



**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**
City Council Chambers
125 South Main Street, Vineyard, Utah
October 13, 2021 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember Tyce Flake
Councilmember Chris Judd

Absent

Councilmember John Earnest
Councilmember Cristy Welsh

Staff Present: Interim City Manager George Reid, City Attorney Jayme Blakesley, City Engineer Naseem Ghandour, Public Works Director Chris Wilson, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, City Planner Briam Amaya Perez, Finance Director David Mortensen, Water Manager Sullivan Love, Deputy Recorder Kelly Kloepper, Heritage Commission Chair Tim Blackburn,

Others speaking: Jason Boal with Snell & Wilmer, Steve Hutchings with X Development, Residents Randy Gray, Gale Williamson, David Lauret, and Aubrey Bills

1. ► CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

Councilmember Judd led the Pledge of Allegiance and offered the invocation.

WORK SESSION

2. ► UDOT Betterments for the Vineyard Connector

Staff and Council will discuss possible and desired betterments for the Vineyard Connector expansion.

Mayor Fullmer explained that this discussion was being moved to a future date.

REGULAR SESSION

3. ► PUBLIC COMMENTS

Mayor Fullmer called for public comments. Hearing none, she closed the public comments session.

4. ► MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

5.1 ► Interim City Manager George Reid – Mr. Reid reported on meetings for the rail spur removal, realignment of 1600 North, and the department head retreat to outline the transition from the previous city manager to the new city manager.

5.2 ► Planning Commission Chair Bryce Brady – Mr. Brady was excused. Mr. Brim reported that at the last Planning Commission meeting the Sunlight Bilingual Preschool Conditional Use Permit was approved, and that the Planning Commission was recommending the Text Amendment (which was on the agenda tonight) for approval. Mr. Blackburn highlighted that the vote was a 4-1 vote.

5.3 ► Heritage Commission Chair Tim Blackburn – Quarterly Report. Mr. Blackburn outlined the Commission's requests from council, which included a clearer direction from the city as to expectations, a budget allocation, installation of the Walter's Way signage, placement of donated storage shed and vintage farm equipment to Public Works property, a historic bikeway, and support of a Vineyard Cemetery. He mentioned that City councilmember Cristy Welsh was serving as a regular member of the Commission.

Mayor Fullmer addressed his concerns and a discussion followed.

Mr. Blackburn presented the Commission's future vision which included plans for historical branding, commemorating Geneva Steel's history, recognizing Vineyard's veterans, and other plans to promote Vineyard's history in areas throughout the city. He concluded by reiterating his request for an annual budget and requesting Recreation, Arts, & Parks (RAP) funds for the Commission's projects.

Councilmember Judd recommended that the Heritage Commission work with staff to estimate how much money was needed for each item and to then submit a budget request to council. The discussion continued.

6. ► CONSENT ITEMS

6.1 Approval of the September 22, 2021 City Council Meeting Minutes

6.2 Approval of local consent for a DABC Limited-Service Restaurant Liquor License for Umami LLC

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEMS 6.1 AND 6.2 AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

7. ► APPOINTMENTS

7.1 Vineyard Youth Council Executive Committee7
With the advice and consent of the City Council, Mayor Julie Fullmer will appoint members of the Vineyard Youth Council to the Executive Committee. (Due to Alpine School District's Fall Break this item is being postponed to the October 27, 2021 City Council meeting.)

8. DISCUSSION/PRESENTATIONS

8.1 No items were submitted.

9. BUSINESS ITEMS

9.1 ► **PUBLIC HEARING – Zoning Text Amendments (Ordinance 2021-14)**

*(This item **may** be postponed to the next City Council meeting scheduled to be held on October 27, 2021)*

Briam Amaya Perez will present an application from Jason Boal, with Snell and Wilmer Law Firm, for a zoning text amendment regarding Section 15.14.2.08 Development Standards, to increase the permitted number of residential units and density located within the regional mixed use zoning district. They mayor and City Council will act to adopt (or deny) this request by ordinance.

Mayor Fullmer called for a motion to open the public hearing.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN TO PUBLIC COMMENT AT 6:28 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

Mr. Amaya Perez explained that the proposed amendment was an increase in the maximum allowable residential units and density in the Regional Mixed-Use (RMU) district through a development agreement. He emphasized that this was only for the RMU and not for the whole city. This amendment would increase the allowable units from 2,009 to 2,350. The proposal would facilitate a mixed-use, multi-family building at The Yard Plat B. He emphasized that this agreement opened the door to negotiations only; it did not guarantee that the project would be constructed. He detailed the purposes of the RMU district and stated that the Planning Commission had concerns which City Attorney Jayme Blakesley would address.

Mr. Blakesley stated that the development agreement would have to be a legislative instrument which would therefore have to go through the public comment process and approval by city council.

► Resident David Lauret, living on Holdaway Road, voiced his opinion that changing the density for the RMU would be inappropriate and would impact the desirability of future development options. His suggestion was to limit the density increase to a specific lot or area within the RMU instead of for the whole RMU, to protect the city.

Mr. Blakesley responded that if the council wanted to limit the density increase to one location, a development agreement was the preferred instrument to accomplish that. The discussion continued.

► Mr. Lauret stated that a concern that Planning Commission Chair Bryce Brady had was that he supported the density increase for the site east of Topgolf site, but not for other places in the RMU district, because of concerns with access.

► Resident Randy Gray, living in The Villas, stated that more than seventy residents in his community and elsewhere in Vineyard were adamantly opposed. Mr. Gray asked what Vineyard got in exchange for this residential increase and how parking would be addressed, and a discussion ensued. He added that he and the residents he was representing were requesting a

signal at Vineyard Connector and Main Street and a four-way stop sign at the intersection of Vineyard Loop Road and Main Street.

► Resident Aubrey Bills, living in The Elms, asked what happened if the city didn't pass this. Mayor Fullmer responded that passing this provided the developer with the ability to apply. Mr. Brim added that the developer would then provide more details with their application. Ms. Bills wanted to see more discussion, especially since there were only three councilmembers here tonight. Mayor Fullmer explained that the fact that this decision tonight enabled a later legislative decision when the other councilmembers would be able to vote allayed that concern for her.

► Resident David Lauret stated his concern that development agreements and overlays were workarounds to the zoning code and requested that if passed that they be made easily available to the public, as the codes were. Mayor Fullmer stated that they would be, and a discussion ensued about where the development agreements were available.

Mr. Lauret also shared his concern that the developer hadn't brought details of their plan.

Mayor Fullmer clarified that the developer did not have ability to show the city what they wanted to do until council made this change. She emphasized that the change would not tie our hands, and the council did not have to say yes in the future. It would still go through the legislative process and other applicants could come forward as well.

Councilmember Judd further explained that since the cap of 2,009 residential units had already been reached, the developer could not even apply. Therefore, developers currently had no avenue to apply until the cap was increased. Mayor Fullmer added that to create flexibility to meet our goals as a city, this was the avenue to consider the applications, not to commit to them. The discussion continued.

Mr. Blakesley explained that once a city defined the uses and the densities for zoning, if an application exceeded them, it was dead on arrival. The developer needed some understanding that the application would be received by the city before they put the resources into submitting. This provided an avenue for them to apply and did not change the procedure that the city used to enact that zoning change. There would still be a public noticing, public hearings before Planning Commission and City Council, etc.

Mayor Fullmer called for a motion to close the public hearing.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:06 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

Mayor Fullmer called for a motion to reopen the public hearing.

► **Motion:** COUNCILMEMBER JUDD MOVED TO REOPEN THE PUBLIC HEARING AT 7:06 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

► Applicant Jason Boal with Snell and Wilmer emphasized that they were aware that this was a text amendment and not a rezone. This did not obligate the city but provided a mechanism for the developer to come back and make a proposal. He clarified that if a development agreement were to be reached, it would be for density to increase in that specific area, not for the entire RMU. He explained that they were proposing another layer of review and input from the public and to make sure that the project they were proposing met the goals of the community. He stated that parking and traffic could be a part of that agreement.

► Resident Gale Williamson, living in The Villas, stated that he was against increasing density.

Mr. Boal responded that they were not asking for increased density tonight and that there was no obligation for the city to agree to that. He said they were asking for the opportunity to have that conversation.

Councilmember Judd asked why they were specifically asking for a maximum of 341 additional units.

Steve Hutchings with X Development responded that he thought the final number would be less than 341. He understood that any other developer could also apply as a result of this decision tonight. Mr. Boal stated that they were prepared to move quickly, adding that he felt they would be providing a benefit to the community. Planning Commission and City Council would have a chance to weigh those benefits before approving their application.

Mayor Fullmer commented that whatever happened would be highly scrutinized not only by the Planning Commission and City Council, but by the public.

► Councilmember Judd proposed putting a sunset clause in the development agreement so it added adequate timeframes so that council and citizens could feel comfortable. The discussion about adding a sunset clause continued.

Mr. Hutchings declared that they would make the application immediately and that the users would bring economic development to the city. Mr. Brim said that other developers were interested, and he encouraged the applicants to move very quickly. Mayor Fullmer encouraged them to also show why it would be important to the city.

► Resident Gale Williamson asked the council to consider quality of life, not just money. He was concerned about a one-sided presentation if the developer was the one telling the city how their project would benefit the city.

► Councilmember Flake commented that he ran for city council because of these kinds of issues. He had sat through all the presentations for almost the last eight (8) years. He stated that he did not take this change lightly at all. Roads, infrastructure, and law enforcement cost money and it was the council's job to find the money to pay for them. Funds came from businesses and the taxes they paid. He stated that if he was not looking for businesses to come in, he was short-changing Vineyard residents by giving them a city that did not take care of their needs. He explained that he had listened to these applicants with previous projects as well as this one tonight. He felt comfortable with the presentation, since it would be legislative, and therefore he would still have power to change this. He said he understood and shared Mr. Williamson's concerns because he lived here. Since last week he had asked questions and had them answered. He had done his due diligence and was ready to vote. He stated that council would make sure

the developers followed through, which had not always been the case. He hoped that would help the residents feel better about the process.

► Mayor Fullmer added that increasing the tax base did improve and protect quality of life, which is why they wanted to scrutinize this project. When or if the city made a development agreement it would reflect council's vision of quality of life. Council would consider the citizens' concerns and needs and do their best and make a good decision that they could stand by, and citizens could then hold them accountable.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:37 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER JUDD MOVED TO ADOPT ZONING TEXT AMENDMENTS ORDINANCE 2021-14 WITH THE FOLLOWING MODIFICATION: THAT WE INSERT A SECTION TWO JUST BELOW SECTION ONE THAT READS: THE TEXT AMENDMENT MADE BY THIS ORDINANCE ALLOWS FOR THE MAXIMUM RESIDENTIAL DENSITY TO BE INCREASED THROUGH A DEVELOPMENT AGREEMENT. IF THE CITY DOES NOT RECEIVE A COMPLETE APPLICATION FOR SUCH DEVELOPMENT AGREEMENT WITHIN TWELVE (12) MONTHS OF THE PASSAGE OF THIS ORDINANCE, THEN THE TEXT AMENDMENTS ACCOMPLISHED BY THIS ORDINANCE SHALL BE VOID AND THE TEXT OF THE AMENDED CODE SHALL REVERT TO THE LANGUAGE THAT EXISTED PRIOR TO THIS ORDINANCE BEING ADOPTED.

Mayor Fullmer asked for a clarification on the modification. Mr. Blakesley stated that it would turn the clock back to yesterday if no application was received within twelve months.

Mayor Fullmer called for a second to the motion.

COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

9.2 ► **DISCUSSION AND ACTION – [Franchise Agreement with Questar Gas Company DBA Dominion Energy Utah \(Ordinance 2021-13\)](#)**

City Attorney Jaymie Blakesley will present a franchise agreement between Vineyard and Questar Gas Company DBA Dominion Energy Utah. They mayor and City Council will act to adopt (or deny) this request by ordinance.

Mayor Fullmer turned time over to City Attorney Jayme Blakesley. Mr. Blakesley explained the franchise agreement and that it would be for a thirty-year term. Mayor Fullmer asked if it changed anything. Mr. Blakesley replied no and that there was no cost to the agreement.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER JUDD MOVED TO ADOPT THE FRANCHISE AGREEMENT WITH QUESTAR GAS COMPANY DBA DOMINION ENERGY UTAH ORDINANCE 2021-13 AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

9.3 ► DISCUSSION AND ACTION – Approval of PTIF Management Authorization (Resolution 2021-20)

Finance Director David Mortensen is requesting that authority to manage the City's PTIF accounts be given to him and Treasurer Bayley Deason. The mayor and City Council will act to approve or (deny) this request by resolution.

Mayor Fullmer turned the time over to Finance Director David Mortensen.

► Finance Director David Mortensen explained that the transition in finance staff required council approval to appoint two individuals who would be authorized to make changes to the city's Public Treasurers' Investment Fund (PTIF) accounts. He was requesting that he and Treasurer Bayley Deason be those two individuals.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE THE PTIF MANAGEMENT AUTHORIZATION RESOLUTION 2021-20 AS PRESENTED. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

9.4 ► DISCUSSION AND ACTION – Land Donation – 1600 North (Resolution 2021-21)

City Engineer Naseem Ghandour will present a land donation from Geneva Properties (Anderson Geneva) to the city for trail completion along 1600 North. The mayor and City Council will act to approve or (deny) this request by resolution.

City Engineer Naseem Ghandour explained that the city wished to accept approximately 0.29 acres of unimproved property at 1600 North and 250 West from Geneva Properties. This property would be part of the connection to the Lindon Heritage Trail which was to be constructed during 2022. He indicated that there was no cost to the city.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE THE ACCEPTANCE OF DONATION OF UNIMPROVED PROPERTY DESCRIBED IN EXHIBIT "A" FROM GENEVA ANDERSON LLC, RESOLUTION 2021-21 AS PRESENTED. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

9.5 ► DISCUSSION AND ACTION – Plat Amendment for the Meadows Final Plat 10

City Planner Briam Amaya Perez will present a plat amendment for a boundary line adjustment between landowners Markus and Schramm. The mayor and City Council will take appropriate action.

Mr. Amaya Perez presented the plat amendment and explained that the Markus family bought property in a neighboring lot from the Schramm family, and they were amending their lot lines through the final plat amendment application. Mr. Amaya Perez reported that they had met all Subdivision Code and Utah County Recorder requirements and Mr. Amaya Perez was recommending approval of the final plat.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE THE FINAL PLAT AMENDMENT AS REQUESTED BY THE APPLICANT. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

9.6 ► DISCUSSION AND ACTION – Interlocal Agreement with UDOT for Vineyard Connector & Main Street Traffic Signal (Resolution 2021-22)

City Engineer Naseem Ghandour will present a request for approval of an interlocal agreement between Vineyard and the Utah Department of Transportation for the installation of a streetlight at the intersection of the Vineyard Connector and Main Street. The mayor and City Council will act to approve or (deny) this request by resolution.

Mayor Fullmer asked Mr. Ghandour to address Resident Randy Gray's earlier question about the intersection at Vineyard Loop Road and Main Street.

Mr. Ghandour first explained the Interlocal Agreement and reported that studies showed that with improvements and future development that a traffic signal was warranted and gave further details on the funding.

Mr. Ghandour responded to the question about Vineyard Loop Road and Main Street and indicated that staff had been in talks regarding a warrant study for that intersection and gave further details on pedestrian improvements. Mayor Fullmer added that council had authorized the warrant study for 400 North and Main Street as well as the 600 North and Main Street and 400 North and Vineyard Loop Road intersections.

Councilmember Flake asked about the timeline for the traffic signal at the Connector and Main Street. Mr. Ghandour replied that it would be complete in early- to mid-2022.

Mayor Fullmer called for a motion.

► **Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN UDOT AND THE CITY FOR THE INSTALLATION OF A 4-

WAY TRAFFIC SIGNAL AT VINEYARD CONNECTOR ROAD & MAIN STREET RESOLUTION 2021-22. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

10. CLOSED SESSION

No closed session was held.

11. ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:55 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE AND JUDD VOTED AYE. COUNCILMEMBERS EARNEST AND WELSH WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

MINUTES APPROVED ON: October 27, 2021

CERTIFIED CORRECT BY: /s/ Kelly Kloepper
KELLY KLOEPFER, DEPUTY RECORDER