



MINUTES OF A REGULAR CITY COUNCIL MEETING

City Council Chambers
125 South Main Street, Vineyard, Utah
March 22, 2023 at 6:01 PM

Present

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

Absent

Staff present: City Manager Ezra Nair, Finance Director David Mortensen, City Attorney Jayme Blakesley, Chief Building Official Cris Johnson, Lieutenant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, City Planner Cache Hancey, Public Works Director Naseem Ghandour, Staff Engineer Emily Kofoed, Special Event Coordinator Anna Nelson, City Recorder Pamela Spencer, Planning Commission Chair Bryce Brady, Planning Commissioners Chris Bramwell, Craig Bown, Bicycle Commissioners Caden Rhoton and Liz Hart, and Communities That Care Coordinator Jessica Maxwell

Others Speaking: Residents Daria and Russell Evans, Chase Wheeler, Fred Vander Werff, Cole Kelley, Don Overson; Nate Hutchinson and Mac Woodbury with Flagborough

Note: Agenda items were not discussed in order.

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

► Mayor Fullmer called the meeting to order at 6:01 PM. Councilmember Rasmussen gave an inspirational thought and led the Pledge of Allegiance.

2. WORK SESSION

No items were submitted.

3. PUBLIC COMMENTS

► Mayor Fullmer called for public comments.

► Resident Daria Evans thanked the council for putting The Villas residents in touch with Jason Clawson who gave them Hope Kits.

▶ Resident Caden Rhoden, living in The Cottonwoods subdivision, stated that he liked the Central Corridor Plan, but expressed concern with the lack of lighting on the pickleball courts shown in the plan.

▶ Resident Chase Wheeler, living in the Lakefront development, made a comment about the mayor's political views and said that she wanted to vote the previous mayor out because they could not have a block party. Mayor Fullmer clarified, for the record, that she did not want to kick the mayor out but did want to host an event.

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

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

▶ Councilmember Flake reported on the snow conditions in the state and the Utah County Emergency Manager's opinion on them. He noted that Vineyard would okay, except for parts of the community that were graded out and had basements that were not above grade.

▶ Councilmember Rasmussen reported that the Sustainability Summit at the Utah Valley University (UVU) would be held on April 12. She mentioned that she was able to speak at a class at UVU, that the city held a seed starting class last night in conjunction with the Community Garden. She noted that she and staff had met with Dr. Rubab Saher, a researcher in hydrologic sciences with Desert Research Institute (DRI) in Las Vegas, Nevada, about how to reduce the Heat Island Effect.

▶ Councilmember Sifuentes reported that the Bunny Hop Egg Drop would be held on April 8 at 9:00 AM sharp.

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

5.1 ▶ City Manager Ezra Nair reported on the success of the Gold Rush race held last Saturday and noted that medals would be shipped out to those who gave the city their addresses. He mentioned that people needed to be safe and not enter construction sites.

5.2 ▶ Special Events Coordinator Anna Nelson gave an update on the Vineyard Days Schedule to be held May 30 – June 3. She reviewed two bounce house options. There was a discussion about the options for the event. The council agreed that they liked the option of giving out ten (10) free tickets, same as last year.

6. CONSENT ITEMS

No items were submitted.

7. APPOINTMENTS

▶ Mayor Fullmer stated that she had a few appointments and that they would be sworn in at a different time.

7.1 Communities That Care Commission

With the advice and consent of the City Council, Mayor Fullmer will appoint members to the Vineyard Communities that Care Commission.

- ▶ Mayor Fullmer reviewed her appointments to the Communities That Care Commission.

7.2 Library Board

With the advice and consent of the City Council, Mayor Fullmer will appoint members to the Vineyard Library Board.

- ▶ Mayor Fullmer reviewed her appointments to the Library Board.

7.3 Vineyard ARCH Commission

With the advice and consent of the City Council, Mayor Fullmer will appoint members to the Vineyard Art, Recreation and Parks, Cultural, and Heritage Commission.

- ▶ Mayor Fullmer reviewed her appointments to the ARCH Commission.

7.4 Community Garden

With the advice and consent of the City Council, Mayor Fullmer will appoint a director of the Sunset Beach Community Garden.

- ▶ Mayor Fullmer reviewed her appointment for the Sunset Beach Community Garden Division Director position. She noted that Brittnee Voorhees would still be the Community Garden Director.

- ▶ Mayor Fullmer called questions or a motion to approve all appointments.

▶ **Motion:** COUNCILMEMBER SIFUENTES MOVED TO APPROVE AND SUPPORT THE APPOINTMENTS BY THE MAYOR, AS PRESENTED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

8. PRESENTATIONS/RECOGNITIONS/AWARDS/PROCLAMATIONS

8.1 Audit Presentation – Fiscal Year 2021-2022 Audit Report

Spencer Hintze with Gilbert and Stewart will present the annual financial audit report for Fiscal Year 2021-2022 for consideration and acceptance by the Council. The mayor and city council will take appropriate action.

- ▶ Mayor Fullmer turned the time over to Spencer Hintze with Gilbert and Stewart.

- ▶ Mr. Hintze presented the audit report.

- ▶ Mayor Fullmer called for comments from the City Council. Hearing none, she called for a motion.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO ACCEPT THE FISCAL YEAR 2021-2022 AUDIT REPORT AS PRESENTED. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

8.2 Open And Public Meetings and Municipal Officers' and Employees' Ethics Act Training

City Attorney Jayme Blakesley will present annual training on Open and Public Meeting procedures and requirements. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code. This will also include Municipal Officers' and Employees' Ethics Act training. The City Council as well as members of all city-established boards and commissions are invited to attend this training.

- Mayor Fullmer turned the time over to City Attorney Jayme Blakesley.
- Mr. Blakesley presented the annual training on Open and Public Meeting procedures and requirements and Ethics training.

9. BUSINESS ITEMS

9.1 WORKING DISCUSSION – Grocery Store Site Review

Community Development Director Morgan Brim will introduce Flagborough LLC who will present a grocery store site proposal for Block 4 of the Downtown. No action will be taken at this time.

- Mayor Fullmer turned the time over to Community Development Director Morgan Brim.
- Mr. Brim gave a brief background and then turned the time over to Nate Hutchinson with Flagborough LLC.
- Mr. Hutchinson reviewed the site plan. He said that this would have a unique aspect to make it a true amenity for the city. He showed renderings of the possible grocery store and building style and amenities that could be included. He explained that the grocery store was designed to be surface parked and to make the downtown a more walkable place.
- Mayor Fullmer noted that she liked the surface parking and then called for comments from the City Council.
- Councilmember Flake asked about long-term bike parking. Mr. Brim replied that they were working with the Utah Transit Authority (UTA) and Flagborough to find locations to incorporate it. He mentioned that they were also working with some of the bike-sharing programs. He explained how long-term bike parking worked. Mr. Hutchinson explained where they would be adding bike parking. Councilmember Flake felt that, given the vision for the downtown area, they needed to have a place for structured bike parking.
- Mayor Fullmer asked if the area would accommodate places to pull in and exit in multiple locations. Mr. Hutchinson answered yes and explained where those locations would be.

► Councilmember Welsh asked about electric vehicle charging stations. Mr. Hutchinson replied yes and noted that there would be places for people to pick up groceries ordered online. He also mentioned that it was too early to build a grocery store in Vineyard but felt that it would be a critical amenity.

► There was a brief discussion about the timeline to announce the grocery store.

► Planning Commission Chair Bryce Brady asked about the timeline for opening the store. Mr. Hutchinson replied that they were working on a timeline with the grocer and noted that the reason they were putting it on to Block 4 was to pull the timeline forward.

► Ms. Evans asked how they were going to keep the surface parking accessible for grocery store shoppers. Mr. Hutchinson replied that they would have a parking management and permit program for long-term parking. Mac Woodbury with Flagborough explained further on how the parking structure would work.

► Mayor Fullmer thanked Flagborough for their work on this project.

9.2 PUBLIC HEARING – Bond Parameters (Resolution 2023-11 was Adopted on February 22, 2023)

Public hearing to receive input from the public with respect to (a) the issuance of not more than \$20,000,000 of water and sewer revenue bonds and (b) any potential economic impact that the project to be financed with the proceeds of said bonds may have on the private sector.

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

► **Motion:** COUNCILMEMBER WELSH MOVED TO OPEN THE PUBLIC HEARING AT 6:55 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

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

► Mr. Mortensen gave an overview of the bond process.

► Mayor Fullmer asked Ms. Spencer about the noticing process. She handed the mayor a certificate of noticing. Mayor Fullmer then called for public comments.

► Resident Fred Vander Werff, living in the Lakefront development, asked if the rate increases approved by the city council would service the debt burden for the bonds. Mr. Mortensen replied that the rate increases had the bonds in mind. Mr. Vander Werff asked about the anticipated maturity of the bonds. Mr. Mortensen replied that the maximum would be 30 years but anticipated paying them off in 20 to 25 years. (Correction after the meeting; the bond should mature in no more than 35 years.)

► Mayor Fullmer called for further questions from the public. Hearing none, she called for a motion to close the public hearing.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 6:58 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

► Mayor Fullmer called for questions from the council. Hearing none, she closed the business item.

9.3 DISCUSSION AND ACTION – Parking Agreement (Resolution 2023-14)

City Manager Ezra Nair will present a parking agreement between the city and the Lakefront Homeowners Association. The mayor and City Council will act to adopt (or deny) this agreement by resolution.

► Mayor Fullmer turned the time over to City Manager Ezra Nair.

► Mr. Nair reviewed the steps that the subcommittee had taken and a timeline for approval of the agreement. He then reviewed the items listed in his staff report and recommended amendments to the current draft of the agreement listed in the staff report. He noted that the HOA Boards' attorney had asked for more time to review the redlines. There was a discussion about the contract.

► Mayor Fullmer called on Councilmember Sifuentes for comments as she had participated in the subcommittee.

► Councilmember Sifuentes felt that the discussion had gone well and was excited to get something worked out to help with the quality of life and at the same time protect the city as a whole.

► Mayor Fullmer called for public comments.

► Mr. Vander Werff, representing the Master HOA Board and the Townhome Board, noted that he had not seen the redlines mentioned tonight and was interested in seeing them. He said that they were waiting for answers and wanted to have consensus from a majority of the boards. He expressed concerns with providing any owner and occupancy information to the city. Mayor Fullmer said that she appreciated all the work the board had done.

► Mayor Fullmer asked Mr. Blakesley for input on the amendments.

► Mr. Blakesley explained the rent limitations written in the HOAs' declarations and Covenants, Conditions, and Restrictions (CC&Rs). He said that the original agreement asked for a report with names of individuals who were occupying each unit, contact and vehicle information. He said that they modified the language asking for a unit number report, which would include unit numbers that were rented and enough information, so the city knew that the occupancy restrictions were being met. He added that the city would address any issues with the record owner. Mr. Vander Werff said that they had questions about the rules in the CC&Rs with respect to occupancy. There was a brief discussion about the ability to enforce leasing restrictions. Mr. Blakesley stated that the city was unsure if the development had an occupancy issue or a parking issue and they would like an assurance, if they provided parking, that the occupancy was being controlled in the way the community was designed.

► Resident Cole Kelley, living in the Lakefront development, mentioned that he was not on the City Council nor the HOA Board, but had been engaged in the process. He said that he had never owned a home that was part of an HOA and expressed concern with allowing people to control things that he did with his home. He said that he had been asking for data, and how many cars they were talking about. He stated that he did not want the HOA to become a policing entity. He said that he was gathering his own data on parking issues. He said that he struggled to understand how UTA would allow overnight parking, but Vineyard would not. He felt that the city was making the issue more complicated than it needed to be.

► Mr. Blakesley offered to clarify Mr. Kelley's comments. He said that the city was not asking the HOA to implement any new rules; they were asking that they demonstrate that they were enforcing the existing rules and in exchange, the city would provide additional parking. They were asking that the rules be applied and applied fairly.

► Mayor Fullmer felt that they had a great discussion and were on a good track. She noted that she understood someone not fully understanding what was in their CC&Rs. She said that when it came to allowing parking on public streets, it would be parking for all the residents of Vineyard. She said that part of living in an HOA was that they were the owners of the property and had additional responsibilities, which was different than living in other subdivisions. She said that part of the City Council's job was to make sure that when they approved development agreements, they made sure that the HOAs were enforcing their CC&Rs and if not then they needed to enforce the agreements with the developers. She felt that in the subcommittee meeting they had come up with a good resolution, and that they could move forward. She explained that when the city was purchasing parking for an area, they had to take into consideration the tax dollars for all the citizens that lived in the area and what that might mean for every other development. She said that one of the first things that they did in every discussion was to make sure that the person who came into the discussion with the city was following the original agreement. She felt that this was important for when they were talking about responsibility and subsidizing occupancy and parking costs, or expending city funds. She felt that they were moving on a good path together and hoped that they could continue to do that.

► Mr. Kelley felt that the subcommittee went well, was productive, and was moving them in the right direction. He felt that both sides were doing a good job in moving them in a positive direction to find a good resolution to this issue.

► Resident Russell Evans, living in The Villas subdivision, expressed concerns with the number of rentals and women walking alone at night. He felt that the issue needed to be resolved as soon as possible and that they needed to make sure parking was adequate for future developments.

► Mayor Fullmer mentioned that the Utah County Sheriff's Office had a Safe Walk program for anyone who needed it. They could call dispatch and the Sheriff's Department would come and escort them to their homes.

► Mayor Fullmer called for a motion to continue this item or for additional comments from the City Council.

► Councilmember Sifuentes asked if they were waiting for the lawyers to agree. Mr. Nair replied that they wanted to see the HOA's redlines first. He mentioned that the council could have an agreement in place or push it off, etc. Councilmember Sifuentes was hoping they could get the agreement figured out today. She stated that she understood and respected the HOA's concerns.

► Mayor Fullmer felt that it would be appropriate to give the additional time that the HOA boards needed.

► Councilmember Rasmussen was ready to move forward tonight but appreciated that the HOA needed more time.

► **Motion:** COUNCILMEMBER FLAKE MOVED TO MOVE THE ADOPTION OF 2023-14 TO THE NEXT COUNCIL MEETING ON APRIL 12. There was a discussion about the date.

► **Amended Motion:** COUNCILMEMBER FLAKE MOVED TO MOVE THIS RESOLUTION TO A FUTURE DATE WHEN ALL REDLINES ARE COMPLETED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

► Mayor Fullmer called for a motion to strike the next three items. She turned the time over to Community Development Director Morgan Brim.

► Mr. Brim gave a brief update on the reason for the postponement of these items.

9.4 PUBLIC HEARING – General Plan Amendment to the Public Facilities and Services (Ordinance 2023-14) *(This item is being struck from this agenda and the public hearing notice will be reposted for a future date.)*

Senior Planner Briam Amaya Perez will present a city-initiated General Plan Amendment to the Public Facilities and Services element of the General Plan. This will update the goals and strategies for managing public utilities and services throughout the city. In addition, the city added a new element to the General Plan titled, Water Use and Preservation, which will plan to develop, deliver, and efficient use of our limited water resources. The mayor and City Council will act to adopt (or deny) this request by Ordinance.

9.5 PUBLIC HEARING – Zoning Text Amendment - Domestic Livestock and Fowl (Ordinance 2023-15) *(This item is being struck from this agenda and the public hearing notice will be reposted for a future date.)*

City Planner Cache Hancey will present an ordinance which would provide greater allowance for domestic fowl in lots less than 1 acre and would permit a certain number of chickens based on lot size.

9.6 PUBLIC HEARING – Central Corridor Master Plan (Ordinance 2023-16)

(This item is being struck from this agenda and the public hearing notice will be reposted for a future date.)

Senior Planner Briam Amaya Perez will present a master plan, which will specify the city's intended use and programming for the approximately 80-acre open space area in the center of the city commonly known as the Corridor. Those uses include but are not limited to public open space, recreation, transportation options, economic development, and open space preservation. Additionally, this plan provides details for the proposed programming and future implementation.

► Mayor Fullmer called for a motion to strike items 9.4, 95, and 9.6.

► **Motion:** COUNCILMEMBER WELSH MOVED TO STRIKE PUBLIC HEARING ITEMS 9.4, 9.5, AND 9.6 FROM THE AGENDA. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

10. CLOSED SESSION

No closed session was held.

11. ADJOURNMENT

► Mayor Fullmer called for a motion to adjourn the meeting.

► **Motion:** COUNCILMEMBER SIFUENTES MOVED TO ADJOURN THE MEETING AT 7:36 PM. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

MINUTES APPROVED ON: April 12, 2023

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