumps perform better. The installation should occur in the next couple of weeks.

The lift station on Foothill road needs additional land for the new backup generator. Council member Adair has been in touch with the land owners about the town purchasing additional land. Mayor Snelgrove asked if the generator was inadequate. Scott Kettle clarified when we replace the lift station we will also replace the generator but the space we currently have is not large enough to meet the electrical code. Mayor Snelgrove questioned if we needed to purchase a new generator. Scott Kettle stated that there is a grant for the new generator but we will have to have additional land for the new lift station and generator. Council member Adair stated that we need another 15 feet to put the generator on over and he will report to the council as things progress.

Council member Adair met with Scott Kettle about the needs of the sewer and he will be putting together a time line about what needs to be done in regards to the sewer.

Council member Major has visited the office and stated what a vast improvement in the looks and the organization. Luke Thomas and Council member Major toured the park grounds and things that need to be done identified.

Council member Major has a new contact for grants in Logan who assured her that she can identify grant money for us. Council member Major will get further information from her and go forward. Council member Major met with the census contact. There are posters and hats for volunteers. The census forms will be mailed the second week of March. They are not mailed to any PO Box. The census

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bureau spends around \$80 million trying to count the people. Utah rated 68% Summit county 43%, Wasatch 54%.

Gene Atkinson asked if you only have a PO Box how they will contact you. Council member Major explained someone will come to your house five different times. This is the shortest form ever, only 10 questions, it is mandatory, your rights are protected. Council member Major requested cards placed in the utility bills and sending emails to let everyone know they should complete the census form. Our slogan is "Francis Counts". There are positions available for working with the census. They pay \$10 to \$14 dollars an hour; you work at your own pace at your own time.

Alison Weyher asked council to review the staff report concerning the history of Double Eagle Enterprises. Alison Weyher explained Mayor Snelgrove asked for staff report because the council may be hearing from owner of establishment and/or his neighbor. Mr. Call no longer has a business license in Summit County. When it expired in December, Summit County indicated they would not renew it. The next step according to the town policies and planning code will be for Mr. Call to apply for a conditional use permit and permission to operate a business at that location. There are no guarantees the conditional use permit will be issued. Without a conditional use permit he is operating a business illegally. Council member Melendez stated that Mr. Call has to go the planning commission first. Alison Weyher stated that there is a lot of history with this issue and there is pending litigation that is being threatened continually. Mayor Snelgrove spoke with Kraig Powell about this and council members are not violating anything if you want to go see the specifics. Mayor Snelgrove reminded the council members they could meet with Mr. Call or decline the offer but do not commit yourself to anything.

Alison explained about the process of annexation covered under state code 10-2-401- 406. The Leagues and Cities and Towns book has information on annexation and council was encouraged to get a copy of the book and become familiar with the contents. First step for annexation is people come to the office and they submit an annexation petition. Uinta Willows subdivision owners have resubmitted an annexation petition. The state statute says that if the petition is submitted within 15 days prior to a town council meeting then the item has to be placed on the agenda at the next month's meeting. This petition will be on the March agenda. If you do not take any action on it or do not put it on the March agenda then the petition will be considered accepted for further consideration. The first action that night will be to either accept for further consideration or deny it. If you deny it then it goes away. If it is accepted then the applicant will begin working with town staff, planner, and town engineer. The planning commission will hold a series of public meetings and sort through the proposal for that property to be annexed. Then the planning commission makes a recommendation to the council who can accept or deny the annexation. Mayor Snelgrove and Alison Weyher would like to have a joint work session between the town council and planning commission to Council member Adair through the whole notion of annexations and to Council member Adair through and see if there is a philosophy that the town has. Right now we have the Uinta Willows petition and another petition which has been accepted for further consideration and that is the Dave Rose parcel on the extreme southern end of 1000 East. They will want to Council member Adair to the council about completing their annexation.

The next planning commission meeting will be held on February 24 and if workable with the town council it was suggested a joint work session be held. It is the feeling of the Mayor and Alison that this would benefit both the town council and the planning commission. Council member Adair proposed meeting in a work session separately as council before meeting with planning commission. Council member Melendez was in favor of meeting with planning commission and getting to know where they stand and vice versa as was Mayor Snelgrove. Council member Major would like more information on

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the sewer issue before coming to a decision about new annexations. It was determined that due to the nearness of the meeting for planning commission time will not allow a work meeting for the town council before that meeting.

Mayor Snelgrove reminded Council member Melendez that the citizens building committee is a nonbinding committee and please remind those on the committee of such.

Mayor Snelgrove would like to hold a get together as a town council, spouses, staff and employees. It was stressed that this would be a social only and under no circumstances would any town business be discussed. It was suggested that everyone check their calendars and see if March 6th would be acceptable.

Mayor Snelgrove suggested that from now on the bills and adjournment be separated. New this month in each every council person is a list of all the invoices to be paid. A discussion of bills by the council members.

Mayor would like staff to show on the monthly report when monies are received from developers to show replenishment to account for engineering and planning fees.

Council member Major made motion to approve open invoices as shown to be paid as dated 2-11-2010. Motion second by Council member Melendez. Vote: Mayor Snelgrove aye, Council member Prescott aye, Council member Adair aye, Council member Major aye, Council member Melendez aye.

The Francis Town Council meeting adjourned at 9:05 P.M.
These minutes were approved at the March 11, 2010 Council meeting.

Lee Snelgrove, Mayor

Susan Cann, Town Clerk