

MINUTES OF A WORK SESSION AND REGULAR
MEETING OF THE VINEYARD CITY COUNCIL
240 East Gammon Road, Vineyard, Utah
March 22, 2017 at 6:00 PM

Present

Absent

Mayor Randy Farnworth
Councilmember Tyce Flake
Councilmember Julie Fullmer
Councilmember Dale Goodman
Councilmember Nate Riley (6:07 PM)

Staff Present: Community Development Director Morgan Brim, City Manager / Finance Director Jacob McHargue, Planning Commission Chair Chris Judd, Water / Sewer Operator Sullivan Love, Building Permit Tech & Residential Plans Examiner Patricia Abdullah, Records Management Assistant Kelly Kloepper

Others Present: Planning Commissioner Cristy Welsh, Residents Luke Johnston, Jacob Johnston, Jeanine Plummer, and Teresa Goodman; Stewart Park Gerald Anderson with Anderson Geneva Development, Brian Baker with Zions Bank, Jason Burningham with Lewis Young.

6:03 PM WORK SESSION

CALL TO ORDER

Mayor Farnworth called the meeting to order at 6:03 PM. Councilmember Flake gave the invocation.

OPEN SESSION – *Citizens' Comments*

Mayor Farnworth called for public comments.

Boy Scout Luke Johnston, a resident in The Elms subdivision, introduced himself and asked about the growth in Vineyard. He also expressed his concern about construction workers' trash. Mayor Farnworth replied that there were regulations in place that state that the contractors had to keep the areas clean. He said that if there was an area that was not being kept clean to report that to the City Manager so the city can follow up on it. Mr. Love added that the city also welcomed community involvement to help with cleanup. The Mayor commented that there was a Lakeshore Cleanup Day coming up on April 22nd. Councilmember Flake recommended that Mr. Johnston and others take a photo on their phone and send it to the City Manager when they had something to report. He showed Mr. Johnston a photo on his phone of something similar that he was going to report to the city. Mr. Brim told Mr. Johnston that he was welcome to come to his office to learn more about the growth in the city.

Councilmember Riley entered at 6:07 PM.

Jeanine Plummer, a resident in The Elms subdivision, reported that the entry sign into the subdivision had trash around it and was also overgrown with weeds. Mayor Farnworth replied that the Public Works Department would follow up on it.

Cristy Welsh, a resident in the Parkside subdivision, addressed the Council about dog issues in the new 18-acre park. She suggested that now was a good time to address the leash laws, to make them stricter. She stressed that it was a big problem. She asked that it be put on a future agenda. Councilmember Fullmer asked what we found out from Deputy Gordon previously. They discussed the current code and how lenient it was. Councilmember Fullmer commented that the difficulty was the enforcement. Ms. Welsh said what was happening was people were just driving up, opening the car door, and letting their dogs out to run around and do their business. Councilmember Fullmer remarked that another problem was when people take their dogs out on leashes but do not pick up after them. She said that the city also needed to address this through social media and signage. Mr. McHargue commented that signs were in the plan for the park. Mr. Love clarified that it was not yet our park so we did not have control.

Ms. Welsh asked if the signs would also address ATV use. Mr. Church replied that it was illegal for ATVs to be used in the park, so it would be an enforcement issue. Mr. Church then addressed dogs running at large. Councilmember Goodman clarified that a dog had to be under the owner's control, so if the owner calls and the dog comes back to them, that was considered under the owner's control. Mr. Church said that he thought that the Vineyard Code was more stringent than that, and if it was not, they could change it.

Mayor Farnworth explained that this would need to go through Planning Commission first. Councilmember Fullmer discussed how under the current code if the dog would come back to the owner when called, even if he is twenty feet away, then the owner had a right to not be ticketed. Since it was under the discretion of the officer, it was an enforcement issue. She suggested sending an email to Collin directly to talk to him about it, and added that the sign would also help. Ms. Welsh agreed that a sign in the park would help, but said that she was concerned about this as a long-term issue throughout the city. Councilmember Flake remarked that we need to think about how it was enforced if the officer did not see it. Mr. Church stated that we had a law addressing dogs running at large, and that if there was a dog without an owner, animal control could take it away. He felt that one of the problems was irresponsible dog owners. Dog owners were a problem in every city he's worked with. He emphasized that we did have ordinances addressing dogs, and we had an agreement with the shelter, but that it was an enforcement issue.

Mayor Farnworth asked Council if they wanted to put it on a future agenda. He stated that until the 18-acre park was handed over to us, we do not have jurisdiction over it. Ms. Welsh clarified that she was talking about getting stricter leash laws in place for everywhere.

Boy Scout Jake Johnston, a resident in The Elms subdivision, asked about the construction cleanup, and Mayor Farnworth responded by explaining the procedure that the city used when they received a complaint. Councilmember Fullmer explained that as people build and the city grew, that residents would continue to see this. She gave the example of how she and her neighbors recently decided to do a street cleanup because of the construction trash in their cul-de-sac. She reiterated what Mayor Farnworth said about reporting it to the city so the city could follow up on it. Jake asked a follow-up question specifically about concrete being dumped. Mayor Farnworth echoed Councilmember Flake's suggestion of taking a photo of it and sending it to the city. Councilmember Flake also said to be sure to include the exact location when sending that in.

Mayor Farnworth closed the public session.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd

Chair Judd explained that they had some public hearings coming up to address zoning. They were working on the Homestead Development Agreement. He reported that some Planning Commission members had asked about the monument sign in front of the Maverik. He asked if the city would be moving on putting the new logo on the sign. Councilmember Fullmer commented that they had discussed this previously and had sent the issue to someone. Mr. McHargue replied that he would follow up on it. Mayor Farnworth agreed that it was part of the project and that the new logo needed to be added.

COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Nate Riley – Councilmember Riley had a question about the development agreement on Pod 1 now that the land was being cleared. He sought to clarify if those units were to be two-car garage units, since the plan that they submitted included one-car garages. Mr. Brim said that the site plan did show a mix of one- and two-car garages, with a small percentage having one-car garages. To keep the development agreement, they would have to increase it to 2 car garages. Mr. Judd asked if the site plan approval trumped anything in the development agreement. Mr. Church replied that it should not, and that he and Mr. Brim had discussed this. Mr. Brim said that the developer still had to meet the requirements, and that they had been made aware that they were out of compliance. Mr. Brim explained that they city had created a list of over sixty standards that the city would review, and that the garage standard was one of those. The applicant was proposing that a small percentage (15%) be allowed to have one-car garages. Mr. Church reiterated that no one had told them that they could do that yet. There was further discussion about how there was room for two-car garages, but that it would cut down on the number of units. Mayor Farnworth concluded that the city would need to review that.

Councilmember Julie Fullmer – Councilmember Fullmer reported that she was working on setting up the Youth Council for preparations for the annual Easter Egg Hunt which would be held on April 15th.

She reported that the city was moving forward using social media, giving the example of the post of the interview with the owners of Happy Dragon, a new Chinese restaurant which would be opening soon.

She reported that the meeting with the hospital board was in two weeks, and that the Lakeshore Cleanup Day was coming up. She asked Mr. McHargue to give an update on the Heritage Commission and the funding for projects.

Mr. McHargue responded that they were working with several sponsors for city events. Freedom Preparatory Academy was having an event on April 28th where they would be showing Moana on their property. They would have a coupon for \$1 off per entrée at the food trucks that would be coming to the event. Vineyard residents would get in free. Mr. McHargue reported that he was working with another sponsor, a real estate agent who would like to do a series of movies in the 18-acre park once it was done, including a fireworks show around the Fourth of July. This real estate agent would also like to be the premiere sponsor for the summer event at Seven Peaks in the last week in June. He said they were looking at the budget for all of the activities and would

then allocate an amount for the Heritage Commission. He reported that he had asked the Heritage Commission for a budget request.

Councilmember Dale Goodman – Councilmember Goodman had no new items to report.

Councilmember Tyce Flake – Councilmember Flake reported that he had in the Dropbox a report of the bills passed during the recent 2017 State Legislative Session that affect the City and asked Council to review that. He noted that some were directly applicable to us, including elections and our building department.

Mr. McHargue remarked that Mr. Reid had worked hard to be involved on those bills so they were changed from their initial versions.

MAYOR'S REPORT – Mayor Farnworth reported on the recent meeting at the North Pointe Solid Waste Special Service District. He said that with the growth of Vineyard, the city needed to start considering having a direct tipping fee. Mr. McHargue responded that Vineyard currently paid tipping fees per can rather than paying by the ton, but that the city was working on changing that. Mayor Farnworth asked Mr. McHargue to ask Republic Services to review our contract since the city was now at a higher tier, so the prices should go down.

Mayor Farnworth also reported on Mountainland Association of Governments (MAG), and the Community Development Block Grant Program (CDBG). He stated that he would be representing Vineyard there on the board and would be submitting Councilmember Fullmer's name as an alternate. Mr. Brim commented that part of the CDBG funds could be used for planning, so if the city had a specific plan for economic development, the city could be eligible to apply for that. He added that Ms. Hart was looking into that. Mayor Farnworth felt that some of the funding, about \$3 million, which passed in the recent legislative session could be used for the FrontRunner station.

Mayor Farnworth reported on the transportation issues with FrontRunner and light rail. He felt that they need to have their own Utah County light rail, and to have their own hub. He and Shawn Seager with the Mountainland Association of Governments, and other mayors had been talking about this, with the goal of getting ahead of the traffic situation. There might be a possibility of a tram that would go over I-15 from the Orem FrontRunner station to UVU. Mayor Farnworth expressed the opinion that with the continued growth of UVU, they would need to get light rail between UVU and BYU.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that at the retreat they talked about doing a long-range plan or sustainability study. He explained that the first part of that that he wanted to update was the budget report. He directed Council's attention to the March 2017 Budget Report and explained it. He said that this would be the first step for the city in the Capital Replacements Plan. He explained that all of Vineyard's utilities were currently self-sufficient, with the exception of storm water. He thought that that fund would be self-sufficient as well, since it did not take into account the current growth. The addition of each new utility account made the funds more self-sufficient.

Public Works Director/Engineer – Don Overson – Mr. Overson was excused. Mr. McHargue reported that the warrant study was back on for the school zones, and that they had a bid for the striping at Freedom Preparatory Academy. Once the striping was done, they had a crossing

guard who could start immediately. They could have the 20 mph and preemptive signs for Freedom Preparatory Academy, and the crossing guard, as soon as April 1st.

For Franklin Discovery Academy, he reported that they had the preemptive signs ordered, and that the crosswalk would go in once the intersection was completed. They would also then have another crossing guard ready for that intersection.

For Vineyard Elementary, they had a meeting with Orem to discuss the findings of the warrant study. He said that Vineyard staff did not think that Vineyard Elementary would ever meet the requirements of the warrant study unless they raised the speed limit. They had a meeting scheduled on April 29th with the Vineyard Elementary principal, the PTA, Alpine School District, Vineyard, and Orem to discuss that. He explained that if the city wanted a 20-mph sign, then they would need to increase speed limit to 30 mph. He reminded Council that once the Clegg property was developed, 400 South would become a collector road, and it might make sense to change it now rather than waiting. Councilmember Fullmer commented that people were already going 30 mph and even faster, and that when Ryan Hales did the study he mentioned that speed limits alone did not change driver speed, but that flashing signs were what made a difference. Mr. McHargue replied that Orem recently did a study on 400 East, then raised the speed limit to 35 mph, and then did another study. The change in speed limit made no difference.

He indicated that the School Zone signs were a big issue, and added that Main Street was the one that most concerned him. He said that they would take care of that as soon as possible and keep the Council updated. Mayor Farnworth asked if Main Street would be striped again. Mr. McHargue replied yes.

Mr. McHargue also reported on graffiti cleanup that was done by Public Works employees and the Sheriff's crew.

Mosquito abatement would begin Saturday March 25th, and would be three times a week. He explained that it was scheduled to be done on Saturday mornings, and Tuesday and Thursday evenings. Councilmember Flake noted that the exact times might change, depending on the sun.

On the rail spur, Mr. McHargue said that they had had meetings with all of the key stakeholders. There was a meeting scheduled with Geneva Nitrogen on April 29th, and within the next few weeks there were several meetings scheduled with others interested in the rail spur.

Mr. McHargue said that Li'l Sports League had an updated budget request that he would present to Council once the budget was ready.

He updated the council on the upcoming Lakeshore Cleanup Day, explaining that the sponsor would provide shirts and that they wanted to get people signed up on the website. There was also a cleanup a week before that, when the dedicated hunter group would clean up deadfall and invasive trees to make the trail more usable. He mentioned that Flagship was coordinating the cleanup on 400 North with Utah County and the Utah Division of Forestry, Fire & State Lands (FFSL) before April 22nd.

Mr. McHargue reported that they had sponsors for the Easter Egg Hunt and that he would present a tentative budget presentation to them soon.

He also reported that he and staff would update the Council on legislative changes passed in the 2017 session.

Attorney – David Church – Mr. Church reported that Pod 1 in The Homesteads was moving along. He said that they would need to have the reimbursement agreement on the agenda for the next meeting. He explained to Council that for the major infrastructure – the roads, the water lines, and so forth – they had an impact fee reimbursement agreement that had been operating, where a certain percentage of the impact fees that come in, the bulk of them would go to reimburse the successor developers. When that was done, it was anticipated in the agreement that major road portions going through Pod 1, the collector roads, would be reimbursable but there were no amounts at that time. He explained that now the city needed to add amounts, and that it would work the same way it was working now, depending on the numbers. This agreement would state that the impact fees (primarily the Transportation impact fee) would go to reimburse them the same way the Homesteads reimbursement agreement did.

Councilmember Riley asked if the developer did not uphold their end of the development agreement, if that would that impact the reimbursement agreement. He asked if the city had any ‘teeth’ to help them comply. Mr. Church replied that the reimbursement agreement was separate from the development agreement. He explained that the city put a lot of things in the development agreement that were tied to building permits and building standards, which we needed to enforce. When the developer for Pod 1 submits designs, we need to make sure the plans meet the requirements of development agreement, or they needed to have the city agree to change the development agreement. The developer might say to that the city needed to sign the reimbursement agreement for them to build the roads. He said that we need to remind them that this was all one thing and that he agreed with Councilmember Riley that it goes both ways.

Mr. Church then followed up on the earlier discussion about dogs. He read from the Vineyard Municipal Code, which contained the exact language of the Utah County Code:

5-2-11. Dogs running at large.

(a) It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for any violation(s) committed by the dog, regardless of whether or not the person knows the dog is running at large.

He then read the definition of “at large” and “under restraint:”

5-2-1. Definitions.

(b)"Animal at large" means any domesticated animal, whether or not licensed, not under restraint.

(c)"Animal under restraint" means any animal under control of its owner or person having charge, care, custody, or control. Except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

He concluded that it was a strict leash law, and that you may not run your dog without a leash. Ms. Welsh asked for clarification. Mr. Church stated that if someone had a dog without a leash, they could be given a ticket for it if it was within Vineyard boundaries. Councilmember Riley suggested taking that language and getting it on social media. Mr. Church acknowledged that the city may get pushback from dog owners, since they like to take dogs to the park to play, but that we had in fact adopted a strict leash law. He added that officers would tend to give dog owners a break if the dogs really were under their control. Councilmember Fullmer proposed that the city have a continual cycle of posts about this on social media and also that they address

it with officers.

Utah County Sheriff's Department – Deputy Collin Gordon – Deputy Gordon had no new items to report.

Community Development Director – Morgan Brim – Mr. Brim updated the Council on pending plan reviews, including the reviews for Pod 1. He reported that he was in the process of writing the Site Plan Ordinance. He explained that this was what many cities refer to as a Design Review Ordinance, and that it covered zoning standards. He further explained that it would take Vineyard's current standards and put them in one ordinance, clarify them, and resolve internal conflicts.

Mr. Brim reported that staff was reviewing the standards in the Homesteads Development Agreement. He explained how his staff went through every standard that they would use in a review and that they identified over 60 standards. He provided this to the developer and would meet with them to get their input. He told Council that Mr. McHargue would seek Council's input on this in a work session. After these meetings, they could then address the concerns and amend the standards as needed. He concluded that that was what the city would then use for the review process.

With economic development, Mr. Brim detailed the approach with highlighting both existing businesses and new businesses through social media posts. He recommended Council involvement in the grand openings of new Vineyard businesses to help build a sense of partnership.

He told Council that he had met with developers and businesses to generate interest in Vineyard, and reported that he had found that there had been misperceptions that he had worked to resolve. He commented that there was a lot of interest in Vineyard and felt that in the long term, these efforts would pay off.

He reported that he had recently met with Cottonwood Partners about The Forge and that they were preparing to develop Phase 1. He mentioned that they would develop one portion as Class A-Mixed Use office park that they had sold off a portion to Intermountain Healthcare (IHC). He said that once they had submitted something, he would report to Council with the details.

Mr. Brim informed Council that he had met with representatives from a grocery store, who had shown interest. Mr. Brim explained that he had helped them to see that there was a projection in growth, so even though Vineyard did not currently have the number of rooftops they want, it would by the time they were done building.

He reported that there were credit unions showing interest in the city, and that he met with a hotel group who was also interested in Vineyard and had requested a tour of the city. After the tour, Mr. Brim said he would give Council an update.

He remarked that people were waiting until infrastructure was in place, but that he was working to make them aware of these sites, to get them on their radar.

City Recorder – Pamela Spencer – Ms. Spencer was excused.

Building Official – George Reid – Monthly Report – Ms. Abdullah gave the report on behalf of Mr. Reid. Ms. Abdullah presented the February monthly report. Highlights were:

- \$238,090.47 February revenue.
- \$1.2 million Total fiscal.
- 80 Permits issued which was about twice as many permits as Feb 2016.
- 64 Building Application Received
- 77 Applications in Review
- 82 Plans Approved
- 513 Active Construction Sites
- 565 Total Inspections

Ms. Abdullah also reported that they had hired a new inspector, Cameron Wright.

Water/Sewer Operator – Sullivan Love – Mr. Love reported that he attended meetings of the Utah Lake Technical Committee. The biggest financial concern for Vineyard in regards to Utah Lake was the water quality study that was being proposed to determine if there needed to be a further reduction in phosphorus and nitrogen discharge limits from wastewater treatment plants. He explained that the steering committee would select a science panel to oversee the process.

Mr. Love told the Council that there were opposing opinions on whether or not lowering phosphorus levels reduced algae bloom in the lake. The purpose of the study was to collect the scientific data to help answer that question. The current level of phosphorus allowed was 1 part per million by 2020. Both Orem and TSSD wastewater plants had made recent upgrades to meet that requirement, but they were very concerned about the possibility of that required level being lowered. For example, for TSSD, it would be a \$30 million expense to upgrade the equipment, in addition to a \$5 million higher annual operating expense. Mr. Love emphasized that everyone was willing to do the work if it was needed and based on good science, but they don't want to spend the money if it would not result in improvement.

Mr. Love gave an update on carp removal from Utah Lake. They had removed 360,000 pounds so far, this year. Since the implementation of the program, they had removed 25 million pounds.

Mr. Love reported that concern had been expressed about how this year's snow pack, which was higher than that of 1982, would impact the lake level. He explained that there was adequate capacity in the lake to accommodate any runoff we might have.

Mr. Love informed Council of dredging projects taking place along the lake.

DISCUSSION ITEMS

No items were submitted.

ITEMS REQUESTED FOR FUTURE AGENDAS

(Requests for future agenda items are to be submitted to the City Clerk/Recorder the Friday before a City Council meeting. If there will be a cost to the city, project and event requests must be submitted with a fiscal impact analysis or report.)

<i>Item</i>	<i>Requested by</i>
2016 Municipal Wastewater Planning Program Self-Assessment	Water/Sewer Operator Sullivan Love

7:11 PM REGULAR SESSION

MAYOR'S APPOINTMENTS

No names were submitted.

CONSENT ITEMS

- a) Approval of the January 26 & 27 City Council Retreat minutes
- b) Approval of the February 8, 2017 City Council Meeting minutes
- c) Contract with Utah County to run our Election as an all Vote by Mail Election

Mayor Farnworth mentioned that the City Recorder requested that a be removed from the consent items for further review. He called for a motion to approve b and c.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE CONSENT ITEMS B AND C. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

BUSINESS ITEMS

No items were submitted.

ADJOURNMENT

Mayor Farnworth called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:12 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

MINUTES APPROVED ON: April 12, 2017

CERTIFIED CORRECT BY: /s/ Kelly Kloepper
KELLY KLOEPFER, RECORDS MANAGEMENT ASSISTANT