MINUTES OF THE VINEYARD
TOWN COUNCIL MEETING
240 East Gammon Road, Vineyard Utah
October 26, 2016 at 6:00 PM

6:00 PM WORK SESSION

Present	**Absent**
Mayor Randy Farnworth	Councilmember Nate Riley
Councilmember Tyce Flake	
Councilmember Julie Fullmer	
Councilmember Dale Goodman	

Staff Present*:* Public Works Director/Engineer Don Overson, Community Development Director Morgan Brim, Finance Director Jacob McHargue, Utah County Sheriff's Deputy Garrett Dutson, Attorney David Church, Town Clerk/Recorder Pamela Spencer, Planning Commission Chair Chris Judd

Others Present: Individuals Jace Taylor and Cristy Welsh, Stewart Park with Anderson Geneva

Mayor Farnworth opened the meeting at 6:01 PM. The invocation was given by Councilmember Flake.

OPEN SESSION – *Citizens' Comments*

Mayor Farnworth opened the session for public comment. Hearing none he closed the session.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL: Planning Commission Chair Chris Judd
Chair Judd reported on the work session held on October 19. He also reported on the sub-committees. He mentioned that Alternate Planning Commissioner Don Cosney had resigned. There was a discussion about attending the Land Use Academy of Utah (LUAU) conference on November, 12. Mr. Church recommended that they attend the meeting in person.

MONTHLY BUILDING ACTIVITY REPORT – Building Official George Reid
Mr. Reid presented the September monthly report. Highlights were:
$ 48,278.70 residential revenue
$ 34,612.78 commercial revenue
$ 82,891.00 in permit fee revenues; they estimated for $35,736
$ 175,000.00 in permit fess last year and just over $ 400,000.00 already this year
87 permits issued
45 building applications received
54 applications in review
40 plans approved
445 active construction sites
651 total inspections

Mr. Reid explained that they had contracted with WC3 for a full-time inspector. He added that they hired a seasonal inspector to work on Fridays and Mondays. He said that they had received six (6) qualified candidates for the Deputy Building Official position.

Mr. McHargue mentioned that they were over 100% for building permit revenue. Mr. Church asked where they were in the budget for expenses. Mr. McHargue replied that they were at 28 percent and only 33 percent of the way through the year.

COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

<u>Councilmember Tyce Flake</u> – Councilmember Flake reported on the Utah Leagues of Cities and Towns' legislative policy meeting. He explained that there were 154 bills currently filed for the coming session. The League was opposed to 18 percent, supported 59 percent, and were neutral on the remainder. He went over the topics that garnered the most bills. He mentioned that the legislative session was scheduled to begin on January 23, 2017, with the Local Officials' Day to be held on January 25. Mr. Brim asked if the town gave letters of support on items of interest. Councilmember Flake replied that they had not done so in the past. He added that he watched the bills that would directly affect the town and they could do letters of support if they needed to.

<u>Councilmember Nate Riley</u> – Councilmember Riley was excused.

<u>Councilmember Julie Fullmer</u> – Councilmember Fullmer reported that the Youth Council would be doing a book drive this Saturday in hopes of donating them to the town for a book exchange to acquire access from the state for their online data base. She mentioned that the Halloween Extravaganza was scheduled for Friday, October 28. She explained that she was attempting to set up a meeting with the Orem Community Hospital Board in November.

<u>Councilmember Dale Goodman</u> – Councilmember Goodman reported that the Timpanogos Special Service District (TSSD) meet on October 12 and on October 20 to discuss water quality. There was a discussion about types of treatments.

MAYOR'S REPORT - Mayor Farnworth introduced a report from the Alpine School District proposing new schools.

STAFF REPORTS

<u>Public Works Director /Engineer– Don Overson</u> – Mr. Overson reported that he would be presenting requests for items that needed funding at the next council meeting. He said that in a meeting with Utah Department of Transportation (UDOT) and Orem, as part of the Geneva Road Widening Project they recommended that they sign a cooperative agreement that would identify access points on Geneva Road. Included in the agreement were recommendations for full signalized intersections on Center Street, 400 North, 800 North, 1200 North, and 1600 North, and full traffic movement at 200 North, 600 North, 1000 North, and 1400 North, with breaks in the islands on Geneva Road so vehicles could cross in those areas. He stated that UDOT wanted to have seven (7) lanes from 1600 North to Center Street on Geneva Road. He said that they wanted to limit access, and were requesting that the two cities and UDOT sign the agreement, which would allow them to designate where the access points would be. He was concerned that at 1200 North the west-bound lanes would go through the fertilizer plant and said that he would be meeting with the plant for approval. He felt that a full signal at 1200 North into the Geneva property would be a good break. Councilmember Goodman asked if Orem would be going under the freeway at 1200 North. Mr. Overson replied that Orem wanted to either go under or over the

freeway at 1200 North. He mentioned that if they get the cooperative agreement the boundary issue with Orem would go away.

Mr. Overson reported that in the Vineyard Connector Study, UDOT prioritized segments and Vineyards were put further down on the list. He said that they needed to work on talking to UDOT about moving the projects up. The last on the list was the section of the boat harbor to 2000 North and without the overpass there would only be one access to the Town Center area. Mr. Overson explained how UDOT determined the projects. There was discussion on the completion of the connector project.

Mr. Overson stated that the Public Works Department only had one inspector to do the improvement inspections and he needed to hire someone to help him.

<u>Attorney – David Church</u> – Mr. Church had no new items to report.

<u>Utah County Sheriff's Department – Deputy Garrett</u> – Dutson Deputy Dutson had no new items to report.

<u>Community Development Director – Morgan Brim</u> – Mr. Brim reported that Great Harvest Bread was open and that they were coming forward with a Conditional Use Permit (CUP) for their drive-thru. He stated that they were working on General Plan amendments, Zoning Ordinance changes, and Zoning Map update. He said that the Anderson Group had applied for a subdivision of their property on 400 North just south of the Megaplex. He said that the proposal was to have three (3) parcels with two (2) lots and build a road that would connect to the Megaplex property. He added that they were only prepping the property for future development.

Mr. Brim reported the had a meeting scheduled with R2R Ventures to discuss their plans for the property they own in the town. He said that he met with Geneva Nitrogen, who stated that they would be slowing down their operation but not stopping it. They were opposed to the town rezoning their property from I-1 to Light Industrial. There was discussion on access through Geneva Nitrogen's property.

Mr. Brim invited everyone to an open house for the new Public Safety Building on January 21, 2017. He stated that they would have exhibits there to educate the public about the General Plan.

<u>Finance Director – Jacob McHargue</u> – Mr. McHargue reported that the audit was underway and that he was working on the budget adjustment. He said that they needed to change the date for staff Christmas party. He asked if it could be moved to Thursday, December 8. He asked for volunteers to help with the Halloween event and invited everyone to attend.
He said that the Public Safety Building was making good progress and that they were finalizing plans for the cubicles and furniture, etc., for the building.

Councilmember Fullmer asked for a sponsor list to give to Zions Bank. She asked if there was something they needed to do if they received a donation over half a million dollars. Mr. Church replied that he doubted they would receive that large of a donation. He felt that donors would want to give it to a 501(c)(3). He said that most corporations wanted to give to foundations and not a direct donation to municipalities. There was a discussion about donations. Stewart Park with Anderson Geneva mentioned that he was on the Heritage Commission and they were looking at setting themselves up as a 501(c)(3).

Town Clerk/Recorder – Pamela Spencer – Ms. Spencer reported that early voting had begun and encouraged everyone to vote. They could vote at the Orem City Offices from 1-5 until November 4. She suggested that they check the county website for locations. She reminded everyone to post mark their absentee ballots before 6:00 PM on November 7.

Building Official – George Reid – Mr. Reid had no new items to report.

DISCUSSION

a. How to set up committees

Mayor Farnworth asked Mr. Church if there was a certain way they had to set up committees. Mr. Church explained that the council decided how to set up committees. He said the thing to remember was if you create an official committee you have to do it by ordinance or resolution, and it would run similar to Planning Commission. If they wanted a town day celebration they could put together a committee without an ordinance. If a resident asked for a history committee, the council had to decide if they wanted to make it a part of the city or let the residents organize a committee and run it themselves. Examples were Arts Councils and Chambers of Commerce.

Mayor Farnworth emphasized that they needed to know if it was a long-term committee, a short-term committee, or a function of the town. He mentioned the lighting committee and that they could not have people deciding to put lights where they wanted; it needed to involve the town engineer. Councilmember Fullmer gave the background on the reason for setting up the lighting committee. Mr. Church explained that the town had adopted a street light plan, a lighting style, the distance they would be placed, and where they would be placed. He added that the Public Works Department decided when they were installed and turned on. Mr. Overson mentioned that when the complaints started coming in he was directed by Council to install the lights instead of having the developers install them. He explained that it took six (6) weeks to get the lights delivered to the installer and then they needed six (6) weeks to two (2) months to install them. Mr. Church suggested that they could purchase a few lights in advance and warehouse them, but they needed the money to do that. Councilmember Fullmer said that people were constantly complaining and felt that social media was not helping to update the residents. She felt that they could do something temporary to get the word out to the residents. Mr. Overson explained that when people call in and complain they could contact them and give them updates and help them understand the process. Mr. Judd stated that Lehi required a check upfront for the lights before they record the plat or issue a bond check. Mr. Overson replied that before the town would record a plat the developer had to pay for the lights. Mr. Church stated that the problem was with the Homesteads and that the new subdivisions were lit more quickly. Mr. Overson said that they were working hard to get the lights ordered as soon as they receive the money. He said that it costs $5,500 to install a street light. Mr. Church asked if it would do any good to preorder at least four (4) lights so they had some installed as soon as the first house was occupied. Mr. Overson replied that they would have to change the collection process. Mr. Love asked if that would increase costs, because the installer wanted to do the entire subdivision at one time. Mr. Judd suggested that they require that the lights be installed before the developer can pull building permits. Mr. Overson said that they should not be pulling permits until the plat was recorded. The discussion continued on when to the lights should be installed.

Mr. Church said if Councilmember Fullmer wanted to create a committee she could ask him to put together a resolution and then the council would determine if they wanted an official committee. He added that this should be required of everyone.

b. *Street Lighting Committee* – Councilmember Fullmer asked if they were going to put this on the agenda or if they needed to change the policy as to how they were handling the installation of the street lights. Mayor Farnworth stated that they would be involving people that were not engineers. Mr. Overson said that if a resident had a concern they should contact him. He added that he could educate them on street lighting. He stated that he had no problem with answering questions, but he had a problem with a committee wanting to change the standards that were already set. Councilmember Fullmer explained that one reason it was discussed was to mitigate the public coming to every council meeting with the same complaints. She stated that the whole community spoke through Facebook and it was hard to get residents to contact the town. She felt that social media was a great tool and could fill the need immediately. She said that people needed to have an access point that was easy to use. Mr. McHargue mentioned that the new website would help facilitate that use. Mr. Overson said that because he was being stretched in different directions, if he did not have documentation it could take several months to respond to a concern. If they made a formal complaint it would be entered into iWorQ and they would have documentation. Mayor Farnworth was concerned that when they form a committee the committee thinks they have authority. Mr. Church said that when you form a committee they want their input treated with respect. His experience was that when committees did a lot of work they would get frustrated when they did not get a firm hearing. He said if they form a committee, let them do the work. Mayor Farnworth asked how they would they keep track of the committees. Mr. Church replied that they do not have to keep track of them. He mentioned that there was a possibility that they could have competing committees. Mayor Farnworth asked if this item needed to be put on a future agenda. Councilmember Fullmer replied no.

c. City Administration

Mayor Farnworth explained that it was discussed in the staff meeting. He asked council how they wanted to proceed. He stated that if they were looking for a volunteer to be a point person they would be giving them more work having to deal with day to day problems. They would be the point person for everything that came into the town and would have to discuss it with department heads. He felt that if they were wanting to go in that direction then they needed to be hiring a city manager/administrator. He said that he spoke with staff and they wanted the council to look at it thoroughly. He asked council to look at it thoroughly, decide if they want to move forward with it, and if so did they want to keep it in house or hire from outside. Councilmember Fullmer requested that it be put on as an agenda item. Council agreed to put it on the December agenda for discussion.

ITEMS REQUESTED FOR FUTURE AGENDAS

Councilmember Fullmer asked for clarification on how the "future agenda item" should work. First discuss the item, council decides if they wanted it on the agenda, if so the requestor would work with staff, who would place it on the agenda when it was ready.

Item	***Requested By***
• *2017 Town Council Meeting Schedule*	*Town Clerk/Recorder Pamela Spencer*

Ms. Spencer stated that the schedule needed to be done every year and would be on the next agenda.

There was a discussion about when items would be added to the agenda for discussion and action.
The council would decide when they wanted it on the agenda and if they did not have a date then staff would decide when it was ready for discussion and action.

- *Site plan, landscaping and architectural standards for commercial development on the potential Walmart site* *Councilmember Julie Fullmer*

Mr. Brim suggested that the title be changed to "Commercial Site Planning and Landscaping Standards." He said that there had been interest from commission members to tighten up the standards.

Councilmember Fullmer asked about panhandling. Mr. Brim stated that it would be part of the Municipal Code. Mr. Church clarified that it would be part of the criminal code. He explained that people on public rights-of-way and in public places had a constitutional right to talk to people about anything, including asking for money. They could include code that would make it against the law to impede traffic, or assault someone, etc., but could not make it a crime for people to ask for money.

Mr. Brim said that Planning Commission needed to look at the standards when they rewrite the Zoning Ordinance. He explained that it would be a few months before they could work on it because they were working on the Zoning districts and the Zoning Map. Councilmember Fullmer felt that it was time sensitive because if the town wanted additional landscaping then it needed to be done before a business owner applied for a development. Mr. Brim replied that if they were worried about the Regional Commercial development it would be out a couple of years before anything would be built on the larger sites. He felt that the code could be done within six months. Mr. Park with Anderson Development felt it was premature because Walmart would not be happening between now and the end of the year. Councilmember Fullmer mentioned that she had spoken with Gerald Anderson with Anderson Development and he had agreed to setting the standards for retail. Mr. Overson explained that they had already approved zoning for the Town Center and The Forge. He stated that what they were talking about was the area in front of the Megaplex, on Mill Road, and Geneva Road, or any Regional Commercial area. The discussion continued. This item will go on a future Planning Commission agenda.

- *Library and potential sites* *Councilmember Julie Fullmer*

Councilmember Fullmer explained that Youth Council would be conducting a book drive this weekend, and that the council would have to agree to accept the books. She also explained what the process was if they wanted to have a library in Vineyard. Mr. Church gave further explanation. Councilmember Fullmer stated that if they wanted to access the state data base they needed to have a lending library location. Mr. Reid explained that to use the house on the Gammon Park property would require a change of occupancy, which would be expensive. He stated that the new Public Safety building would comply. There was a discussion about the requirements for the library. The council agreed to place this item on the agenda for the next meeting.

- *400 South completion* *Councilmember Julie Fullmer*

Councilmember Fullmer wanted to start a discussion on installing the roundabout on 400 South. She was concerned with the line of sight. There was a discussion about the project. Mr. Overson agreed to put together a report. He mentioned that 400 South had been on his list of projects. He added that they would have to purchase property to complete the road. The council agreed to place this item on the agenda for the next meeting.

Items already discussed for future agendas, dates to be determined by staff:

- *Budget Amendment – Town Clerk/Recorder & Finance Director Jacob McHargue*
    - *Public Hearing tentatively scheduled for November 9*
- *Board of Adjustments/Hearing Officer – Community Development Director Morgan Brim*

Mr. Church explained that the only difference was the number of people serving. The BOA acted to hear variances generally. He mentioned that a few years ago the state changed the law to require an appeal authority which could consist of an existing BOA, or, it could be done in another way. Some cities kept the BOA in regards to appeals concerning applications, fee amounts, etc. He said that the town's current ordinance had a BOA. He explained that it was hard to keep the BOA intact so most cities hired a hearing officer. He mentioned that he was the hearing officer for Herriman City. He said that the town had to have someone. He recommended that they change the ordinance to have an appeal authority and call a hearing officer when needed.

- *Geneva Road Access Management Plan – Public Work Director/Engineer Don Overson*
- *CWP Water Contracts – Public Work Director/Engineer Don Overson*
- *CWP/Orem/Vineyard Storage Plan Study – Public Work Director/Engineer Don Overson*
- *Zoning Map - Community Development Director Morgan Brim*
- *Traffic Warrant Study – Public Work Director/Engineer Don Overson*
- *Reroofing of the main pavilion – Public Work Director/Engineer Don Overson*
- *OHV/ATV use within Town Limits - Deputy Collin Gordon*
    - *tentatively scheduled for discussion on November 9*
- *Weapons/Firearms Discharge and Hunting within the Town Limits – Deputy Collin Gordon*
    - *tentatively scheduled for discussion on November 9*

7:52 PM REGULAR SESSION

Mayor Farnworth opened the regular session at 7:52 PM.

CONSENT ITEMS

a) Approval of the October 12, 2016 meeting minutes

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE CONSENT ITEM. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

BUSINESS ITEMS

12.1 DISCUSSION AND ACTION – Amended Union Pacific Rail Spur Agreement

Town Attorney David Church will present the amended agreement with Union Pacific for the removal of the rail spur. The mayor and Town Council will take appropriate action.

Mr. Church mentioned that council approved the signing of the agreement in January, but had to hold off because there were right-of-way problems. He said that Union Pacific was requesting that they sign the agreement soon because of potential changes in management. He went over the changes to the agreement. He felt that it would not do any harm to allow the changes. He said if they sign the agreement, they needed to finalize the documents and get it to Union Pacific. He explained that some of the property on the right-of-way was not in Vineyard and the downside was if the property owner would not sell their property they could not install the new spur line. He explained where the line needed to go. Mr. Overson said that he was working with CUP on getting the owner access to their remaining property. Mr. Church stated that the spur removal could cost more than anticipated. He said that the timeline started as soon as the agreement was signed, with a six-month due diligence. He recommended that they approve the amended contract.

Councilmember Goodman asked if they had the right-of-way prices set. Mr. Church replied that they only had verbal agreements with Anderson Geneva and Martin Snow. Mr. Park said that what they agreed-upon purchase price was $5 a square foot and now there was more property involved. There was further discussion about the agreed price of the Anderson property. There was also discussion about the rights-of-way and the expansion of Geneva Road. During the discussion Mr. Church recommended that they not sign the agreement.

Councilmember Fullmer asked what would happen if they approved the mayor to sign and Anderson and Martin Snow did not honor their verbal agreements. Mr. Church replied that if the right-of-way was not acquired then the deal would be terminated.

Mayor Farnworth asked how important it was that light rail came to the town. Councilmember Goodman felt that there was no guarantee it would come and that other cities were wanting to make sure it did not come to Vineyard. Mayor Farnworth stated that he knew it would cost more when it was finally done. He said that it came down to how important it was to get light rail to their station. Mr. Church felt that the question was how important was it to remove the spur from Geneva Road. Mr. Park replied that Walmart would not come and Geneva Road could not be expanded. There was a discussion about the value of the land, purchase prices, and UDOT purchasing the right-of-way they needed for the Geneva Road expansion.

Mayor Farnworth asked if it would bring enough revenue to the town to offset the cost for the additional amount to purchase the rights-of-way. Mr. Church explained that this was RDA money that would be used for cleanup or the removal of the rail spur. Mr. Park stated that removing the rail spur from Geneva Road would dramatically change the perception from an industrial area. Mr. Church said that the changes would greatly increase the value for the landowners, who were the same ones that were charging the town top dollar to do it. The discussion continued.

Councilmember Flake asked what the possibility would be of getting the access through CUP. Mr. Overson replied that in his discussion with CUP they were open to looking at adding the access. He stated that he needed to come up with the plan to show how they would get access through the CUP property without damaging their well. He added that there was another option with purchasing part of the UDOT property north of it and if they purchased that property they might be able to acquire access across the track.

Mayor Farnworth felt that they needed to move forward with the agreement. He also felt that they needed to do it to have the ability to get light rail to the town. Councilmember Flake agreed and that it was the linchpin to the future. Mr. Overson explained the changes that the spur removal would make to transportation. Councilmember Goodman asked if it was that important why UDOT was not coming up with money to buy the spur and widen the road. Mr. Overson replied that UDOT did not plan on widening the road for another 10 to 20 years. He said that if they did not remove the spur then access would be limited to 400 North, 800 North, and 1600 North. He felt the removal was key to having viable commercial access.

Councilmember Fullmer asked if they had the mayor signed the agreement would the negotiations to purchase the property come back to the council. Mr. Church replied that the purchase agreements would come to the council.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE MAYOR TO SIGN THE AMENDED CONTRACT. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FULLMER AND FLAKE VOTED AYE. COUNCILMEMBER GOODMAN VOTED NAY. MOTION CARRIED WITH ONE ABSENT.

12.2 DISCUSSION AND ACTION – <u>New Logo</u>

The mayor and Town Council will discuss with staff the look of the new logo that was approved at the Town Council meeting on September 28, 2016. The mayor and Town Council will take appropriate action.

Mr. McHargue presented the colors for the logo. He mentioned that they moved forward with a lined version to use for documents, shirts, etc. He said that he was presenting the color options. Councilmember Fullmer explained that in the market study people voted for the blues and greys. There was a discussion about the different colors. Mr. McHargue stated that Neeley Rimal's design group was comfortable with the options presented.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO USE THE SECOND OPTION (BLUE). COUNCILMEMBER GOODMAN SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FULLMER AND GOODMAN VOTED AYE. COUNCILMEMBER FLAKE VOTED NAY. MOTION CARRIED WITH ONE ABSENT.

12.3 DISCUSSION AND ACTION – **<u>Sewer System Management Plan</u>**

Water/Sewer Operator Sullivan Love will present the Sewer System Management Plan. The mayor and Town Council will take appropriate action.

Water/Sewer Operator Sullivan Love presented the Wastewater/Sewer System Management Plan. He explained that it would change as the town grew. He further explained how they operate the wastewater management, etc. He stated that they had to follow the guidelines set by Orem and TSSD. He recommended approval. Mayor Farnworth asked if other people would be involved. Mr. Love replied that there was an organizational chart included. Mayor Farnworth asked about the annual review. Councilmember Goodman asked when the report was normally due. Mr. Love replied that it was due the first of September and was based on population. Mr. Overson stated that the requirements would increase and management of the system would change as the town grew.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE SEWER SYSTEM MANAGEMENT PLAN. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

CLOSED SESSION – No closed session was held.

ADJOURNMENT

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO ADJOURN THE MEETING AT 8:35 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is November 9, 2016.

MINUTES APPROVED ON: November 09, 2016

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