THE TOWN OF Vineyard
240 East Gammon Road
Vineyard, Utah 84058
1-801-226-1929

MINUTES OF THE REGULAR MEETING
OF THE VINEYARD TOWN COUNCIL
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
June 25, 2014 at 7:00 pm

Present	Absent
Mayor Randy Farnworth	Councilmember Nate Riley
Councilmember Julie Fullmer	
Councilmember Dale Goodman	
Councilmember Sean Fernandez	

Staff Present: Town Planner Nathan Crane, Public Works Director/Engineer Don Overson, Attorney David Church, Treasurer Jacob McHargue, Town Clerk/Recorder Pamela Spencer, Planning Commission Chair Wayne Holdaway

Others in Attendance: Kelly Pfost with Lewis Young, Robertson and Burningham, Inc., Pete Evans with Flagship Homes, Residents Cumorah Holdaway, Robert Holdaway, Sherrie Kaye Miller, Mitchell Dean McCuistion with Mitchell Dean Homes, Bill Hoops with Lil' Sports League

The Vineyard Town Council held a Regular Meeting Wednesday, June 25, 2014, beginning at 7:02 p.m. in the Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah
The invocation was offered by Councilmember Goodman

Regular Session – The meeting was called to order at 7:02 p.m.

Mayor Farnworth reminded the audience if they want to address the Council they need to stand and state their names.

Mayor Farnworth called for a motion on the consent item.

CONSENT ITEMS:

Bid award for Park and Park Strip Maintenance

Motion: COUNCILMEMBER FULLMER MOVED TO ACCEPT THE CONSENT ITEMS. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL:

Planning Commission Chair Wayne Holdaway asked if the alternates can ask questions during Planning Commission meetings. Mayor Farnworth said that they can as residents and if the Commission Chair calls on them.

STAFF REPORT

Planner – Nathan Crane – Mr. Crane had no items to report at this time.

Public Works Director /Engineer– Don Overson – Mr. Overson stated that as the Public Works Director he has a contract for taking care of the park and park strips. He said he has submitted a job posting for a Public Works Technician, has purchased a truck that the building official and Public Works department will share, and he is looking for someone between the ages of 16 and 19 for summer work to help clean up the park strips and the park. He mentioned that Holdaway Road project is nearing completion. He stated that he has noticed that people are not driving fast on Holdaway Road and that they are getting data for the warrant studies for the 400 South, Holdaway Road, and Lake View Drive. He mentioned that there is a "Road Closed" sign on Vineyard Road and Gammon while they have a bore pit to go under the railroad tracks. He said the road should be open tomorrow and that that will finish Phase 9. He explained that they began work on the 400 North extension to the east and that it will be finished in about two months. He said that Main Street is in the design phase but is on hold until the WatersEdge Zoning is complete. He mentioned that they have four subdivisions going in right now along with two apartment complexes, the town homes and the Megaplex.

Attorney – David Church - Mr. Church had no items to report at this time.

Utah County Sheriff Department – Deputy Collin Gordon - Mr. Gordon was not present at this meeting.

Treasurer – Jacob McHargue - Mr. McHargue stated that he is working on a purchasing policy for the Town and has been talking with other Cities about their policies. He said that currently the department heads have no authority; everything goes through the Mayor. He said that the Mayor's limit is $2,500.00, which from his research is low; everything else goes through the Council. He said that it is up to the Council as to how restrictive they want to be and asked them to give him direction on what they would like to see. He said they are looking for approval for the department heads to spend a certain amount out of their budget, then go to the Mayor and then to Council. He mentioned that in American Fork the department heads have up to $10,000.00, the Mayor has up to $25,000.00, and everything else goes to the Council. Mayor Farnworth said that they purchased a truck without the Council's approval, which was already approved in the budget. Councilmember Goodman feels the Town needs a purchasing policy that allows the department heads do some purchasing. He said that we do not have the same budget as American Fork but the approval levels should not stay where they are. He suggested that the department heads be where the Mayor is now and that the Mayor be at $10,000.00 to $15,000.00. Mayor Farnworth said that Mr. McHargue should put together some figures. Mr. McHargue said that he would put something together to present at the next council meeting.

Mr. McHargue said that he is working on an investment policy. Mayor Farnworth said these are some of the things they need to start working on now, because the Town is growing so fast. Mr. McHargue mentioned that the investment policy is for any money they have in reserve. He said that because the budget is so low, the 20 percent that you can have in reserve restricts the general fund. He stated that the investment policy would prevent them from having to give money to the state.

Mr. McHargue mentioned that they need to do a budget revision for the 2013-2014 fiscal year at the next meeting.

Town Clerk/Recorder – Pamela Spencer – Ms. Spencer had no items to report at this time.

COUNCILMEMBER'S REPORTS

Nate Riley – Mayor Pro-tem April – June – Councilmember Riley was not present at this meeting.

Dale Goodman – Mayor Pro-tem July – September – Councilmember Goodman said that there was Utah Lake Technical Committee meeting on Monday morning. He said that they are working on a dock ordinance to allow municipalities to have docks on the lake.

Councilmember Goodman mentioned that they are still working on carp removal and that six million tons were removed from the lake last year. He said that they were able to get a grant and matching funds to remove another 3 or 4 million tons this year.

Councilmember Goodman said that they found that when they burn the phragmites they come back, but if they knock them down they die and do not come back.

Mayor Farnworth said that they removed six million tons of carp this year and have removed 75 million tons since 2009. He added that they still have four to five years to get them to a point where they can maintain them. He mentioned that carp are like pigs and they root, which is why the lake is so dingy and all of the foliage in the lake is gone. He said that carp have places they do not like to be and are only pushed into those places because they are overpopulated.

Julie Fullmer – Mayor Pro-tem October – December – Councilmember Fullmer said that she has received a few applicants for Youth Council that will be coming in in July. She said that she will do interviews and get a Youth Council together. They have had a few youth who want to be involved in the events.

Councilmember Fullmer said she and Mr. McHargue met with Stewart Park from Anderson Geneva about the things that they did when they were working on branding and she will get the materials to Council that she feels are relevant to the Town.

Councilmember Fullmer said that the special event last week went well, however it did snow and rain during the week so attendance was not what it could have been. She said they averaged around 200 guests at peak times.

Sean Fernandez – Mayor Pro-tem January – March - Councilmember Fernandez said that he attended a Timpanogos Special Service District board meeting last week. He said he received a report on what impact fees are going to TSSD. He mentioned that we are at the top with almost one million dollars this year, with only Lehi above us. He stated that it shows that we are really growing, and are a real player, and if we need additional capacity, we will be able to do that. He said that they are having issues with the extension for the plant. He said they are working with the contractor, and there is a disagreement about $1.5 million dollars, so they are looking at possible litigation.

Mayor Farnworth asked if Mr. Overson was able to get his computer up and running. Mr. Overson said that he still needs another piece of software, which is the ESRE. Councilmember Fernandez said he could help with the software. Mr. Overson said that Neil with JUB will be helping him with the installation.

MAYOR'S REPORT

Mayor Farnworth said that they are looking at different options for the North Pointe Solid Waste Special Service District to have an interlocal agreement signed and are looking for places in the valley to dump. He said that they were approached by South Valley and were looking at an interlocal agreement with their landfill.
He said that he has not been approached lately by anyone for economic development.

OPEN SESSION: *Citizen's Comments*

Mayor Farnworth opened the public session and asked for resident comments.

Resident Cumorah Holdaway mentioned that they are going to get cement poured in their driveway in the morning. She said that she and her daughter Sherrie Kaye were poll workers and that only 70 voters voted out of 903 registered voters in their county district. She said that when there is an election we need to have signs around the town to remind people to vote on that day. Ms. Holdaway said that people do not remember, and we need to do something to let the people know about the election. She mentioned that seven (7) percent of the people are making the decisions.

Resident Sherrie Kaye Miller said that we should send out a reminder in the Vineyard Newsletter about voting. Mayor Farnworth asked if there is something we can do to get the word out. Recorder Pamela Spencer said that we could put something in the newsletter. Ms. Holdaway suggested that we have a Meet the Candidate Night. Ms. Spencer said that it is a County election so Vineyard will not have a Meet the candidate Night.

Mayor Farnworth called for further comments, hearing none he closed the public session.

BUSINESS ITEMS:

8.1 DISCUSSION – <u>Lakeside 2 Power Plant Project Update</u>

Bob Van Engelenhoven and Christopher Anderson of PacifiCorp/Rocky Mountain Power will update the Mayor and Town Council on the status of the Lakeside 2 Power Plant.

Mayor Farnworth turned the time over to Robert Van Engelenhoven.

Mr. Engelenhoven said that the power plant went to commercial operation on May 30, 2014 and was completed two days ahead of schedule. He thanked the Town for their cooperation. He said they still have a little more to do with the fencing, but the landscaping is in. He gave the Council updated photos.

Councilmember Fernandez asked if they had completed their noise testing because he has had complaints. Mr. Engelenhoven said that the noise level is under 10 decibels, which is below the noise ordinance set by the County. Mayor Farnworth said that the only complaint he received was from the business across the street. Mr. Engelenhoven said if there are complaints they will be happy to talk to them about it, but they are within the requirements. He said that they are well within compliance with the State. Councilmember Fernandez said that he would send people their way. Mr. Engelenhoven said that he could send the town a copy of the noise report. He also mentioned the photos that are included in the report. He said they hope it will serve the community and the State of Utah. He suggested they contact Kathy Hoffman with any further questions and concerns, as he is now finished and will leaving. Councilmember Fernandez asked if there was more room on the land and if they plan to do any additional phases. Mr. Engelenhoven said that there are no additional phases planned but in the laydown area there could be room for a small substation.

8.2 DISCUSSION AND ACTION – <u>Final Plat Approval for Ashley Acres Subdivision</u>
Shawn Herring with Vineyard Farms Development Company, LLC, is requesting Final Plat approval for the Ashley Acres Subdivision, located south of the Southwest corner of 400 South and 620 East. The Mayor and Town Council will take appropriate action.

Don Overson said that there is a fence put in and that they need to do a boundary adjustment agreement with the owners.

Mayor Farnworth said that he had a concern with the boundaries and fence lines. Mr. Overson said that the fence is in the construction plans and could be put in with the improvements and have them bond for it, to guarantee it will be put in. He said they need to do a boundary agreement with the landowners and the recorded the plat. Mayor Farnworth asked if there were any other concerns. Mitchell Dean McCuistion of Mitchell Dean Homes, representing Ashley Acres said that he has already drawn up the property line agreement. Mr. Overson said that they would look at it and come to an agreement. He said this should not be an issue to stop the project from moving forward, that we just need to get the plat corrected.

Mayor Farnworth asked for any further discussion. Hearing none, he called for a motion.

Councilmember Fernandez asked if Nathan Crane had any comments. Mr. Crane said they should add the stipulation about the boundaries to the motion.

Councilmember Fernandez asked if the roads and road widths match the town plans. Mr. Overson said they do.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED THAT THE TOWN COUNCIL ACCEPT THE FINDINGS AND APPROVE THE FINAL PLAT WITH THE SEVEN STIPULATIONS RECOMMENDED BY STAFF.

1. THE FINAL PLAT SHALL CONFORM TO THE PRELIMINARY PLAT DATE STAMPED MAY 6, 2014 EXCEPT AS MODIFIED BY THESE STIPULATIONS.
2. PRIOR TO FINAL PLAT APPROVAL, THE STREET NAMES AND ADDRESSING SHALL BE APPROVED BY THE TOWN ENGINEER AND TOWN PLANNER.
3. A FINAL LANDSCAPE PLAN SHALL BE REVIEWED PRIOR TO FINAL PLAT APPROVAL.
4. THE FINAL PLAT SHALL BE REVISED AS DETERMINED BY THE TOWN ENGINEER AND TOWN PLANNER.
5. VERIFICATION OF THE STREET CROSS SECTION.
6. THE SAME FENCE SHALL BE INSTALLED ON ALL PERIMETER LOTS.
7. BOUNDARY LINE AGREEMENT SHALL BE COMPLETED BEFORE THE PLAT IS RECORDED.

COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Mr. McCuistion thanked the town for their efficiency.

8.3 DISCUSSION AND ACTION – <u>Sponsorship for Lil’ Sports League</u>
Bill Hoops is requesting that The Town of Vineyard offer the Lil’ Sports League a $500.00 sponsorship to help offset costs. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Mr. Bill Hoops with Lil’ Sports League that he started three years ago. He mentioned that he talked with friends and decided to be a coach for his kid. He said that there were 50 kids and now has over 150 kids. He said that they organized last year under the name of "Lil' Sports League" He mentioned that last year he asked Councilmember Gillespie to see if the town would help cover some of the costs and the Council approved $700.00. He said this year he met with Councilmember Goodman and is asking for $500.00 to help cover some of the costs to update the soccer equipment. Councilmember Goodman asked what the age groups are. Mr. Hoops said they are ages four to nine, 10 if they have never done sports before and age three if they are advanced.

Mayor Farnworth asked the Council if they wanted to participate in it. Mr. Church said that they just need to include the cost in the budget, as it has been in the past.

Councilmember Fernandez asked if they have had any conflicts with the scheduling of the field. Mr. Hoops said they accommodated the Princess Festival, but they had to asked the races to go around the field instead of running through it. He said there were a few family things going on at the pavilion and he asked them to stay away from the fields.

Councilmember Fernandez asked if they need to put up signs to show that the fields are reserved. Mayor Farnworth suggested they turn it over to the public works department.

Mr. Hoops said they do try to make it look professional and more organized by painting lines etc.

Mayor Farnworth called for further discussion, hearing none he called for a motion.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO CONTINUE THE SUPPORT OF THE LI'L SPORTS LEAGUE AND SPONSOR THEM BY DONATING $500.00 TO THE CAUSE. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

8.4 DISCUSSION AND ACTION – <u>Modify The Standard Cross Section</u>

The Mayor and Town Council will discuss the modification of the standard cross sections and take appropriate action.

Mayor Farnworth turned the time over to Don Overson.

Mr. Overson explained that the typical cross section is 26 ft. of asphalt to put a modified curb on both sides, with 8 ft. park strips on both sides, and 5 ft. sidewalks, giving a total of 56 ft. He said he measured Sleepy Ridge and there is 26 ft. of asphalt, which matches with the other local roads. He said that if cars park on both sides of the road it only gives room to drive one vehicle. Mr. Overson questioned what level of service a local road should have, the wider you get the more maintenance on the asphalt and the more property it will take. Most of roads in Utah County are 26 ft. of asphalt.

Councilmember Goodman said that when the roads are wider it reduces the taxable value of the property. He asked if we need to have signs on the street for parking on only one side. Mr. Overson said that no subdivision is completely constructed, so when he drives down these roads and there are construction vehicles parked on both sides it is hard to get past. Councilmember Goodman asked if adding one more lane is another 13 ft. bringing it to 39 ft. of asphalt.

Councilmember Fullmer said that it is difficult for emergency vehicles to get through. She added that it is not only construction vehicles that block the roads, but that it is also people parking boats, trailers, and big trucks on both sides of the road.

Councilmember Fernandez mentioned that there are other widths, such as 60 and 66 ft. right of ways, throughout Utah County. He said that going to a 66 ft. right of way is not out of the question, if we reduce the size of the landscape strip to get the road width. Mr. Crane showed an example with park strips at 4 ft. vs 10 ft. Councilmember Goodman said that if you do that you do not want trees. Councilmember Fernandez said it would tear up the park strip and asked what the tradeoff is. Mayor Farnworth said that the big issue is safety.

Mr. Overson mentioned that an 8 ft. park strip makes the road look wider, and that the smaller the park strip, the tighter the road looks. He said we could go to 60 ft. and it would give four more feet of asphalt and they would not have to change anything. Mayor Farnworth asked if that would increase the speed. Mr. Overson said that there is 28 ft. on Holdaway Road and it does not appear that people are driving any faster.

Councilmember Fernandez mentioned that the four additional feet would give more room, especially after construction is gone. He said even if there is a car or truck parked on the side, two cars could still get around. Mr. Overson said that if you want cars to be able to park on both sides and two cars still get around then you put in13 ft. lanes with shoulders and go with a wider cross section. He said if you feel comfortable leaving a little more room so an emergency vehicle could get through then go with a 60 ft. cross section.

Councilmember Goodman asked what the parking ordinance says about how long vehicles can park on the street. Mr. Overson said that he thinks the ordinance only says they cannot park on the street in the winter. Councilmember Goodman asked if there wasn't anything about RVs parked on the street. Mr. Overson said it would be a good idea to have that type of ordinance. Councilmember Fullmer asked if there is an ordinance for parking cars, trailers, and RVs on the grass and sidewalks. She said that she has had complaints about people parking over the sidewalks, blocking fire hydrants, and parking in the front yards instead of in the driveways. Mr. Crane said that there is not an ordinance. Councilmember Fullmer mentioned a concern about people parking RVs so that they block intersections and visibility. Councilmember Goodman said that they need to spend time in putting together a parking ordinance.

Councilmember Fernandez said that with the cross section we need to keep the land strips where they are and widen the road width. Mr. Overson said that would give more room for snow storage in the winter. He said that it could be pushed to the curb and gutter and not stored in the park strips where it can lead to damage and the need for repairs.

Mr. Pete Evans with Flagship Homes said that they build all over the state and 56 ft. is the standard for inside of neighborhoods. He said if you got to 60 ft. it will cost a lot of money to put in the roads and decrease the properties values and cost more for maintenance. Councilmember Fernandez said that his concern is the asphalt width is too narrow. He said if we keep the 56 ft. cross section, it would take away from the landscape strip.

Mayor Farnworth said that it is more of a parking discussion and it will get more expensive down the road. Mr. Evans said that they are looking at painting one side of the road red, with no parking signs and allowing only parking on one side of the street and couple it with an ordinance so that people are not parking in the front yards.

Councilmember Fernandez asked Mr. Evans if they were to reduce the landscape strip by two ft. and put it into the roads, would it allow them to build the roads for the same costs. Mr. Evans said there would be a little difference in the cost, but not as much as changing to the 60 ft. wide cross section.

Councilmember Fernandez asked Mr. Crane if they could plant trees in the park strip. Mr. Crane said there are some types of trees, but the big problem would be if they had to put utilities in the park strip. In that case there would not be enough right of way.

Stewart Park with Anderson Geneva said it sounds like it is turning into a parking discussion. He said that the wider you make the road the more you encourage people to park on the road.

Resident Robert Holdaway said that the old deeds on Holdaway Road went to the center of the road. He asked if there needs to be new deed descriptions. Attorney David Church said that it should not make a difference on the property taxes. He said that the assessor know not to add that to the property assessment. He said if it makes them feel better they can quit claim the property to the town. Councilmember Fernandez said that the assessor will tax according to the description on the boundary, so if they want that changed they need to do a boundary adjustment. Mr. Overson said that when they subdivided the property the boundary line was changed.

Councilmember Fernandez asked to continue this item on the next agenda. Council agreed.

8.5 DISCUSSION AND ACTION – <u>Wage Increase for Mayor and Town Council</u>

The Mayor and Town Council will discuss wage increases and possibly act to set a Public Hearing for July 9, 2014.

Mayor Farnworth said that this is a discussion only. He mentioned that with the growth in the town, he asked Mr. McHargue to look at other towns' and cities' compensation. He asked Mr. Church if this needs to done as a public hearing. Mr. Church said that it must be done in a Public Hearing and by ordinance.

Mayor Farnworth mentioned that he currently is being paid $800.00 a month and the Council is being paid $300.00 a month. He said when Mr. McHargue researched it and the Mayor's salary averages around $1,600.00 and month and the Council around $733.00 a month. Mayor Farnworth said that with what is going on in the town he feels they are not being compensated for what they are doing, including mileage, which is built into their salaries. He said that he asks the Council to discuss it and that there is one complication that Mr. McHargue will explain.

Mr. McHargue said that the numbers he got from other cities included benefit packages. He said that the Town does not pay into social security, and we need to provide some type of retirement benefit. He explained that the Council needs to decide if the salary they choose is before or after the retirement benefit. He said that whatever retirement option they choose will be included in the salary.

Mayor Farnworth asked for any discussion from the Council. He mentioned that it will be brought to a Public Hearing in two weeks.

Mr. Holdaway said that if you want to pay for retirement benefits or pensions then it should be under their private jobs and not through the town. Mr. McHargue said that it is State mandated. Councilmember Goodman said that it is different from a 401k, which is a guaranteed contribution, and an annuity is guaranteed for life.

Mr. Holdaway questioned that they are not paid the retirement benefit for life. Mayor Farnworth said that it is only while they are in office. Mr. McHargue said that it is paid into the Utah Retirement System and there is no liability for the town.

Mayor Farnworth said that all they are looking at is the mileage and gas. Mr. Holdaway said that he is in favor of compensation for time spent but is leery of paying for retirement.

Mr. McHargue explained that as part of the URS, if anyone makes more than $988.00 per month, we have to participate in URS, and they make below $988.00, we have to provide a 401k.

Mr. Church said that it is either all or nothing on participating in a retirement plan. He said that where states have gotten into trouble is with the types of retirement plans they offered. He said that we do not run the pension plan, it is a liability of the State, and they tell us what we need to pay.

Mr. McHargue asked if there is a direction the Council would like him to go in for the next meeting. The Council wants to look at it first and then come back with more information for the next meeting.

8.6 DISCUSSION AND ACTION – <u>Ordinance - Zoning Ordinance Amendment WatersEdge Zoning District</u>

This is a request by Flagship and Woodside Homes to amend the Vineyard Town Zoning Ordinance to amend Chapter 7 Special Purpose Districts by adding Section 760, WatersEdge Zoning District. This is a continuation from the Town Council meeting held on June 11, 2014. The Mayor and Town Council will take appropriate action.

8.7 DISCUSSION AND ACTION – <u>Ordinance - Zoning Map Amendment - WatersEdge Zoning District</u>

This is a request by Flagship and Woodside Homes to amend the Vineyard Town Zoning Map by rezoning 418.9 ACRES from HDR-1 (174.8 ACRES) and A-1 (244.1 ACRES) to the WatersEdge Zoning District. This is a continuation from the Town Council meeting held on June 11, 2014. The Mayor and Town Council will take appropriate action.

These two items were combined into one Ordinance 2014-03

Mayor Farnworth asked for comments from the Council.

Councilmember Goodman asked if the stipulations in the report apply to this item. Mr. Crane mentioned that they created one ordinance, that if adopted would adopt the WatersEdge Zoning District and rezone the property to that Zoning District. He said that he included all of the stipulations, and that they need to update number one with a new date for the new document submitted by the developer, and include a stipulation referencing any revised cross sections.

Mr. Church asked if this takes care of the first two business items. Mr. Crane said that it does.

Councilmember Goodman asked if these stipulations that are part of the ordinance, if the developer has looked at these and if he has concerns. Mr. Crane said that he included any changes in the ordinance, and if the developers have any concerns, they need to be brought up in this meeting. He mentioned that the developer is requesting a revision. Mr. Evans mentioned that the ordinance and the plan are different. He said that there are stipulations that staff is recommending be in the ordinance that may clarify, limit, or lock in some of the things in the plan.

Councilmember Fullmer asked for the developers opinion on stipulation numbers 17 and 20, and if they had any concerns. Mr. Crane said that his concern with 17 is creating a tunnel of two story homes on the major streets. Mr. Evans said that cluster lots on the backbone road are all two-story product, so complying with that stipulation would be impossible. Mayor Farnworth said you are going to get a tunnel effect any way. Mr. Crane said that if you go two or three two-story homes in a row and then drop to a one story you would get a different feel.

Mr. Evans said that they have not specifically talked about the street; they have proposed a wider street section to mitigate that. He mentioned that the product on the corridors does not allow for a single story. He said if you have a 32 wide house and it is 40 ft. deep, it would not allow for a single story with a two-car garage. Mayor Farnworth asked for clarification on which roads they are discussing. Mr. Evans said they would be on Main Street and 400 North. Mayor Farnworth asked Mr. Evans if they are proposing that the products on these roads be all two-story. Mr. Evans said that he proposing to eliminate stipulation 17. Mr. Crane said that this is the A18 and A14 areas. Mr. Evans explained the cluster lots with shared driveways, the 4,500 sq. ft. lots and 3,600 sq. ft. lots, and how all these products lend themselves to two story homes.

Mayor Farnworth asked if they all get a perimeter fence. Mr. Crane said yes, but they could break up the housing by designing it to have two or three in a row and then open space. He mentioned that there are other cluster products that are single story. Mayor Farnworth asked if there is a concern with the stipulation. Councilmember Fullmer said she did not want to make a stipulation if the product didn’t allow for it. Mr. Crane said this applies to detached homes, and that all attached homes are not applicable. Mayor Farnworth said that he has no issue with the two story homes. Councilmember Fullmer asked what the product type is that Mr. Evans was talking about. Mr. Evans said they are detached homes. Councilmember Goodman mentioned that he is more concerned with the dynamics of driving than what is alongside of the road. Mr. Crane said this is something he has done in other communities to break it up on the smaller lot so it does not create a tunnel effect. Councilmember Fernandez asked if this stipulation was going to cause a problem with the developer. Mr. Evans said that it would limit the type of home.

Mr. Crane said the Council needs to make a decision on the width of the right of way before they make a decision. Mr. Evans said that there is another stipulation that staff has recommended that they do not do the enhanced right of way and put the land into the community.

Mr. Evans asked if they can go down the list in order. Mayor Farnworth asked if there is more information. Mr. Crane said the argument is that we can handle the two- story if we are going to have wider landscaping.

Mr. Evans said that there is no issue with number one. He mentioned that 2-4 have to do with locking in the planning area sizes and numbers. He said that on this size of a project with a conceptual bubble plan they are asking for more flexibility. He mentioned that there would be inefficiencies, which will allow for more or less lots in some of the planning areas. He said that his understanding is that the concern has been on lot size and location. He said he is asking for the flexibility that if there are three lots in one area that they do not have the room for they can move them to an area of the same size that has the room for them.

Mr. Crane said that as soon as you start moving units the density will drop in one area and rise in another, and the past discussion was about how big each area was and many units would be allowed in each area. Councilmember Goodman stated that the overall density would not go up, but you could change the number of ¼-acre units. Councilmember Fernandez said that if we keep it to a certain percentage of units that they can change. He added that if they did not move a lot of them or change it completely he has no problem with it. Mr. Evans stated that as a practical matter they would be the same lot size and not be able to transfer density. Mr. Crane explained that he has run into trouble with it in the past. Mr. Evans said we are in the RDA boundary, and are comfortable with 2100. He said if you have five extra lots, put them in another area. Mr. Crane said his intent was to not allow product types to change. He said you have a sub area where you can change in the product type but not changing from outside the product type. Councilmember Goodman stated they are asking to transfer to any area, but the idea is that they can only go into something that is the same size and type. Mr. Crane said there has been a lot of discussion about product types and did not want to mix product types.

Councilmember Fernandez asked Mr. Evans if that was a deal breaker. Mr. Evans said doesn't see that it is an issue. He said that if you end up with 2050 lots total, we are not saying that there are going to be 50 lots that they are going to sell or split. He said they are asking for some flexibility on the size of the project and where things are going to fit. He explained that they would end up with the same lots and sizes. He explained that if you have 70 8,000 sq. ft. lots and can only fit 70, with one unit left over and you have an area where you could fit 40 10,000 sq. ft. lots instead of the original 39, that they be allowed to add the extra lot. Mr. Crane said that his counter to that is that people are expecting a certain amount of lots in each area. Councilmember Goodman said that if they move them to another area they still could not increase the overall density. Mr. Crane said they are capped at a unit type but not a product type. Councilmember Goodman they do need to have a little flexibility within product type. Councilmember Fernandez stated that there are enough areas with the same product type that they can move the extra lots around the project. Mr. Evans said that they could not move all of them around because there are some areas that are limited to the product type and lot size. He said that as long as they have the flexibility to plot them as best they can they would end up with a better product.

Resident Robert Holdaway asked if they were talking about transferrable development rights and said that one of the stipulations says that there shall not be any transferrable development rights. Mayor Farnworth said that was not what the discussion was about.

Mayor Farnworth asked if they are comfortable with the changes. Councilmember Goodman said that he is comfortable with the modifications made to stipulations two, three and four.

Mr. Church suggested they hold a vote on each stipulation individually and then vote on the whole ordinance as amended.

1. Development within the WatersEdge Master Plan shall conform to the WatersEdge Zone

Plan stamp dated June 23, 2014 except as modified by these stipulations.

Motion: ALL IN FAVOR WITH THE DATE CHANGE. MOTION CARRIED WITH ONE ABSENT.

2. *The transfer of density between different product types is prohibited.*

Councilmember Fernandez asked about the possibility that they be allowed to move a percentage of lots up to a certain number. Councilmember Fullmer asked if they are saying they can move from product type to product type, but the developer wants to change the product type if necessary. Mr. Evans gave an example that if they have an area with 71 8,000 sq. ft. lots and they can only fit 70 lots in the area, can they take the other lot and put it where it will fit in another area.

Motion: COUNCILMEMBER GOODMAN MOVED TO STRIKE NUMBER TWO. COUNCILMEMBER FERNANDEZ SECONDED. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT

3. *In no event shall the maximum number of units exceed 2,100. Further, the maximum number of units for each planning area shall not exceed the number of units as shown on the master plan*.

Mr. Evans recommend they strike the second sentence.

Motion: COUNCILMEMBER FERNANDEZ MOVED KEEP THE FIRST SENTENCE OF NUMBER THREE, AND STRIKE THE SECOND SENTENCE. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT

4. *Any changes to the number of units acres in the planning areas shall be approved through the legislative rezoning process by the Town Council.*

Councilmember Goodman said that he feels it creates a lot of red tape. Councilmember Fullmer asked since they are keeping the units at 2100, whether it is necessary to have them come back. Mr. Crane said that is why the stipulations are there. He said if they want to expand the number of units in an area they need to come back through the process.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO KEEP NUMBER FOUR. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Mr. Evans asked if it is okay to move the units between planning areas so long as they meet the minimum lot sizes of each planning area, provided they come back to council to make those changes. Mr. Crane said if you take the multi-family area and want to expand the acreage you have to come back to Council. Mr. Evans read the stipulation, which says units. Mr. Cranes said that it should be changed to acres.

Revised Motion: COUNCILMEMBER FERNANDEZ MOVED TO REVISE HIS MOTION TO SAY ACRES INSTEAD OF UNITS. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5. *In the event land is sold for an alternative use (churches, schools, etc.) the units displaced by the alternative use shall not be transferred to other locations.*

Mr. Evans said that they have no issue with it. He mentioned that they wanted the Council to discuss the full impact of a church or school going into an area. He said that if a church or a school goes in, those units would disappear. Councilmember Fernandez stated that what he is reading in number five is that those units just disappear.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO LEAVE NUMBER FIVE. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

6. *The right-of-way for Main Street, 400 North and Vineyard Road shall be dedicated to the Town without compensation as required by the reimbursement agreement.*

Mr. Evans said that there is no issue on the reimbursement agreement. He asked that at the same time this happens the Town agrees to vacate the right of way.

Motion: COUNCILMEMBER GOODMAN MOVED TO APPROVE SIX AS WRITTEN. COUNCILMEMBER FERNANDEZ SECONDED. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

7. *All perimeter landscaping and fencing for each plat shall be installed in the first phase. In addition, the landscaping along collector and arterial roads shall be installed at the time of construction of said road.*

8. *A maximum of three hundred building permits may be issued until a connection to the Vineyard Connector is completed.*

Mr. Crane suggested they only discuss the stipulations they want to change.

9. *The wetlands delineation shall be completed and approved by the US Army Corp of Engineers prior to any preliminary or final plat approvals for the area east of Main Street and west of the railroad tracks and north of Center Street and south of 400 North.*

Mr. Crane said that nine refers to issues they have had in the past with the wetlands and the relationship they have with the Army Corps of Engineers. He mentioned that construction has taken place without their approval. He said as staff they are okay with development happening around it, but without a map that delineates where the wetlands are today, he does not want to start approving things without the Army Corps stamp of approval. He mentioned that there was preliminary delineation done that shows a smaller boundary, but without staff seeing it they cannot comment on it. Mr. Evans suggested that they allow staff to approve limited work based on the preliminary delineations, with a buffer around the wetlands. Mr. Crane said his concern was that no one from the Army Corps has approved the preliminary delineation. Mayor Farnworth mentioned that if anyone touches the wetlands the town is 100 percent responsible. Mr. Overson mentioned that the town becomes liable for any wetlands destroyed. Mr. Evans said that the suggestion is subjective. He suggested that the town say that no work can occur until the Town Council approves it. He said that everything would be some distance away, and all that is need it to determine what is far enough away. Councilmember Fernandez said that this property is known for wetland issues and has never been delineated. Mr. Crane said that we do not know what the Army Corp expects and we do not want to guess. Mr. Evans suggested they say no construction within 100 ft. on the preliminary delineation. Mr. Crane said that it goes back to who is doing the delineation and who approves it. Mr. Crane said that in the general plan there is an area that has been classified as wetlands. Mr. Evans said that the engineer working on their plans, who used to work for the Army Corps, came back with a delineation less than what is on the current map. Mr. Crane said that without the Army Corps signing off on it, they don't want to determine it. Mr. Evans said they will stay out of the areas that are potential wetlands. Councilmember Goodman asked if they can leave the areas alone that border on the wetlands. Councilmember Goodman mentioned that they start west of Main Street and above 400 North.

Motion: COUNCILMEMBER FULLMER MOVED TO KEEP SEVEN, EIGHT, AND NINE AS WRITTEN. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

10. *Prior to submitting for a building permit, the Town Planner shall approve the architectural plans of all housing products.*

11. *A private outdoor living space shall be provided adjoin each dwelling unit equal to a minimum of seven (7) percent of the floor area of the dwelling unit for all townhomes or other attached products and five (5) percent for condominium attached housing products.*

12. *A minimum of fifteen (15) percent of the site area of the attached residential development shall be set aside as recreation amenities. The minimum size of a recreational amenity area shall be 8,000 square feet with one area being at least 15,000 square feet in size. Such areas shall be uses for tot lots, play fields, ramadas, gardens, and other similar areas as approved by the Town Planner.*

Mr. Evans said for number 12 the attached 15 percent may be required and he feels that 10 percent is sufficient. Mr. Crane said the 15 percent is in response to what they are seeing in the apartments and Edgewater, where they have allotted 10 percent and it is not enough room to put in the quality of amenities they were looking for.

Motion: COUNCILMEMBER FULLMER MOVED TO KEEP 10, 11, AND 12. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

13. *All development shall comply with the WatersEdge Zone Plan and the Town Zoning and Subdivision Ordinance. In the event of an absence of regulations in the WatersEdge Zone Plan, the Town Zoning and Subdivision Ordinance shall apply. In the event of a conflict between the two documents, the Planning Commission shall make the final decision.*

Mr. Crane said that this stipulation is designed to address what happens if there is a conflict with the ordinance or there is something missing in the plan. Mr. Evans said that there are two issues, the first one is that if something is missing on the plans, or if there is something that was not addressed, then the Town Zoning and Subdivision Ordinance shall apply. He said that the second half is if there is a conflict, and there will be a lot of conflicts between the Plan and the Subdivision Ordinance as currently adopted, then every one of those has to go the Planning Commission. He mentioned that the whole reason why they are adopting this plan it to create all of the rules for the community. Mr. Crane said it was not the intent and that the Council can strike if they wish to. He said that the intent is, if there is something absent or missing the Town's Ordinances apply.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO ACCEPT NUMBER 13 STRIKING THE LAST SENTENCE. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

14. Subdivision design guidelines shall be approved prior to approval of the first subdivision.

15. The street cross sections shall be revised as directed by the Town Engineer and Town Planner. The additional landscape area in the Urban and Community Parkways shall be relocated to the interior of the project as park space.

Mr. Crane said that 15 is the cross section. He said the he had Ms. Pfost run the numbers and it will cost $140.00 a year extra to maintain what they are proposing. He said that they want an extra eight ft. on Main and an extra 13 ft. on Vineyard Road. Mayor Farnworth mentioned that they are trying to build a town that has amenities that look nice. Mr. Crane said he felt that they would commit extra resources, with limited resources for the cost to maintain it. Councilmember Goodman mentioned that if we narrowed it we will have the tunnel effect which will be worse. Mayor Farnworth said they want to minimized the tunnel effect as much as possible and make it look nice. Mr. Crane said that they have a significant cross section as it is.

Councilmember Fernandez moved to approve 14 and 15 as written. Councilmember Fullmer asked for clarification on the stipulations. Councilmember Fernandez said that number 15 is the standard cross section and the town will maintain it. Mr. Evans said that 15 states that they will reduce the cross section and put it into the park.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO APPROVE 14 AND STRIKE 15. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

16. Preliminary and final plat approval shall be required for all detached single-family products. Site plan approval shall be required for all attached housing products. Application review and processing shall be in accordance with the Town of Vineyard Zoning and Subdivision Ordinance.

17. There shall be a maximum of two two-story homes along any collector or arterial street and adjacent to open space areas for detached single family homes.

Mr. Evans said that 17 is the two story homes initially discussed. Mayor Farnworth said that they just discussed the tunneling effect, but very seldom does he look at what homes are one or two story. Mr. Crane mentioned that they could exclude the cluster product from it and put some of the detached larger lot products, or remove the stipulation. He said that when they do the subdivision design guidelines they will include line breaks such as cul-de-sac pop outs, cluster products etc. Mr. Evans mentioned that it will not be a noticeable issue with the landscape, which includes a wall. Mr. Crane suggested they discuss it when they do the design guidelines in stipulation 14.

Motion: COUNCILMEMBER GOODMAN MOVED TO APPROVE 16 AND STRIKE 17. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

18. The developer shall be responsible for the purchase of water for the development on the Geneva site.

19. The minimum lot areas shall be revised to reflect the minimum lot areas on the master plan.

20. All front yard setbacks shall stagger a minimum of two feet on lots 4500 sq. ft. or larger.

Mr. Evans said that 20 is okay, except on the cluster and 3,600 sq. ft. lots, because the buildings will sit tight. He suggested they modify it to 5,000 ft. lots or address it when they do the site review guidelines in stipulation14. Mr. Crane suggested they add that the cluster products be addressed in the design guidelines. Councilmember Fernandez said it would make a difference to have the staggering. Mr. Evans said it depends on the look of the product and 1 or 2 ft. can make a difference as to what house fits on the lot. Councilmember Fernandez asked if it would be okay if it were limited to the larger size lots. Mr. Evans said that he recommends it for the 5,000 ft. or larger lots. Councilmember Fernandez asked if they could do it with the 4,500 and up. Mr. Evans said it would be tight and they would be limited to the product type. Mr. Crane asked Mr. Evans how big the lots are in LeCheminant. Mr. Evans said they are 4,500 but if someone wants a certain lot and a certain house type depending on the setback, they may not be able to put that house on that lot. Mr. Crane said that it would take some thought on the developer, as they mass produce homes, the idea is any house product anywhere. He said that they try to stagger for a long-term community, which requires them to pre-plan. Mr. Evans said it is easier to do 5,000 sq. ft. lots, it is not impossible to do it on the 4,500 sq. ft. lots, it limits the marketability of the sale of the lot. Mr. Crane explained that the design guidelines are set up with non repeating elevations. Mr. Evans said they are planning a variety regardless.

Motion: COUNCILMEMBER GOODMAN MOVED TO APPROVE 18, 19, AND 20 MODIFIED TO SAY ALL FRONT YARD SETBACKS SHALL STAGGER A MINIMUM OF TWO FEET ON LOTS 4500 SQ. FT. OR LARGER. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

21. Prior to approval of any plats, a reimbursement agreement shall be approved by the Town Council and/or the RDA Board.

22. The WatersEdge Zone Plan shall be modified as directed by the Town Engineer and Town Planner.

Councilmember Goodman moved to approve 21 and 22 as written. Councilmember Fernandez asked Mr. Overson if they are addressing that the developer should take care of all storm water. Mr. Overson said that storm water is always addressed with the design. He mentioned that the overall Master Plan shows locations for detention and we will require them to follow it. Councilmember Fernandez asked if they detain water that will make it into a pipe that goes to the lake, will they be required to contribute to the infrastructure to get it out there. Mr. Overson explained that the way it has been done in the past is that the development on the west side of the railroad track is elongated, and it requires the developer to take the storm water to the lake and to clean it up before it hits the lake.

Mr. Crane suggested they add a stipulation to address the cross section as it will be discussed and revised by the Council at a later date.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO ADD STIPULATION 23 TO ADDRESS THE CROSS SECTION. THE PLAN WILL COMPLY WITH THE ADOPTED TOWN COUNCIL LOCAL STREET CROSS SECTION AND NOT THE CROSS SECTION IN THE PLAN AND TO APPROVE NUMBERS 21 AND 22. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL IN FAVOR. MOTIONED CARRIED WITH ONE ABSENT.

Mayor Farnworth called for further discussion.

Mr. Overson explained where the delineation of wetlands from the county is, where they could keep the boundary, and allow them to build with a bumper of 100 ft. He mentioned that there are no wetlands on the sod farm. Mr. Evans said they could start 100 ft. into the sod farm. Mayor Farnworth asked if they wanted to change the motion on the number nine stipulation. Mr. Overson suggested they change the wording from west of the railroad tracks to say within 100 ft. of the east boundary of delineated area. Mr. Evans said that it should say, "The wetlands delineation shall be completed and approved by the US Army Corp of Engineers prior to any preliminary or final plat approvals for the area within 100 ft. east of exciting wetlands delineation".

Motion: MAYOR FARNWORTH MOVED TO CHANGE STIPULATION NINE TO READ "THE WETLANDS DELINEATION SHALL BE COMPLETED AND APPROVED BY THE US ARMY CORPS OF ENGINEERS PRIOR TO ANY PRELIMINARY OR FINAL PLAT APPROVALS FOR THE AREA WITHIN 100 FT. EAST OF THE EXISTING WETLANDS DELINEATION." COUNCILMEMBER FULLMER SECONDED THE MOTION. COUNCILMEMBER GOODMAN, COUNCILMEMBER FULLMER, AND MAYOR FARNWORTH VOTED AYE, WITH COUNCILMEMBER FERNANDEZ VOTING NAY. MOTION CARRIED WITH ONE ABSENT.

Councilmember Fernandez said he is concerned about areas that are not delineated. Councilmember Fullmer asked what happens if there is a problem and the wetlands are delineated. Mayor Farnworth said as it sits right now they can go up to 100 ft. outside of it. Councilmember Fernandez said that they could tell them to tear down the building. Mr. Overson said that it would fall on the town and sometimes they make you mitigate into another wetland area. Mr. Church said what Councilmember Fullmer is asking is once it is delineated how does it affect the development. He said they would have to not develop that piece of ground or come up with a plan that they can trade off. He said if they find some wetlands then there is extra space that does not go on lots, unless the Army Corps gives them the go ahead. Councilmember Fernandez asked if they start to build the road and then find out it is on wetlands, what will happen. Mr. Church said if we destroy wetlands through road building without permits, then it could go to mediation and be fined. Mr. Overson said they should survey the land before they do construction, and if there are any low areas that could be potential wetlands call the Army Corps and have them look at it and have them tell you what needs to be done. He mentioned that he feels safe that it will not be an issue and we can catch it ahead of time before it does become an issue. Mr. Church said that the problem with the Homesteads was that they did not get the approval, and our name was on it when they went under. Mr. Overson said that the Army Corps no longer recognizes the developer. Mr. Church said that we will be responsible because our name is on the permit.

Mayor Farnworth asked for further comments.

Mr. Church said that they need to change the effective date of the ordinance. He mentioned that this is important because the next business item is a companion, which is the reimbursement agreement. He said that they don't want it effective until the agreement has been approved and signed. Mr. Church suggested they discuss the reimbursement agreement now and vote on the ordinance afterwards.

Motion: COUNCILMEMBER FERNANDEZ MOVED TO TABLE THE VOTING ON THE ORDINANCE AND THEN COME BACK TO THE ORDINANCE. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Motion: COUNCILMEMBER GOODMAN MOVED TO ADOPT ORDINANCE 2014-03 AS AMENDED WITH AN EFFECTIVE DATE OF JULY 10, 2014. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION.

Mayor Farnworth called for further comment.

ALL IN FAVOR. ROLL CALL VOTE: MAYOR FARNSWORTH, COUNCILMEMBER FERNANDEZ, COUNCILMEMBER GOODMAN AND COUNCILMEMBER FULLMER AYE. MOTION CARRIED WITH ONE ABSENT

8.8DISCUSSION AND ACTION –**Agreement - Reimbursement Agreement WatersEdge**

This is a request by Flagship and Woodside Homes for approval of a reimbursement agreement regarding certain system wide infrastructure (road, culinary water, sanitary sewer, etc.) improvements within the WatersEdge Development. This is a continuation from the Town Council meeting held on June 11, 2014. The Mayor and Town Council will take appropriate action.

Mr. Church mentioned that Ms. Pfost had suggestions to be included in the agreement so there is a difference in the draft since the last meeting. He said that the primary difference is that the original draft did not have the community park listed as part of the total improvements that would be reimbursable to the developers through the RDA. He said that they have added it back in and have done it in phases. He mentioned that the original concept was that they would dedicate all of the open space to the town immediately upon approval of the plan. He said as they start their first phase they would build the small parks and trails as they construct, and for the 18 acre park they would be required to put in the base park improvements within one year from the date you give them an approved park plan. He mentioned that the base park will include a parking lot, sprinkler system, grass, and a restroom facility. He said that they will put in the final park improvements shown in the plan in within one year of approval of the 700th building permit. He mentioned that they have agreed to front the money up to a certain amount of money. Councilmember Fernandez asked if on the other parks and trails and improvements that there are no stipulation. Mr. Church said that the improvements on the small parks and trails will be done as they build on the property.

Mr. Church stated that the other issue in the agreement that was changed is in reference to impact fees. He said that currently we do not have a park impact fee. He added that if we do have an impact fee in the future, we are agreeing because the developer is giving the town the ground, that they will be credited against any future park impact fees up to 90 percent.

Mr. Church said one decision that was not made is the interest rate, which he left blank and Flagship keeps putting in eight percent. Ms. Pfost said they are paying 3.3 percent for the bond on the RDA money. Mr. Church said that he is not recommending they pay 8 percent.

Mr. Evans said that Garret Seely spoke with North Salt Lake about their 15 acre park with a splash pad, restroom facility, playground and open fields. He said they were at $5.75 a sq. ft., so they rounded up to $6.00 a sq. ft., with 18 acres it brings it to $4.7 million. He said that they do not have baseball diamond facilities; they have soccer fields and he does not know the cost tradeoff.

Mr. Church said that in the agreement there is a cap for final park improvements, which is less the base improvements. Mr. Evans said the $4.7 million is his final number. Mr. Church suggested that they have a final improvements cap, such as $3 million for the final improvements. He said you cannot leave it open-ended; you need a cap for reimbursable expenses. He mentioned that if the town wants a super park the developer is not willing to loan more than the $3 million to build. Councilmember Goodman asked if the $4.7 million is what they are calculating for all of the improvements. Mr. Evans said that it is broken up into two phases and they did not put a cost for the first phase. Mr. Church said it would be a cost reimbursement and depending on what you want, the cost would change. Councilmember Goodman suggested that rather than say the final park improvement, that the town could say the total park improvements are capped at $4.7 million. Mr. Church said that they should change it to read that the total cost of the base and the final park improvements should not exceed $4.7 million.

Mr. Church said they need to fill in that blank and then the only other blank is the interest rate. He mentioned that Ms. Pfost would like the RDA to be involved in this agreement. Mr. Church said that they anticipated that the RDA would have a separate agreement with more details.

Mr. Church said that other changes are, the trigger date should say when the Megaplex area triggers but no later than 2017. He mentioned that they need to clarify that this is capped at 70 percent of the available tax increment for their area. Ms. Pfost suggested they take out the word "estimated" and instead say "the total tax increment". Mr. Evans asked if they put language in that if the town eliminates their need for low-income housing, that it would be available as well. Mr. Church said no, we are capping it at 70 percent. He said that 9 B where the word "estimated" on 70 percent will be removed and it would be a hard 70 percent.

Mr. Church stated that this is intended to cap at 25 years from the trigger date and is only payable with tax increments. Ms. Pfost said that is at $10 million, but the estimate is closer to $13 million and so it should take 13 years to pay it back. Mr. Church said that if the economy slows down and the 25 years run out and they are not paid back, the debt is done.

Ms. Pfost said that if you look at the Megaplex, and take their Performa, and they get about a 7 percent rate of return and they take all the risk. She said if they do something similar with this agreement and they would look at seven percent over the 13 years. She said if they want to go the full 25 years then we need to do a lower interest rate, because the town can borrow at a lower interest rate. She stated that if the town is taking all of the risk then they should borrow the funds at a lower rate of return. She mentioned that her concern is if they don't build in time the town could pay more interest. She stated that one of the things they could do is to shorten the period they pay it back. She said at the 13 years at 8 percent you are paying $23 million for $13 million borrowed. Mr. Church said he told them we will not pay more than we are making on the money, and he is not sure where the 8 percent came from.

Ms. Pfost said you could cap it at 75 percent again of the amount borrowed. Mr. Church asked what interest rate they would be paying the Megaplex. Ms. Pfost said that it is 7 percent, but they are taking all of the risk, and they do not want to take all of the risk. Mr. Evans said that they are loaning the town money and that Flagship will be losing money. He said that they are lending the town money at a lower interest rate than they can borrow it.

Ms. Pfost mentioned that they would define all of the background infrastructure list. Mr. Church stated that they expanded the reimbursable infrastructure list when they lowered the density to cover the cost of the park improvements.

Ms. Pfost said that her major concern is that they put some limitation and caps to protect the town. She suggested that they add an additional point that at the end of the 25-year period the town will have no increment to pay it and the debt will be forgiven. Mr. Evans said that they understand the risk completely. He stated that if they are not able to build out, or if the tax increment is not what they thought it was going to be during the duration of the project, that they are taking the risk.

Resident Chris Judd mentioned from bank's perspective, he asked if this would be a tax-free loan. Mr. Church said it would not qualify because it is not a municipal bond. He asked Mr. Judd as a banker what are they loaning to developers. Mr. Judd said that they lend on development all the time, but the interest rate depends on what the development is.

Ms. Pfost said that to put it in perspective, if the development comes in at half the value they anticipate, and the town goes the full 25 years at 7 percent interest, the town would pay \$11.5 million in interest and still owe \$3.2 million that would not be paid. Mr. Church mentioned that they only get the tax increment from their project, and if there is no tax increment, they are not being paid.

Mr. Church said his recommendation is to have the Council set the interest rate they are willing to pay. He mentioned that Ms. Pfost is recommending 7 percent. Ms. Pfost said that it is consistent but suggested they shorten the time frame to make sure they have incentive to stay on track with what their Performa is. Mayor Farnworth mentioned that is why in Megaplex discussions they wanted to make sure they were performing and generating sales tax. Mr. Church said that the difference is the sales tax, and the developer completely controls the building and operating. He mentioned that residential does not control the sales and the market and is a huge risk on the timetable. Mr. Evans said the other difference is that with the Megaplex they purchased the land and the town is paying it back through the RDA, while Flagship purchased the land is donating it to the town. Mr. Crane mentioned that it is costing more to build with them loaning us money than if we were to build it in the future. Mr. Church there is the potential if this goes fast, that nothing says we can't take them out and lower the interest rate. He set they would prefer to sell a bond and take them out. Mr. Evans said at seven percent we are losing money, and the sooner they could pay it back the better. Mr. Church mentioned that they clarified in the agreement that the town has the option to prepay.

Mr. Church said that his recommendation is to approve the mayor on behalf of the town to sign the agreement with the amendments discussed after Council fills in the interest rate and the cap on the park. He stated that they will get the amended agreement to the developer and if they sign they will present it to the Town and RDA for signatures. He said that they will then get the detailed reimbursement agreement ready for the RDA Board. He said if they do that then they can back to the ordinance and approve it with an effective date of July 10th. He said that if it is agreed on and signed then it is done, and if not agreed upon, then we know another project will be coming.

Mr. Evans asked for clarification. Mr. Church said the ordinance would be effective on that day. Mr. Evans asked if they could vote on the ordinance separately tonight and have the effective date of tomorrow. Mr. Church said they could, but asked if they want an ordinance without a reimbursement agreement from them. He mentioned that with the way the ordinance is written now, they are building the town a park and you don't have a reimbursement agreement.

Mr. Church said you can make it effective tonight and post it tomorrow, but the reimbursement agreement is a key element for the developer.

Mayor Farnworth said that his preference is a drop dead date as suggested. Mr. Church said they could approve it with the amendments tonight.

Councilmember Goodman asked if there was possibility of a referendum and what is the deadline for doing this. Mr. Church said they have to count back from the Election Day in November. Mr. Church said that it all depends on if everyone takes their full time. Mr. Crane said that if everyone takes their full time the referendum wouldn't make the ballot. He mentioned that the key date for ballot language is the end of August.

Mayor Farnworth said that if they need to fill in blanks with 8 percent and 25 years, then he would prefer to have the option to do a buyout. He asked if there are things in the contract that protect the town. He said he is feeling comfortable with the 7 or e8 percent and the two stipulations, but he would like to shorten the date, and that they have to perform.

Councilmember Fernandez asked what the recommended period was. Ms. Pfost said that Performa is based off of 13 years, and if they wanted to give them some leeway, they can. She mentioned that if they keep with the 25 years the town can never lose money with those stipulations.

Councilmember Goodman asked Mr. Evans if there is any middle ground between 13 and 25 years. Mr. Evans said that from his perspective he does feel it is fair to artificially limit the payback time when they are the ones putting everything in to loaning the money. He said that if the Council limits it to less than 25 years, they are saying we want you to be built out soon enough that you have generated 70 percent of a certain about of tax increment to pay you back from some artificial point less than 25 years in a market that we don't control. He said that putting an artificial timeline on it is not going to make them perform any faster than they would otherwise, especially with the provision that the town can prepay. He mentioned that Ms. Pfost pointed out that if it implodes and they have not paid back the $13 million, the rest of the debt is wiped out.

Mr. Church said the risk that the town has on this is if they shut off the development at less than the required 700 building permits, then we will not have the full park completed.

Councilmember Fernandez asked if we leave it with the 25 years, is the developer okay with the 7 percent. Mr. Evans suggested 7.5 percent. Councilmember Fernandez said that the developer loaning the town the money is an amenity they have worked towards because they have given them the density. He said that it is in the best interest of the town to negotiate, so if we put it at 25 years then 7.5 percent interest would it be acceptable.

Mr. Crane said that without them lending money, the project would not be built or it will be built on the Town's dime in the future.

Mayor Farnworth called for further comments. Councilmember Goodman said that he feels they have made some good changes that will protect the town.

Mr. Church said that they need a motion to approve the agreement with the amendments they made and have a signed copy and the full reimbursement agreement for the RDA by the next meeting. He said then have a motion to pass the ordinance with an effective date of July 10^{th}.

Motion: COUNCILMEMBER GOODMAN MOVED TO AUTHORIZE THE MAYOR TO SIGN THE REIMBURSEMENT AGREEMENT WITH THE STIPULATIONS STATED BY STAFF AND APPROVED BY COUNCIL, CONDITIONED UPON THE DEVELOPER SIGNING IT. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

ITEMS REQUESTED FOR NEXT AGENDA

Mayor Farnworth mentioned the Standard Street Cross Section and Mayor and Council wages would be put on the next agenda.

ADJOURNMENT

Motion: COUNCILMEMBER GOODMAN MOVED TO ADJOURN THE MEETING. COUNCILMEMBER FERNANDEZ SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Meeting adjourned at 10:24 PM. Next regularly scheduled meeting is July 9, 2014.

MINUTES APPROVED ON: February 11, 2015

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