MINUTES OF A WORK SESSION AND REGULAR
VINEYARD CITY COUNCIL MEETING
City Hall, 240 East Gammon Road, Vineyard, Utah
February 8, 2017 at 6:01 PM

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

Staff Present: Community Development Director Morgan Brim, Building Official George Reid, City Manager/Finance Director Jacob McHargue, City Attorney David Church, Utah County Sheriff's Deputy Collin Gordon, Public Works Director/City Engineer City Don Overson, Recorder Pamela Spencer, Planning Commission Chair Chris Judd, Water/Sewer Operator Sullivan Love, Community Development Technician Elizabeth Hart

Others Present: Resident and Planning Commissioners Cristy Welsh and Anthony Jenkins, Michael Olsen with Homesteads Development, Pete Evans with Flagship Homes, James Gilbert with Gilbert and Stewart

6:01 PM WORK SESSION

Mayor Farnworth called the meeting at 6:01 PM. The invocation was given by resident and Planning Commissioner Cristy Welsh.

OPEN SESSION – Citizens' Comments

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

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd – Chair Judd reported that the Planning Commission had a work session in regards to zoning text and map updates. He mentioned the two (2) appointments to be made tonight for alternates. Mayor Farnworth mentioned that there was concern about having three (3) alternates. Mr. Brim replied that if they had a community that wanted to serve they should appoint all three (3). Mr. Judd felt it would be helpful to have extra people helping with the general plan and subcommittees.

COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Nate Riley – Councilmember Riley was excused.

Councilmember Julie Fullmer – Councilmember Fullmer reported that the Chinese New Year celebration was successful. She said that there would be a meeting with the Utah Lake Commission which staff would be attending. Mr. McHargue reported on the Orem Community Board. He added that Orem had a rash of criminal activity that they had concerns about. He said that the board had several good resources that the Vineyard could take advantage of.

Councilmember Dale Goodman – Councilmember Goodman reported that he was no longer a member of the TSSD board. He said that TSSD board members had to be from cities that previously had their own sewer systems. Mayor Farnworth mentioned that Geneva Steel had their own sewer system. County Commissioners were no longer allowing them to have a member on the board; they wanted to use those seats for themselves. Mr. McHargue mentioned that they had sent them an application and asked Vineyard to apply for an at-large seat. He added that they must live in one of the member cities. Mr. Overson stated that Vineyard owns part of Orem's treatment plant.

Councilmember Tyce Flake – Councilmember Flake was excused.

MAYOR'S REPORT – Mayor Farnworth reported that North Pointe reinstated the same board of directors, chair and vice-chair. He said that they wanted to discuss why Vineyard's garbage was not being shipped there. He reported that Council of Governments also installed a new chair and vice-chair. He said that they had a discussion about clean air. He stated that a representative with the plane that was flying over the are found that there were only five (5) times in sixty days that they were above the pollution line during the inversion. The clean air advocates were trying to get Utah to be a containment in itself so they did not fall in with other western states one of which was California.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that the Heritage Commission wanted to discuss their budget request and their thoughts on the Vineyard Heritage Days. He recommended a discussion during a work session at the next council meeting. He said that he was tracking bills in the legislative session that would impact the city. He added that the Utah League of Cities and Towns was a great resource. He stated that he would be attending their weekly Policy Committee Meetings during the legislative session.

Public Works Director/City Engineer – Don Overson – Mr. Overson reported that the developer for the Homesteads Pod 1 town home project had requested to name the park the "Kelly Boren Memorial Park."

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

Community Development Director – Morgan Brim – Mr. Brim reported that Planning Commission would like to move forward with the site plan ordinance. He added that Councilmember Fullmer was also interested in seeing the site plan amendments moved forward. He said that they would like to combine the landscape, parking, site plan ordinances, and the public works standards into one consolidated document, which was known as a Unified Development Code in other cities.
He mentioned that the Council approved $5,000 towards professional services which they could use to get this started but may need to ask for more funding in next year's budget to get it completed. Mr. Judd stated that the Planning Commission felt there was a need to have this done soon.

City Recorder – Pamela Spencer – Ms. Spencer reported that there were now 1,311 registered voters in Vineyard, which was almost triple the voters in 2015. She added that she would like to see that number increase.

Building Official – George Reid – Mr. Reid reported he would be conducting second interviews to hire another building inspector. He reported that there was a bill in the legislature that would do away with the need for plan reviews if the plans were stamped by an architect or engineer. He said the code officials were opposed to it. Mayor Farnworth asked if this meant that if there were a problem with the plans they would have to go to the architect and hold them accountable. Mr. Reid replied that the architects were against the bill because they did not carry the errors and omissions liability insurance that would cover a plan review. Mr. Reid explained that the reason for the bill was that there were jurisdictions that were taking eight (8) to 13 weeks to turn around a single-family dwelling, which could be a hardship for the developers. He said that they would like to understand it further. Councilmember Goodman asked if it was the builders and developers who were pushing this bill. Mr. Reid replied that it was.

Attorney – David Church – Mr. Church had no new items to report.

DISCUSSION ITEMS

Zoning Ordinance Amendments – Section 1627—Required Streets, Curb, Gutter, Sidewalks, and Trails
Public Works Director/City Engineer Don Overson will present proposed changes to the Zoning Ordinance section 1627 for discussion.

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

Mr. Overson gave a brief background. He said that they were trying to make sure that there were sidewalks installed for people who were living in the subdivision. He explained that it was brought to their attention that the state code was changed in 2016 stating that they could not hold the building permit for things that had been bonded for. Mr. Overson was requesting permission from the Council to supersede the city's code to meet the state code. He said that they issued over 700 building permits in 2016 and were on course to issue the same amount in 2017. There was concern that this would cause conflict between people living in subdivision and the builders. He wanted to work with the developers to come up with a solution so that the residents would feel comfortable when moving into the subdivision. He felt it was a health and safety issue.

Mayor Farnworth said that he understood that most cities and towns did not have sidewalks because they were broken up during construction. He felt that if they were building out a subdivision, they would be piecemealing out the subdivision. Mr. Overson replied that one of problems was that this was creating a conflict between the developer and the builder. He said that our Zoning Ordinance no longer met the state code. He added that there was conflict with the residents and their children entering construction sites. Mr. Church said that the way the subdivision process worked was that they could not sell a lot until the plat was recorded. He stated that they could not record the plat until all of the infrastructure was in, unless they gave them permission to record and take a bond and then they could sell lots. He explained that they could not tell the builder they could not build if there was a bond. He said if they wanted to use the original ordinance they would have to a have a system where they would not take an infrastructure bond and the developer must build the subdivision before they could sell their lots. He said that could create a hardship for the developers and also that it could create smaller subdivisions. Mr. Overson said that a lot of the developers who were starting construction, would not bond for it until they were ready to pull building permits, and then record the plat and bond for the rest. Mayor Farnworth asked if there was a liability issue if we use the state code and someone gets hurt. Mr. Church replied there would be no liability; it was a convenience issue. He said that it was the same thing in every high-growth area where people move in with empty lots around them and have to deal with construction. He said that where we are high-growth there would be a subdivision that was built out, have a gap, and then another built out area and a half-built subdivision that people would want to walk through or that kids would want to play on. It would be an inconvenience. Mayor Farnworth asked if the liability would be with the builder. Mr. Church replied that it would not be on the city. He said that that state code said if it was a legal lot and entitled to a building permit the city could only hold it up for building code issues. Mayor Farnworth asked how they were going to word it to match the state code. Mr. Overson replied that he wanted to talk with the developers to come up with a way to keep the developers building while meeting the state code.

There was a discussion about when developers/builders would install sidewalks and safety issues. Mr. Church stated that they had to follow the state code.

Pete Evans with Flagship Homes explained that they had submitted 25 building permits in one day and that it would be catastrophic if they had to wait until the sidewalks were installed to receive building permits. Mr. Judd asked if they could hold the Certificate of Occupancy until sidewalks were installed. Mr. Overson stated that the problem was that if they had a different developer than the builder and the developer that was required to install the sidewalks and the builder had to wait to receive the C of O, so they were installing them themselves. Mr. Reid expressed concern with piecemeal sidewalks and children walking through the construction sites. He felt they needed to have a cohesive construction mitigation plan. Mayor Farnworth felt they should adopt the state code. Mr. Overson suggested that they could ask the developer to close the road so that there was no through traffic. Mr. Evans stated that they could phase the construction and block off each section to help keep the children safe. He said he would work with staff to minimize the activity to make it as safe as possible. Mr. Church expressed concern that the builders were not able to start homes because they were holding up a building permit until the sidewalks were in and creating a hardship for those who were purchasing these homes. He observed that they had to follow the state code.

Mayor Farnworth asked if Council wanted to give Mr. Overson permission to proceed. They agreed to make the motion during the regular session.

ITEMS REQUESTED FOR FUTURE AGENDAS

Item	***Requested by***
• *Amend the 2016/2017 FY Budget*	*City Manager/Finance Director Jacob McHargue*
• *Amend the Consolidated Fee Schedule*	*Vineyard Staff*
• *2017/2018 Fiscal Year Budget*	*City Manager/Finance Director Jacob McHargue*
• *Lift Station Management Plan*	*Water/Sewer Operator Sullivan Love*
• *Municipal Wastewater Planning Program Annual Report*	*Water/Sewer Operator Sullivan Love*

6:45 PM REGULAR SESSION

MAYOR’S APPOINTMENTS

Alternate Planning Commissioner……………………..……………2 vacancies

Mayor Farnworth, with the recommendation of the Planning Commission Chair Chris Judd, appointed Nathan Carter and Bryce Brady as alternate Planning Commissioners.

CONSENT ITEMS

a) Approval of the January 25, 2017 City Council meeting minutes
b) Approval of the January 27, 2017 City Council Special Session minutes
c) Final plat approval The Homesteads Pod 4 Phase 3
d) Final plat approval The Homesteads Pod 4 Phase 4
e) Final plat approval The Homesteads Pod 4 Phase 5
f) Final plat approval 400 North Commercial Subdivision

Mayor Farnworth called for a motion.

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

BUSINESS ITEMS

12.2 DISCUSSION AND ACTION – **<u>Vollkommen Waiver</u>**

Jacob Erekson with Vollkommen is requesting a waiver to receive building permits prior to the completion of the infrastructure in the Lochs development. The mayor and City Council will take appropriate action.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO FOLLOW THE STATE CODE. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

12.3 DISCUSSION AND ACTION – **<u>Central Water Project (CWP) Water Contracts</u>**

Public Works Director/City Engineer Don Overson will present the updated CWP water contracts. The mayor and City Council will take appropriate action.

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

Mr. Overson briefly explained the process they went through to approve a contract to purchase 44 acre-feet of water. He said that they needed to amended the contract and was asking for approval of the contract and give the mayor approval to sign the amended contract for 950 acre-feet of water. Councilmember Goodman asked if they had anything secured beyond 2019. Mr. Overson replied that they he only wanted to look at the next three years and they would have to negotiate after that.

Mayor Farnworth stated that after a certain date there would be no more water. Mr. Overson replied that there would be no guarantees after 2020. Mr. Church replied that the guarantee would go away, but if no one requested the water it was still available. He said that CWP was holding some of the water for Vineyard under the Anderson contract until 2020.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE CWP WATER CONTRACTS. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

12.4 DISCUSSION AND ACTION – <u>Geneva Road Access Management Plan</u>
Public Works Director/City Engineer Don Overson will present the Geneva Road Access Management Plan. The mayor and City Council will take appropriate action.

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

Mr. Overson stated that they had finalized the Geneva Road Access Management Plan. He said that this plan established signalized intersections, full movement intersections, and right-in/right-out intersections for Geneva Road. He felt that this would help them master plan developments along Geneva Road. He said that staff recommended that Council give the mayor permission to sign the master plan. Councilmember Goodman asked who created the plan. Mr. Overson replied that it was master planned by UDOT, Orem, and Vineyard. Mr. Overson added that there were negotiations with all three entities.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO GIVE THE MAYOR APPROVAL TO SIGN THE GENEVA ROAD ACCESS MANAGEMENT PLAN. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

12.1 DISCUSSION AND ACTION – <u>Fiscal Year 2015-2016 Audit Report</u>
Gilbert and Stewart, contract auditors for Vineyard, will present the annual financial audit report for Fiscal Year 2015-2016 for consideration and possible approval by the Council. The mayor and City Council will take appropriate action.

Mayor Farnworth turned the time over to James Gilbert with Gilbert and Stewart.

Mr. Gilbert reported that Vineyard had received an "unmodified opinion" which was the highest opinion that could be received. He gave a brief overview of the report. Highlights were:

- Pages 1 & 2 Independent Auditors Report
- Page 5-11 Management Discussion and Analysis section – A brief synopsis of what happened during the year
- Page 15 Statement of Net Position - Main Financial Statements
- Pages 15, 16, and 17 Full accrual-basis of accounting financial statements – Tries to put the city on the same basis as if it was a for-profit entity
- Pages 18 & 19 – Balance Sheet – Governmental Funds - Modified pro-basis. Budgetary basis used for revenues and expenditures
- Pages 20 & 21 Reconciliations of Balance Sheets of Government Funds to the Statement of Net Position. Take the Modified Accrual-Basis Financial Statements and turn them in to the Accrual-Basis Financial Statements – Liabilities, Bonds, and Capital Assets.
- Pages 22 & 23 Statement of Net Position – Proprietary Fund - Revenues and Expenditure of the enterprise funds.
- Pages 26 – 44 Notes to Financial Statements.
- Pages 47-51 Note to Required Supplementary Information schedules
- Pages 50-51 Schedules of the Proportionate Share of the Net Pension Liability
  Mr. McHargue explained that the pensions were through the Utah State Retirement System and that they were not a real liability for the cities. Mr. Gilbert explained how the URS worked. He said that they should never have to pay the liability because they were

paying monthly, but if they quite funding the plan then they would have to pay their portion.
- Pages 52-56 Two audit reports: 1. Compliance with Government Auditing Standards - Federal. 2. State Compliance - State Laws and Regulations. Mr. Gilbert reported that the city received the highest opinion they could receive. He mentioned that there was one finding with the Treasurer's bond was not at a high enough level. He said that they were behind because of rising revenues. Mr. McHargue explained that it was based on all revenue, which included the $16 million bond. He said that they increased the amount to cover what they should receive.

Mr. McHargue mentioned that the assets increased because they made a list of infrastructure that had been donated to the city.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO ACCEPT THE FISCAL YEAR 2015-2016 AUDIT REPORT. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

TRAINING – <u>Open and Public Meetings Training</u>

Vineyard Attorney, David Church, will present annual training on Open and Public Meeting procedures and requirements. Planning Commission members are invited to attend this training. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code.

Mayor Farnworth turned the time over to City Attorney David Church.

Mr. Church emphasized two (2) things.

1. The Open and Public Meetings Act, the section which controls what goes in the minutes and how they are handled.

With limited exception written minutes and audio recordings have to be kept of all open meetings. Written minutes are the official record and kept forever. Councilmember Fullmer asked if they had to be hard copies. Mr. Church replied that they could be digital copies but the problem with digital was that they get lost. He mentioned that older electronic versions might not be retrievable because digital changes.

He went on the explain that written minutes are to contain a minimal amount of information, which includes:

- The date, time, and place of the meeting
- The names of the public body present and absent
- The names of the substance of all matters proposed, discussed or decided by members of the public body, which may include a summary of comments made
- A record by individual member of each vote taken by the public body
- The name of each person that was not a member of the public body after being recognized by the presiding member of the public body that provided testimony or comments - Mr. Church stated that if they allow someone to speak they have to get their name. Mr. Brim asked if someone calls out from the audience should we get their name. Mr. Church replied yes. He added that no one had the right to speak without being acknowledged.
- The substance in brief of any comments made by the public.

- You are to include in the minutes any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording. Members of the public do not have the right to edit the minutes.

- Recordings of the meeting have to be complete and unedited of all open portions.
- They are to have a process for approving the minutes - Draft or pending minutes are public records available to the public as soon as they are available to members of the public body. Draft minutes of the city council have to be available within 30 days after holding the meeting. Once they are approved they must be made available to the public within three business days.
- The recording must be made available to the public within three days of the meeting.
- The law allows anyone to record meetings as long as they are not disrupting the meeting.

2. Closed meetings
   - You cannot hold a closed meeting if a quorum is not present.
   - Two-thirds vote of the public body present, 2/3 of 5 is 4 votes. If there were three (3) present, then all three (3) must agree.
   - You cannot approve an ordinance, resolution, rule, regulation, contract or appointment in a closed meeting. Anything other than that can be done in a closed meeting. One purpose of a closed meeting is to discuss strategy sessions on pending or reasonably eminent litigation. You can close the meeting for a strategy session for the purchase, exchange, or lease of real property, if the public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the city from getting the best deal. When this was discussed they would take a vote. When they actually purchase the property that would have to be done in an open session.
   - Some meetings by law have to be closed. He stated that none of the provisions of the state law that require the meetings to be closed apply to cities and towns. He gave examples of meetings that had to be closed.
   - He said reasons that the city could close meeting for were:
     (a) discussion of the character, professional competence, or physical or mental health of an individual
     (b) strategy sessions to discuss collective bargaining
     (c) strategy sessions to discuss pending or reasonably imminent litigation
     (d) strategy sessions to discuss the purchase, exchange, or lease of real property
     (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares
     (f) discussion regarding deployment of security personnel, devices, or systems
     (g) investigative proceeding regarding allegations of criminal misconduct

He said that he could not imagine a Planning Commission needing to hold a closed meeting unless they were meeting with their lawyer because of litigation.

Mr. Church reminded them that the Open and Public Meetings Act was enforced by County Attorneys and the Attorney General. There is the potential for criminal sanctions if they knowingly and intentionally violate the act. He said that the auditor checks for the Open and Public Meetings Act compliance. The policy of the State of Utah is transparency over efficiency.

CLOSED SESSION – No closed session was held.

ADJOURNMENT

Mayor Farnworth called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER GOODMAN MOVED TO ADJOURN THE MEETING AT 7:31 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH TWO ABSENT.

MINUTES APPROVED ON: March 22, 2017

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