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

MINUTES OF A WORK SESSION WITH STAFF,
A PUBLIC HEARING AND A REGULAR MEETING
OF THE VINEYARD TOWN COUNCIL
Vineyard Town Hall, 240 East Gammon Road, Vineyard Utah
July 27, 2016 at 6:00 PM

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

Staff Present: Public Works Director/Engineer Don Overson, Building Official George Reid, Community Development Director Morgan Brim, Planning Commission Chair Chris Judd, Records Management Assistant Kelly Kloepfer, Finance Director Jacob McHargue, Utah County Sheriff's Deputy Collin Gordon, Town Attorney David Church.

Others in attendance: Gerald Anderson, Stewart Park, and Jeff Walker with Anderson Development, Jeff Gochnour with Cottonwood Partners.

6:00 PM WORK SESSION WITH STAFF

Mayor Farnworth opened the session at 6:05 PM.

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

Chair Chris Judd reported to Town Council about two applications for rezoning.

720 South Geneva Road – Planning Commission held a public hearing on this application. The applicant was requesting a rezone to Business Park Zone so that they could use warehouse space because the current zoning (Regional Commercial) did not allow that. Chair Judd stated that he had not seen drawings for the building, but the applicants had indicated that the office space will be at the front of the building. He expressed his concern that that could change. Councilmember Flake commented that they would still need to apply for a conditional use permit. Chair Judd replied that conditional use was essentially saying that we had to find a way to say yes. Councilmember Flake said that we would say yes if the warehouse did not show at the front. The applicants were only through the public hearing portion.

Mr. Brim reported that he had spoken with the applicants, and he explained that as long as the primary use complied with the Zoning Code, and the other use was an ancillary use, then we would approve it. He added that they would have office use at the front of the building, with associated warehouse space in the back which would require a conditional use permit. Mr. Brim agreed with Chair Judd that in Utah, cities were not able to turn down a conditional use permit application, but can mitigate the impact by having more opportunity to affect the design, traffic flow, landscaping, etc., to improve the project.

Chair Judd told Council that the Planning Commission recommended approval of the rezone.

275 South Holdaway Road – The site was currently zoned as R-2-15 and Agricultural. The applicant was requesting that it all be zoned R-2-15. Planning Commission recommended approval.

Mayor Farnworth asked for details on the engineering for the site. Mr. Overson replied that the homes would have walkout basements and that the developer would build a berm to make sure the storm water stayed on their property. Councilmember Goodman commented that the backyard would be a detention basin. Chair Judd said that the biggest concern came from Dave Robins. His concern was whether or not the town ordinances allowed subdivisions to connect onto Holdaway Road. Chair Judd reported that they could not find anything that prohibited that, but stated the concern was that the Homesteads could tie in to Holdaway Road to the south of the 275 South subdivision. Mr. Overson clarified that the Homesteads preliminary plats that had been platted and approved had no connections to Holdaway Road.

Chair Judd reported that the Planning Commission had discussed the trail on the north side which would tie into Orem's Lakeside Sports Park, and that in the future a trail would come from The Homesteads on the west side of the road. Planning Commission's concern was about a safe route to school. He said that the Planning Commission was going to look at the General Plan map to look at connecting the trails to provide safe routes to school. Mr. Brim said that we could not require this applicant to build trails that were not already approved and on the map. Mr. Brim indicated that there was an eight-foot dedication on the east side of the site to connect to the park.

Chair Judd pointed out that there were no sidewalks on the interior street of the cul-de-sac, which troubled Planning Commission, but they understood that Council had previously decided not to require sidewalks. Mr. Overson explained that when Council decided not to require sidewalks on Holdaway Road, they also decided that any connections to Holdaway Road would have the same cross section. Chair Judd replied that there was an exception that if Holdaway Road was not going to be a rural road in the future, then Council could readdress that. Planning Commission was concerned about the future cul-de-sac subdivision that would be coming in on Jack Holdaway's property causing even more people to be using Holdaway Road. Mayor Farnworth stated that because of the width of Holdaway Road, the town could not add sidewalks. Chair Judd replied that the town owned the right of way along Holdaway Road. Mr. Overson clarified that the town did own some on the south end of Holdaway Road, but not further north up by Wayne Holdaway's property, and that the town would have to take Wayne Holdaway's front yard to add a sidewalk. Chair Judd emphasized that that was why the Planning Commission wanted to address the trails. He stressed the importance of considering the question of whether or not Holdaway Road would remain a rural road. Mr. Brim added that there was an opportunity to connect with the trail systems of Pods 2 and 11, and he emphasized the need to have the General Plan and development plans up to date.

Chair Judd asked Council about cross sections and if they still needed a formal approval of amendments to the building code. Mr. Overson replied that the standard 56-foot right of way had been adopted by Council, and that the cul-de-sac radius in the new standard drawings would be increased to meet new requirements of the International Fire Code. Mr. Overson explained that

Council gave him permission to do updates without seeking additional approval, but he added that he would still seek their approval on the standard drawings. The cul-de-sac radius would increase from 88 feet to 100 feet. Mayor Farnworth commented that Jack Holdaway had questions and was worried about the ground water.

Chair Judd reminded the Council about the Planning Commission Bylaws which were on the agenda for Council's approval.

MONTHLY BUILDING ACTIVITY REPORT – Building Official George Reid – Mr. Reid reported that Vineyard broke $1 million in building permit fees in Fiscal Year 2016. He compared 2016 to past years and noted the increase in building permits in Vineyard. He reported that his department was maintaining a three-week turnaround time, and that there were currently 297 active construction sites, the majority of which were single-family dwellings. Mr. Reid predicted that Vineyard would have another great month next month.

COUNCILMEMBERS' REPORTS

Dale Goodman **–** Councilmember Goodman reported that TSSD had a board meeting last Thursday, where they discussed the algae bloom in Utah Lake, and its impact on cities. They currently require less than one percent phosphorus in the water. The state was considering requiring .1 percent phosphorus, which would cost $1.3 billion. That would mean a $15.5/month rate hike for every household in Utah County. The concern was that they did not know if imposing that requirement would help, since there were many other sources of phosphorus, the biggest producer being agriculture. Treatment plants only produce less than 25% of the phosphorus. He reported that another group was coalescing that wanted to do their own research and oppose a change to the phosphorus requirement. Mayor Farnworth suggested that it would be good to seek input from another expert such as the Lake Conservationist for Lake Pend Oreille in Idaho. Councilmember Goodman added that because of the low water level of Utah Lake, there was less turbidity, which meant the sun penetrated farther into the water, leading to increased algae growth. The algae bloom on Utah Lake was blue-green algae, and they were not sure how toxic it was since some blue-green algae produced cyanotoxins and some did not. Mayor Farnworth commented that Utah Lake was not the only lake having this problem.

Tyce Flake **–** Councilmember Flake reported that he was awaiting the first Utah League of Cities and Towns (ULCT) meeting. Finance Director Jacob McHargue reminded Council that the ULCT conference was coming up in September.

Nate Riley **–** Councilmember Riley was not present at the meeting.

Julie Fullmer – Councilmember Fullmer reported that with there had been a surge of activity in Vineyard with the Pokémon Go game because of a rare type of Pokémon that was only in the Sleepy Ridge subdivision in Vineyard. It was causing concerns because of people trespassing onto private property and not paying attention to traffic while playing the game. She had advised residents to call the Sheriff with those concerns. Administrative Assistant Neeley Rimal was going to post about it on Vineyard social media sites.

Deputy Gordon commented that they had already received calls about it. He explained that legally, if Pokémon Go players were on public property, there was nothing the deputies could do unless they were driving dangerously or causing a disturbance.

Deputy Gordon commented that one of the calls he received was about a Pokémon Go player who was in a cul-de-sac, which was on the public right of way. He explained that there would have to be a criminal or traffic offense for law enforcement to get involved.

MAYOR'S REPORT – Mayor Farnworth reported that the Mountainland Association of Governments would have new requirements for Community Development Block Grant (CDBG) applications. There was more than $1.5 million dollars returned because the cities did not have their projects ready. Mr. Overson expressed concern with CDBG that when the money was split up among several cities, each city did not end up with very much money. The burden of the additional requirements that often doubled the cost of the project (such as doing the reporting and paying Davis-Bacon wages) meant that often cities did not have enough money to do the project. Mayor Farnworth commented that Salt Lake County and other counties only pursued large projects in order to make it worthwhile, and recommended that approach. Mayor Farnworth said that if someone did not have matching funds, that could also cause the project to fail.

Gerald Anderson with Anderson Development asked if the private sector could complete a CDBG project and then get reimbursed by the public sector. Mr. Overson clarified that it did not matter if it was the private or the public sector. Whoever uses the grant money would have to fulfill the requirements. Councilmember Goodman commented that private contractors did the work on public sector projects. Mayor Farnworth added that the approach will be larger projects. Mr. Overson stated that that will eliminate little cities, which would mean that larger cities such as Orem, Provo, and American Fork would be receiving the grants.

Mayor Farnworth commented that he had a Utah Lake Commission meeting the next day in which the algae bloom would be discussed. Gerald Anderson mentioned that the Lindon Hollow Ditch, which took storm water from Pleasant Grove, Orem, Lindon, and American Fork, had high levels of phosphorus. He wanted Council to be aware of that since it might affect his permit. Mr. Overson explained that Vineyard did not put storm water into the Lindon Hollow Ditch or the Orem drainage, other than what goes through Orem's storm drains. He stated that his only real concern was the Lakebottom Canal. He explained that Vineyard tried to separate its storm water from the Lakebottom Canal as much as possible, so that Vineyard would not be contributing to that problem.

ITEMS REQUESTED FOR FUTURE AGENDAS

• *A Resolution declaring the need for The Housing Authority of Utah County to operate within the City of Vineyard*

Mr. Brim explained that the Housing Authority provided vouchers to offset the cost of housing for low-income individuals, and that there would be no fiscal impact to the town. The town would need to approve a Resolution stating that there was a housing need in the community before the Housing Authority could provide the vouchers.

Council agreed to add this item to the next meeting's agenda.

• UDOT – Geneva Road Bike Lane Coordination and on street parking enforcement

Mayor Farnworth explained that UDOT wanted to put bike lanes on both sides of Geneva Road, and to have no parking on Geneva Road. Mr. Overson explained that UDOT was asking Vineyard to take responsibility for enforcing the changes so that our police department would issue parking tickets to anyone parking on Geneva Road. There was not enough room for both bike lanes and parking, so UDOT had decided to eliminate the parking. Discussion ensued and Mr. Overson further explained that the changes would go as far north as 1600 North. He noted that the advantage would be less sight-distance issues, and therefore increased safety, for the businesses along Geneva Road.

Council agreed to add this item to the next meeting's agenda.

• Garden and Parkside subdivision property line discussion

Council discussed this issue and agreed that since this was a civil issue between two property owners, there was no action the Council could take. Councilmember Fullmer recommended that Council address the concern with the homeowner by indicating to him which documents he needed. Councilmember Goodman questioned why Council needed to address it instead of the planner or the engineer. Mr. Brim noted that he had requested the survey from Pete Evans of Flagship Homes, and that staff wanted to work with the homeowner, but the homeowner wanted to have Council address it. The homeowner had requested to be on the agenda for this meeting. Councilmember Fullmer commented that the reason he wasn't on the agenda was that Council did not yet have the documents from Flagship, so it would be the same discussion as last time. Mayor Farnworth reiterated that this was a civil issue and there was nothing the town could do. Councilmember Goodman asked if it needed to be an agenda item, or if it could be addressed in public comments. Councilmember Fullmer suggested that Council explain to the homeowner that there was no action that Council could take. Mayor Farnworth concluded that the homeowner would be given the opportunity to address Council in the open session.

•Preliminary and Final Plat Approval – Vineyard Park Place Subdivision located at 275 South Holdaway Road (Planning Commission recommended approval on July 20. This is scheduled for the August 10 Town Council Meeting.)

Council discussed the configuration of the proposed subdivision. Mr. Brim identified the connection from Orem's Lakeside Sports Park to Pod 2. Chair Judd stated that the developer had agreed to put a matching fence on the north and east boundaries along the trail.

Mr. Brim reminded Council that there was a public hearing for the rezone, and then at the next meeting the Council will vote on the rezone. If Council approved the rezone, then they could make a decision on the preliminary and final plat.

This item was on the next meeting's agenda.

Chair Judd presented a request from the Planning Commission that they be given more authority to approve preliminary plats and similar items, to relieve some of the burden on Council. He suggested a joint work session with the Planning Commission, Town Council, and Town Attorney David Church to decide how to proceed. Mr. Brim proposed they hold the joint work session at the next Planning Commission on August 3rd. Council agreed.

AGENDA REVIEW

Time permitting, the Mayor and Town Council will review the items on the agenda.

Mayor Farnworth reviewed the items on the agenda.

Council took a ten-minute break. Councilmember Goodman left the meeting at that time.

REGULAR SESSION

Present	**Absent**
Mayor Randy Farnworth	Councilmember Nate Riley
Councilmember Tyce Flake	
Councilmember Julie Fullmer	
Councilmember Dale Goodman (entered at 7:12 pm)	

Staff Present: Public Works Director/Engineer Don Overson, Building Official George Reid, Community Development Director Morgan Brim, Planning Commission Chair Chris Judd, Town Attorney David Church, Records Management Assistant Kelly Kloepfer, Finance Director Jacob McHargue, Utah County Sheriff Deputy Collin Gordon.

Others in attendance: Residents Saia Uluave, and Ron and Lylene Bennett, Residents and Planning Commissioners Tim Blackburn and Anthony Jenkins, Orem residents Bill Hoops, Alyssa Redfearn, and Phil and Jamie Gillman, Gerald Anderson, Stewart Park, and Jeff Walker with Anderson Development, Jeff Gochnour and John West with Cottonwood Partners.

Mayor Farnworth opened the session at 7:09 PM. Mayor Farnworth offered the invocation.

CONSENT ITEMS:

a) Approval of the July 13, 2016 meeting minutes

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE CONSENT ITEMS AS NOTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

STAFF REPORTS

<u>Public Works Director /Engineer– Don Overson</u> – Mr. Overson gave an update on the new Public Safety Building. He directed Council to the City Improvement Project list that he had emailed them for review. He requested they get their comments to him so he could finalize the list to make cost estimates. He reported progress with the water storage study with Orem and the Central Utah Water Project, and said that he would have a report on the Center Street overpass soon.

<u>Attorney – David Church</u> – Mr. Church explained the progress with the Union Pacific Railroad agreement. Discussion ensued with Mr. Church, Mr. Overson, and Gerald Anderson.

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

<u>Community Development Director – Morgan Brim</u> – Mr. Brim reported that his focus was working on zoning amendments and then he would work on the General Plan.

<u>Finance Director – Jacob McHargue</u> – Mr. McHargue reported that he was working with Cody Deeter of Lewis Young to get updated RDA numbers.

Town Clerk/Recorder – Pamela Spencer – Ms. Spencer was not present at the meeting.

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

Mayor Farnworth asked Mr. McHargue for an update on the hiring. Mr. McHargue said that they were moving forward with the positions that Council had approved. He reported that a Building Permit and Planning Technician had been hired and would be starting soon. He added that Sullivan Love had accepted the position as full-time water and sewer operator, and that he had hired a new front desk receptionist.

OPEN SESSION: *Citizens' Comments*

Mayor Farnworth opened the session for citizens' comments.

Hearing none, he closed the open session.

BUSINESS ITEMS:

5.1 PUBLIC HEARING – Rezone – 720 South Geneva Road

The applicant is requesting an amendment to the zoning of a 1.40-acre parcel at 720 South Geneva Road from R&C-1 to Business Park (BP). The Town Council will hear public comment on this item. Citizens, property owners, and all other members of the public are encouraged to attend and participate.

Mayor Farnworth turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that the lot was currently zoned as Regional Commercial. The applicant was requesting a Business Park district because they would like to have a professional office with an associated warehouse. The warehouse portion would require a conditional use permit. He told Council that the General Plan was not up to date and was unclear regarding business parks and similar uses.

He added that staff felt that it would be a good reuse of the property, which was currently being used for outdoor storage. He said that staff and Planning Commission were recommending approval of this item.

Mayor Farnworth called for a motion to open the public hearing.

Motion COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:27 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Mayor Farnworth called for public comment. Hearing none, he called for a motion to close the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:28 PM. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5.2 PUBLIC HEARING – <u>Rezone – 275 South Holdaway Road</u>

The applicant is requesting an amendment to the zoning of a 2.41-acre parcel located at 275 South Holdaway Road from A-1 and R-2-15,000 to R-2-15,000. The Town Council will hear public comment on this item. Citizens, property owners, and all other members of the public are encouraged to attend and participate.

Mayor Farnworth turned the time over to Community Development Director Morgan Brim.

Mr. Brim referred to his report from the work session and explained that the west side of the property was currently zoned R-2-15, and the east side was zoned agricultural. The applicant was requesting one continuous zoning category of R-2-15.

Mayor Farnworth called for a motion to open the public hearing.

Motion COUNCILMEMBER FULLMER MOVED TO OPEN THE PUBLIC HEARING AT 7:29 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Mayor Farnworth called for public comment. Hearing none, he called for a motion to close the public hearing.

Motion: COUNCILMEMBER GOODMAN MOVED TO CLOSE THE PUBLIC HEARING AT 7:30 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5.3 DISCUSSION AND ACTION – <u>Planning Commission Bylaws</u>

The policies and procedures of the Bylaws, as amended, are designed and adopted for the purpose of providing guidance and direction to members of the Town of Vineyard Planning Commission in performing their duties. The Mayor and Town Council will take appropriate action.

Mr. Brim explained that the Code required Bylaws and that the Planning Commission had drafted new bylaws. One example of a change in the new bylaws was that applicants would be able to present their request first, instead of staff doing so. He said that the Code provided a framework for the Planning Commission, and these bylaws were in compliance with that.

Chair Judd recognized Planning Commissioners Tim Blackburn and Angela Kohl for their work on the project. He also sought Council’s feedback and recommended that Council approve the bylaws.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO ADOPT THE TOWN OF VINEYARD PLANNING COMMISSION BYLAWS AS PRESENTED. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

5.4 DISCUSSION AND ACTION – Public Safety Building Change Order

Town Engineer Don Overson will present the Change Order Request. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Public Works Director Don Overson.

Mr. Overson explained the changes that were being done in the building with the change order. He said that to make more room for staff upstairs, they needed to move the conference room and break room downstairs. They would also add restrooms downstairs. In addition, they would be moving the walls into the lobby to provide more space for cubicles which would give the town room to grow.

Mayor Farnworth asked if anyone had questions or concerns. Hearing none, and since Council agreed that they had already approved this item, Mayor Farnworth continued to the next agenda item.

5.5 DISCUSSION AND ACTION – Heritage Commission

Planning Commissioner Tim Blackburn will give an update on the Heritage Commission and the Mayor and Town Council will act to approve the Commission members.

Mayor Farnworth referenced the list of proposed names for the Heritage Commission and asked if anyone had questions. Planning Commissioner Tim Blackburn pointed out that there were only five names on the list, and proposed that Council approve seven. They would present two more names to Council in the near future. With approval of the five now, the Heritage Commission could get started.

Mayor Farnworth and Council agreed to the names. No motion was required.

5.6 DISCUSSION – **Property Exchange Agreement with Union Pacific Railroad Company**

Town Attorney David Church will present changes to the property exchange agreement.

Mayor Farnworth said that they had already discussed this item and that there was no need for further discussion.

OPEN SESSION

Mayor Farnworth identified resident Saia Uluave and explained that they had received a request to reopen the public comments portion of the meeting regarding the Garden and Parkside subdivision property line.

Mr. Uluave thanked the Mayor and Council for the opportunity to speak to them. He requested proof that Flagship owned the land in dispute. He expressed frustration that he was not on the agenda for this evening's meeting. Mayor Farnworth responded that there was nothing that the town could do for him. He added that they had requested the survey map from the landowner and that once they had that, they could give that to Mr. Uluave, but other than that, there was nothing the Council could do. Mr. Church explained that the town could not change the boundaries or resolve survey disputes. He explained that he had spoken with the landowner, who was having the land surveyed and staked. He added that the town would review the title report and make sure that the property described on the plat was owned by them. The surveyor would mark the property that they owned, and then they would subdivide that property, and the town cannot change that. The discussion continued about the communication between Mr. Uluave, Council, and staff.

Mr. Church asked Mr. Uluave what he wanted the Town to do. Mr. Uluave requested that the Town only approve plats if the developers owned the property. Mr. Church reiterated that the town would not record a subdivision plat unless the owners of that parcel had signed the plat. He added that the county would not accept the plat if the owners had not signed it. He explained that no one could determine the legal description until the land was surveyed. Mr. Uluave reiterated his question of whether or not the town reviewed who owned the property before approving a plat map. The Mayor and Mr. Church both responded yes. Mr. Church explained the process for final plat approval. Mr. Uluave asked for proof that Flagship Homes owned the property. Mayor Farnworth explained that Pete Evans with Flagship Homes would provide that, and that if Mr. Uluave did not believe the developer's surveyor, then he would need to hire his own surveyor.

Mr. Uluave requested better communication from the Town about meeting times. Councilmember Fullmer explained that Council had not yet received the documents from Pete Evans, therefore there would be nothing new to discuss. She also explained that the town recently changed the scheduling of the meetings, and noted that the town always posted the meeting start times. She recommended that everyone interested in attending Town Council meetings come at 6:00 PM.

ADJOURNMENT

Mayor Farnworth called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:50 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is August 10, 2016.

MINUTES APPROVED ON: August 10, 2016

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