NOTICE OF A REGULAR
CITY COUNCIL MEETING
City Council Chambers
125 South Main Street, Vineyard, Utah
January 11, 2023, at 6:00 PM

Present	**Absent**
Councilmember Tyce Flake	Mayor Julie Fullmer
Councilmember Amber Rasmussen	Councilmember Mardi Sifuentes
Councilmember Cristy Welsh	

Staff present: City Manager Ezra Nair, Finance Director David Mortensen, City Attorney Jayme Blakesley, Public Works Director Naseem Ghandour, Engineer Emily Kofoed, Interim Chief Building Official Cris Johnson, Lieutenant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, City Planner Cache Hancey, Water Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commissioners Bryce Brady, and Anthony Jenkins

Others Speaking: Fred Philpot with Lewis Young Robertson and Burningham; Jeff Gochnour and Steve Borup with Dakota Pacific; Residents Tyler Haroldsen, Daria and Russell Evans, and Kent Conder

1. CALL TO ORDER AND ELECTION OF A MAYOR PRO TEMPORE

City Recorder Pamela Spencer will call the meeting to order and then call for a nomination and roll call vote from the City Council to elect a mayor pro tempore to preside over the City Council meeting. She will then turn the time over to the newly elected mayor pro tempore.

▶ Ms. Spencer opened the meeting at 6:00 PM and called for a nomination for mayor pro tempore for the night.

▶ **Motion:** COUNCILMEMBER WELSH NOMINATED COUNCILMEMBER FLAKE AS THE MAYOR PRO TEMPORE. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: COUNCILMEMBERS FLAKE, RASMUSSEN, AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

▶ Ms. Spencer turned the time over to Mayor Pro Tempore Flake.

2. INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

▶ Mayor Pro Tempore Flake gave the invocation and led the Pledge of Allegiance.

3. WORK SESSION

3.1 Water And Sewer Usage Rate Study

Fred Philpot with Lewis Young Robertson and Burningham (LYRB) will present the results of the water and sewer usage rate study.

Mayor Pro Tempore Flake turned the time over to Fred Philpot with Lewis Young Robertson and Burningham.

Mr. Philpot reviewed the results of the water and sewer usage rate study.

Councilmember Welsh asked Mr. Philpot to take the need for a second water tank into consideration when finalizing the rate studies. She asked if it would be better to phase in the cost change on denser units or increase them upfront. There was a discussion about how to proceed.

Councilmember Rasmussen thanked Mr. Philpot for his work and stated that she needed to have additional discussions with the council and staff.

Mayor Pro Tempore Flake explained that the council needed to consider the quick growth of the city, that there was a finite amount of water, and the capacity of the sewer system. He noted that the legislature was pondering what to do about water and were going to do a two-year study. He mentioned that the city had been subsidizing the cost for water and sewage usage and could not afford to subsidize it anymore. He also mentioned that there would be additional meetings about the rates and public comment would be allowed at a future meeting.

3.2 Development Agreement for The Forge

City Manager Ezra Nair will present a development agreement for The Forge development.

Mayor Pro Tempore Flake turned the time over to City Manager Ezra Nair.

Mr. Nair gave background information on the area where The Forge was located. He then turned the time over to the developers.

Jeff Gochnour, with Dakota Pacific, introduced himself and reflected on the water and sewer usage for a different city in Utah and how they resolved their issues. He gave a brief background on the history of the property from when Cottonwood Partners purchased the property to now. He noted that the Planning Commission had asked them to create a master plan framework. He then reviewed the amended development agreement. He turned the time over to Steve Borup with Dakota Pacific.

Mr. Borup reviewed their plans for open and event spaces and then reviewed the full master plan. He asked if there were any questions about their vision. He mentioned that they were willing to donate land for a park.

Mayor Pro Tempore Flake felt that there were opportunities to consider, with a Utah Valley University sports complex scheduled for the property to the west of the developers' property. Mr. Borup replied yes, they had considered the potential use of the property. He mentioned that they were actively pursuing a grocery store. Mayor Pro tempore Flake mentioned that residents

wanted to see sit-down restaurants. Mr. Borup replied that they would be including sit-down eating areas.

- Councilmember Flake asked about the roads in the development. Mr. Borup explained how the roads would work.

- Councilmember Welsh asked about the shared parking. There was a discussion about the potential parking uses. Mr. Brim suggested that the developer have a parking management system in place. Mr. Borup explained that they would have a parking management plan, which would include a permit program.

- Councilmember Welsh asked if the internal alleys would be pedestrian only. Mr. Borup replied yes, the alleys would be for pedestrians only.

- Mr. Borup reviewed potential zoning changes, density, parking, and tax increment funding. He gave examples of the residential and commercial units. He said that they were asking to amend the allocation of the residential units and offices. Mayor Pro Tempore Flake asked for clarification on allowing residential on the ground floor. Mr. Borup explained how the allocation would work. There was a discussion about the residential to commercial.

- Mr. Borup mentioned the need for affordable housing and what their plans were. Mayor Pro Tempore Flake mentioned that there was a huge bill coming in the state legislature addressing affordable housing. There was a discussion about how the bill could affect cities and developers.

- Mr. Borup explained that they wanted to bring play into the environment for adults, use pavers, add interesting and a variety of seating, and add a Woonerf street (a Dutch name for a living street). He reviewed potential uses for open space.

- Mr. Borup reviewed the lot behind the Megaplex. He suggested that amenities could be added such as commercial electric vehicle charging stations. Councilmember Welsh felt that there might be an opportunity to partner with X Development who owns the property on the south side of that lot. Mr. Brim mentioned that they were working with the Utah Department of Transportation (UDOT) on the new makeup of Geneva Road. Mr. Borup explained that once the first site plan was submitted, they would define the park space. There was a discussion about the use of the lots. Mr. Borup stated that they would be committing to the open space through the development agreement.

- Councilmember Welsh mentioned that the northeast corner of the development was the entrance to the city and asked if the city could collaborate with the developers to include something welcoming people to Vineyard such as a welcome sign. Mr. Borup said that as part of the development agreement they would be working with the city to design the area.

4. PUBLIC COMMENTS

- Mayor Pro Tempore Flake called for public comments.

- Resident and Bicycle Commissioner Tyler Haroldsen, living on Mill Road, asked how the city reported pedestrian and biker fatalities. He said that during his research he had encountered a couple of stories that happened in Vineyard that were not reported on the national database. He

mentioned the statistics listed in the active transportation plan. He stated that he wanted to see that the data was being properly reported at a city, state, and federal level.

Resident Daria Evens, living in The Villas subdivision, thanked the council and staff for the 400 North and Main Street traffic signal that was being installed. She expressed concern with how residents were recycling and suggested that they include a list of acceptable recycling items in the utility bills. She also expressed concerns with garbage along the trails and suggested that they add larger garbage receptacles and easier access to the receptacles. She asked if the city could do a quarterly city-wide clean up. She felt that the concerns from the survey taken when the city was amending the General Plan in 2018 were still the same today: protecting the small-town character, too much high density, lack of parking, growing too quickly, lack of infrastructure, lack of a grocery store, a desire for safety and cleanliness. She suggested the city lower density to alleviate the parking issues. She also suggested that they locate the new fire station on Mill Road and 800 North. She asked about the public hearing next week for the Forge development. Mr. Brim replied that it would be the development agreement. She asked about the public notice for Public Hearing on The Active Transportation Plan being held tonight. Ms. Spencer located the posted notice for her. There was a discussion about the notice. She asked who they should call about concerns with the FrontRunner, about the length of the path from the station to the parking and that there was no covered parking to wait for the buses, especially for ADA compliance. She expressed concerns about the vision that the council had for Vineyard and if they were really interested in keeping it family friendly. She felt that they needed more single-family housing.

Mayor Pro Tempore Flake called for further comments. Hearing none, he closed the public session.

5. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Mayor Pro Tempore Flake reported on the 2023 State Legislative session. He recommended that people go to Utah Legislature website to review the bills and watch what the legislature was doing. He reviewed three bills of concern: Railroad rights–of-way, safe school route evaluations, the housing and transit reinvestment zone. He mentioned that there was a bill to designate a state crustacean. He noted that he would report updates at each council meeting. Councilmember Welsh added that some of the representatives had said that 10 well-written letters could make a difference.

Councilmember Rasmussen reported that she had attended the grand opening of "wewhiten" a new business in Vineyard.

Councilmember Welsh reported that she had met with members from the Lakefront Homeowners Association. He toured the Nordic College of Osteopathic Medicine, a new medical school in Utah, and suggested residents look into it if they are interested in attending it. She reported that she had attended the Mountainland Association of Governments (MAG) meeting, where they received an update on Housing and Transit Reinvestment Zone (HTRZ). She mentioned that other upcoming legislative bills addressed were, taxes on gas, and electric vehicles.

6. STAFF, COMMISSION, AND COMMITTEE REPORTS

6.1 City Manager Ezra Nair reported that staff would be doing a social media post about how easy it was for residents dump their extra trash at the North Pointe Solid Waste facility. He mentioned that Jason Earl with the Orem Fire Department had retired.

6.2 Planning Commission Chair Bryce Brady reported that the Planning Commission had discussed two of the items that were on the agenda tonight, and a building site plan for the extension of a building in the industrial area in the Eastlake at Geneva.

7. CONSENT ITEMS

7.1 Approval of the December 14, 2022, City Council Meeting Minutes

Mayor Pro Tempore Flake called for a motion.

Motion: COUNCILMEMBER RASMUSSEN MOVED TO APPROVE THE CONSENT ITEM AS PRESENTED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

8. APPOINTMENTS

No names were submitted.

9. PRESENTATIONS/RECOGNITIONS/AWARDS/PROCLAMATIONS

No items were submitted.

10. BUSINESS ITEMS

10.1 PUBLIC HEARING – <u>Zoning Text Amendment – Public Noticing (Ordinance 2023-01)</u>

(This item was continued from the December 14, 2022 City Council meeting.)
City Planner Cache Hancey will present recommendations for Zoning Text amendments to the following sections: 15.18.020 Required Notice of Public Hearing and Public Meetings; 15.18.030 Required Notice of Public Hearing and Public Meetings on Adoption or Amendments of Land Use Ordinances, including This Ordinance and Zoning District Map;15.18.040 Required Notice for Other Public Hearings; 15.18.050 Required Notice for Other Public Meetings; 15.18.090 Courtesy Notice. The mayor and City Council will act to adopt (or deny) this request by ordinance.

Mayor Pro Tempore Flake called for a motion to open the public hearing.

Motion: COUNCILMEMBER RASMUSSEN MOVED TO OPEN THE PUBLIC HEARING AT 8:02 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

- City Planner Cache Hancey reviewed the text amendments regarding public noticing.

- Mayor Pro Tempore Flake called for public comments. Hearing none, he called for a motion to close the public hearing.

- **Motion:** COUNCILMEMBER WELSH MOVED TO CLOSE THE PUBLIC HEARING AT 8:04 PM. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

- Mayor Pro Tempore Flake called for a motion.

- **Motion:** COUNCILMEMBER RASMUSSEN MOVED TO ADOPT ORDINANCE 2023-01 WITH THE AMENDMENTS AS PRESENTED. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

10.2 DISCUSSION AND ACTION – <u>Municipal Code Amendment 10.04.040 Unlawful Parking (Ordinance 2023-02)</u>

City Planner Cache Hancey will present an amendment to Municipal Code Section 10.04.040 Unlawful Parking; adding parking restrictions around mailboxes. The mayor and City Council will act to adopt (or deny) this request by ordinance.

- City Planner Cache Hancey reviewed the amendment and explained the reason behind it.

- Councilmember Welsh asked for clarification on red curbing. Mr. Hancey explained that the amendment would give staff a tool to enforce the code which would be done through the Sheriff's Office.

- Mayor Pro Tempore Flake called for further questions.

- **Motion:** COUNCILMEMBER WELSH MOVED TO ADOPT ORDINANCE 2023-02, MUNICIPAL CODE AMENDMENT 10.04.040 UNLAWFUL PARKING. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

10.3 PUBLIC HEARING – <u>Active Transportation Plan (Ordinance 2023-03)</u>

Community Development Director Morgan Brim will present a proposed Active Transportation Plan.

- Mayor Pro Tempore Flake called for a motion to open the public hearing.

Motion: COUNCILMEMBER RASMUSSEN MOVED TO OPEN THE PUBLIC HEARING AT 8:08 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

Mayor Pro Tempore Flake turned the time over to Community Development Director Morgan Brim.

Mr. Brim reviewed the timeline for the Active Transportation Plan. He then reviewed the plan.

Mr. Brim reviewed 6 (six) priority projects from the plan. He also reviewed a few of the goals listed in the plan. He presented a concept plan for some of the improvements. Councilmember Welsh asked if they would be able to use the High-Intensity Activated crossWalK beacon (HAWK) in another location. Mr. Ghandour replied no and explained that they were using some of parts from the HAWK for the traffic signal. Mr. Brim continued his review.

Mr. Brim noted that city staff was working with Orem City staff to realign the intersection at Vineyard Elementary and Orem's Lakeside Sports Park. He reviewed the recommended plan amendments and next steps for implementing the plan.

Mayor Pro Tempore Flake called for questions from the council.

Councilmember Welsh asked if the other councilmembers were in favor of the priority list. Mr. Brim replied that the priority list did not state which project was the most important. There was a discussion about the list. Councilmember Welsh felt that there had been a lot of work done by a lot of people and that nothing was ever perfect, but they tried hard to do the best they could.

Mayor Pro Tempore Flake felt that the city had not solved their traffic problems. He expressed concern that the plan was not answering all of their transportation plans. He also expressed concern with mainstreaming bicycles with vehicular traffic, which he felt was not safe. He stated that he was deeply concerned that the plan did not take into consideration the increase in traffic as the city continues to build out. He felt that they needed to expand the size of their trails, fix the bus stops, etc. He said that the content of the plan worried him for the sake of future councils. Mr. Ghandour explained that the request for proposals (RFP) for The Transportation Plan and Impact Fees had already been posted and in the request they noted that the Transportation Engineer would take into consideration the Active Transportation Plan. Mayor Pro Tempore Flake said that he had lived in other countries and had seen other ways to move traffic. He felt they needed to address the obvious issues with a whole lot of people, in a small space, who did not necessarily follow the rules. He expressed concern that he saw insufficient forward vision. He felt that the plan should be presented with a timeline and that it had to show where the basic elements would be installed, such as bicycle racks, EV charging stations, etc.

Mr. Brim explained that this plan was based off comments from the citizens. He said that the timeline suggested they take the thoroughfare and hold design charrettes to work with the community and that the implementation of the plan would be based on funding. Mayor Pro Tempore Flake said that they needed to know what they had to provide to make the plan work. Mr. Brim explained that the plan was not to get down to the design level, but it was to identity

the projects that needed to be designed. There was a discussion about the plan and its implementation.

- Councilmember Rasmussen thanked staff for their work and for listening to the residents.

- Councilmember Welsh clarified Mayor Pro Tempore Flake's comments. She felt that they should add an "if- then" situation into the plan's sequence of events.

- Mayor Pro Tempore Flake called for public comments.

- Resident Kent Conder, living in The Meadows subdivision, expressed concern with trees in front of the bus stops and the crosswalks on the roundabout at Main and Center Street.

- Ms. Evans expressed concerns about Main Street and the roundabouts if they were going to have all active transportation. She felt that they were trying to control residents' ability to use their vehicles. She felt that reducing the lanes and adding bike lanes on Main Street would cause congestion.

- Mr. Haroldsen suggested that on pages 45 and 79 they should have no buffered bike lanes and add barriers instead. He suggested that the crosswalks be raised to the level of the sidewalk to help slow traffic.

- Resident Russell Evans, living in the Villas, expressed concern that the city was trying to get people to not use their cars. He felt that the solution was to get rid of the high-density housing.

- Resident and Planning Commissioner Anthony Jenkins, living in the Le Cheminant subdivision, stated that he rode his bike year-round, but was under no delusion that cars were going away. He felt that they needed to find a way to make it safe for people to move around the city regardless of their mode of transportation. He thanked the city for supporting the active transportation. He felt that it was not a competing plan.

- Mr. Haroldsen stated that he agreed with Mr. Jenkins; that they were not trying to get rid of cars. He mentioned that he was not able to get to work in a timely manner without using a car.

- Councilmember Rasmussen felt that there were a lot of people in the city who needed access to public transit, biking, and walking routes.

- Mayor Pro Tempore Flake called for a motion to close the public hearing.

- **Motion:** COUNCILMEMBER RASMUSSEN MOVED TO CLOSE THE PUBLIC HEARING AT 9:20 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

- There was a brief discussion about moving the discussion to another date.

- Councilmember Welsh felt that this had been a great discussion and emphasized that this was the Active Transportation Plan, not a Transportation Plan.

Motion: COUNCILMEMBER WELSH MOVED TO CONTINUE BUSINESS ITEM 10.3, ACTIVE TRANSPORTATION PLAN, TO A FUTURE COUNCIL MEETING. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

11. CLOSED SESSION

No closed session was held.

12. ADJOURNMENT

Mayor Pro Tempore Flake called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER RASMUSSEN MOVED TO ADJOURN THE MEETING AT 9:22 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR PRO TEMPORE FLAKE, COUNCILMEMBERS RASMUSSEN AND WELSH VOTED YES. MAYOR FULLMER AND COUNCILMEMBER SIFUENTES WERE ABSENT. THE MOTION CARRIED WITH TWO ABSENT.

MINUTES APPROVED ON: January 25, 2023

CERTIFIED CORRECT BY: /s/Pamela Spencer
PAMELA SPENCER, CITY RECORDER