MINUTES OF A WORK SESSION AND REGULAR
MEETING OF THE VINEYARD CITY COUNCIL
240 East Gammon, Vineyard, Utah
April 12, 2017 at 6:01 PM

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

Staff Present: Community Development Director Morgan Brim, Building Official George Reid, City Manager/Finance Director Jacob McHargue, Utah County Sheriff's Deputy Garrett Dutson, City Recorder Pamela Spencer, Planning Commission Chair Chris Judd, Water/Sewer Operator Sullivan Love

Others Present: Residents and Planning Commissioners Cristy Welsh and Bryce Brady; Residents Marcus Jessop and Casey Duren; Mike Olsen with Home Center Construction; Bronson Tatton with Flagship Homes; Jeff Gochnour with Cottonwood Partners

6:01 PM WORK SESSION

Mayor Farnworth called the meeting to order at 6:01 PM. Councilmember Goodman gave the invocation.

OPEN SESSION – *Citizens' Comments*

Mayor Farnworth opened the public session.

Resident Chris Judd living in the Sleepy Ridge subdivision asked if the city would contact the owners about repairing their fence and cleaning up the weeds along the north entrance to Sleepy Ridge at 400 South. Mr. Reid asked Mr. Judd to submit a formal complaint online. There was a discussion about the land along Lake View Drive just south of 400 South.

Mr. Judd asked if they were going to paint the curb red in front of the LDS Stake Center. Mr. Overson responded that they had not yet decided if they were going to paint it red.

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

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd
Chair Judd reported on the Planning Commission meeting held last week. There was a discussion about how to proceed with the Homesteads Development Agreement Discussion Item listed on the agenda.

COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Julie Fullmer – Councilmember Fullmer reported that the Youth Council met to prepare for the Easter Egg Hunt to be held Saturday April 15 at 10 AM.

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

Councilmember Tyce Flake – Councilmember Flake reported that there was a cheat sheet for the bills passed during the last legislative session. The departments should reference that sheet for any things that needed to be changed.

Councilmember Nate Riley – Councilmember Riley was excused.

MAYOR'S REPORT – Mayor Farnworth reported that he met with President Holland and his staff at UVU about the concerns with light rail. He explained that it would be a big issue 15 years from now, when there were 15,000 people attending sporting events and going to college in the city.

Mayor Farnworth asked for an update on the spur line. Mr. Church responded that he had not heard from Sue Hronek with Union Pacific. He added that there had been a meeting with staff and Ms. Hronek and Geneva Nitrogen. Mr. Overson explained that UP wanted the city to purchase the rail but leave it there until Geneva Nitrogen closed the plant. The spur would not go past the plant. There was a discussion about what property would be affected by the spur line removal. Mr. Church mentioned that they were waiting for the right-of-way design so they could close on it. Mr. Overson said that they had to have something in place in order for the city to its due diligence. He said that they were moving forward as if they were going to move the rail spur.

Mr. McHargue felt that the meeting with UVU went well. He added that they were waiting to hear back from them. He mentioned that they still wanted to meet with Mountainland Association of Governments (MAG), and then they would have met with all of the entities involved in the light rail.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported on the upcoming Earth Day cleanup along the Utah Lake shoreline. The Dedicated Hunter's Group would be doing an initial cleanup of the dead fall this Saturday from 400 North going north. There were concerns with illegal activity along the lake front. Flagship would be cleaning up their frontage. Earth Day, Saturday April 22 would be a big city cleanup. He stated that they had at least 300 people signed up so far. They would be meeting at Gammon Park and carpooling to the lake shore. Councilmember Flake asked what people should be bringing with them. Mr. McHargue replied that they should bring leather gloves, long sleeve shirts, and muck boots (if they had them).

Mr. McHargue reported that they had an accepted offer for the position of Public Works Inspector, who would be starting in three weeks.

Mr. McHargue reported that the Utah League of Cities and Towns (ULCT) conference went well, and that they had more people there than ever before. Mayor Farnworth mentioned that he attended the training on fraud.

Mr. McHargue reported that the Utah Valley Dispatch District's Executive Director was retiring and the board had selected a new director from Tooele County.

Mr. McHargue reported that he met with Orem City, the Alpine School District, and the Vineyard Elementary PTA about the school crossing. He explained that the traffic counts would not meet the requirements for flashing lights. He said that the only option was to raise the speed limit on 400 South to 30 miles per hour to warrant the crossing signs. He said that the Orem City Council would be discussing how they would be funding their portion. Mr. Church explained that it was a trade-off to raise the speed limit to 30 only to lower it to 20 during school crossing times. He felt that if the people were already going 30 miles per hour then it would be a good idea, but if not, it was a bad idea. Councilmember Fullmer explained that people would not be changing their speed despite what city was doing. Mr. Overson explained that staff talked about changing the striping on the road, installing bike lanes, and adding angled parking to narrow the road and help to lower the speed of traffic. He added that he would be presenting the plans to council soon.

<u>Public Works Director/Engineer – Don Overson</u> – Mr. Overson reported that staff was working with Freedom Preparatory Academy and Franklin Discovery Academy on completing the Safe Routes to School plan. He explained that they were bidding the Main Street and Center Street restriping, which would include dual bike and motor vehicle lanes. The 400 South extension design, which would include the roundabout and alternatives, should be completed within a couple of weeks. The Lake Shore detention pond and park design was completed. He was waiting to obtain the property necessary to complete the project. The street lights for Mill Road had been ordered and would be installed once Black & McDonald completed their current project.

Mayor Farnworth asked about the work being done on Pod 1 of the Homesteads Development. Mr. Overson replied that it was for the relocation of Vineyard Road.

Mayor Farnworth asked about the street lights on Main Street. Mr. Overson replied that they had installed the lights in front of the city offices and about half of the remaining pedestals would be removed.

Mr. Overson mentioned that a couple of pot holes had been reported; there was problem with a couple of concrete collars that they were in the process of repairing. He added that they had started spraying for mosquitoes in the middle of March. There was a discussion about the time of day they were spraying.

<u>Attorney – David Church</u> – Mr. Church reported that he and Mr. McHargue met with Jeff Walker with Anderson Development. He told them that they would be moving ahead with the parameters resolution for the bond and that the city would be expecting shovel-ready projects. He added that they were to lay out what Anderson Geneva's and Geneva Steel's involvement would be.

He reported that there was legislation that might affect the Municipal Code in regards to short-term rentals, home Occupations, and food trucks. He said that we would not have to make too many changes to the code based on the legislation. He explained the changes made by the legislature.

Utah County Sheriff's Department – Deputy Collin Gordon – Deputy Gordon was excused. Deputy Dutson reported that the call volumes were increasing. There was a discussion about break-ins in the city. Deputy Dutson asked everyone to report anything suspicious and take precautions.

Community Development Director – Morgan Brim – Mr. Brim reported that under Economic Development he was reaching out to different businesses about locating to Vineyard. He said that he spoke with IHC about the plans for their site in The Forge development. He reported about a project at 280 North Geneva Road.

He reported that the Edgewater development had exceeded their parking allowance so the city and HOA had sent out a letter to the property owners.

City Recorder – Pamela Spencer – Ms. Spencer reported that June 1 to June 7 would be the declaration period for the positions that were up for re-election: mayor and two council seats.

Building Official – George Reid – Mr. Reid reported that the inspectors in training were doing well. He added that they had received 48 building permit applications in one day.

DISCUSSION ITEMS

- Homesteads Development Agreement
  City Council will discuss the staff's and Planning Commission's recommendations for amending the Homesteads Development Agreement.

Mr. Brim reviewed the staff recommendations. Item numbers discussed were taken from a staff checklist.
Fencing #51 to #54

- #51 Open Space Fencing Requirement: black wrought iron required along the perimeters of open spaces
  - Recommendation: amend to require fencing only along the wetlands trails

Mr. Brim explained that the intent for the wrought iron requirement was that it be installed along the wetland trails so that it did not create a dark alley. There was a discussion about the trails. Council agreed with the recommendation. Planning Commission recommended that if they were going to require things like fencing along trails, then it should be installed upfront by the developer. Mr. Overson said that when the developer built the trail they were to install the fence.

Mr. Brim noted that Mike Olsen was there representing Home Center Construction.

- #52 Private Fencing (private fencing separating private lots) – Wrought iron, brick, masonry, or wood may be used.
- #53 Private Fencing – Solid white vinyl, chain link, or other wire fencing is prohibited.
  - Recommendation: amend to allow solid white vinyl but prohibit wire and chain link fencing.

Councilmember Fullmer asked about the colors listed in the CC&Rs. Mr. Olsen replied that they would amend the CC&Rs. Ms. Spencer mentioned that there was an amended CC&Rs, for the entire Homesteads Development, that removed the color requirement.

Resident Teresa Goodman living in The Shores subdivision mentioned that there were homes on her street that went against code and asked if they were going to enforce the code. Mayor

Farnworth replied that they now had people who would be enforcing the code. Mr. Brim stated that the policy was to enforce by complaint. There was a discussion about how to submit complaints and enforcement. Mr. Brim was willing to meet with Ms. Goodman about the issues.

Resident Marcus Jessop living in the Garden subdivision asked if there was an effect on home values with different fencing types and colors in the subdivisions. Mr. Judd replied that that would depend individual opinions. He added that there was not a single house in the Homesteads Development that met all of the parameters in the agreement.

Mr. McHargue stated that staff had come up with a plan for what they felt they could enforce.

Resident Casey Duren felt that the other issue was the style of fence. He said that "Best Vinyl" was expensive and he did not want to pay the high prices. Mr. Judd responded that they had proposed to only list what they were prohibiting. He added that if that requirement was in the CC&Rs, residents needed to talk with the developers. Mr. Overson said that was why they were recommending to remove the types allowed.

Resident Bryce Brady living in The Elms subdivision clarified that there were the city regulations and the development agreement and that the CC&Rs were separate and could be more restrictive. He added that the city had no control over the CC&R's.

Mr. Jessop asked how much the Homesteads Development was going to match the CC&Rs to the amended development agreement. Mr. Olsen replied that they had agreed to the amendments and they would match the CC&Rs. He clarified that it was not the Homesteads Development that came up with the idea of the fencing requirements. He stated that it was a previous planner's request to exclude white.

- #54 – Private Fencing – Shall be placed to be as unnoticeable as possible and vegetation should be used to mask fences where appropriate
    - Recommendation: remove the requirement

Mayor Farnworth asked for further discussion about the fencing. There was none.

Mr. Brim stated that it would take at least a month before the amendment would be ready to bring back to council. Mr. Overson said that they were recommending a deferment on the regulations. Mr. Church said that the mayor and council could instruct staff to not enforce the agreement on the items they thought they were changing. He added that residents would take the risk if council did not make the changes. Mr. Brim said that residents did not have to worry about the city stopping them from installing their fences.

Mr. Jessop asked about the noticing requirements and if there would be a moratorium on the requirements they would be changing until the amendments were approved. Mr. Brim replied that if council was in agreement with the proposed changes they would not enforce the agreement.

Items continued

- #5 Common Fencing – 26,328 linear feet of common area right-of-way fencing required. Fencing must be consistent between pods and shall not be concrete or vinyl.
    - Recommendation: common fencing shall be consistent between pods. Delete material types.

- #7- #14 Minimum Square Footage –
  - Recommendation:
    • Sub-Area 1: Minimum net floor area of 900 square feet.
    • Sub-Areas 5 & 11: Minimum net floor area of 2,250 square feet above grade.
    • Sub-Areas 2, 3, 4, 6, 7, & 8: Minimum net floor area of 1,260 square feet above grade.

- #18 Exterior Elevations – Dwellings shall incorporate a masonry wainscot return measuring a distance of two to five feet along the sides of the dwelling from the front facing elevation
  - Recommendation: keep

Mr. Judd felt that this would help in elevating the quality of the homes. Councilmember Fullmer asked how they would enforce it. Mr. Brim responded that it would be through plan reviews and building inspections.

Mr. Olsen stated that Nathan Crane, the town planner in 2013-2014, removed the return on the garages of the wainscot and eliminated the stucco from the front elevation. He said that everything went to HardiePlank or rock. Mr. Church commented that it was a value issue.

- #17 Exterior Elevations - 40% brick, stone or (natural or synthetic) required on the front elevation.
  - Recommendation: remove stucco in exchange for not having the wraparound.

Mr. Reid suggested that they remove the windows from the calculations. There was a discussion about siding. The consensus was to add HardiePlank to the brick and rock requirement.

- #19 Agricultural Heritage and architectural theme – Development provided by the project plan enhances and promotes an "agricultural-heritage" theme and promotes community values of quality, attractiveness and desirability.
- #35 Design Elements – All buildings shall incorporate an agricultural heritage architectural theme and provide varying design elements that may include cornices, pop-outs, boxed window openings, covered walkways, verandahs, porches, trellises and other design features to add visual interest, attractiveness, and to avoid repetition of building styles and designs.
  - Recommendation: not defined so not enforceable.

Mr. Brim asked council if they wanted to define it. Mr. Judd replied that it was a great plan and there was a Planning Commissioner who wanted to keep it but not necessarily on the homes. Mayor Farnworth mentioned that the agreement did not include other areas of the city. They were only defining Agricultural Heritage for one development.

There was a discussion about defining Agricultural Heritage and where it should be located. Councilmember Fullmer wanted to leave it in the agreement but not require it on every house. Mr. Brim suggested that they leave it in the General Plan and better define where there would be opportunities to add it.

Councilmember Fullmer asked if they were to keep it in for the project area, would the developer be responsible to install the feature. Mr. Brim asked Mr. Olsen if they were willing to install it.

Mr. Church responded that the original idea was to provide for a super HOA over the whole development, modeled after the Daybreak development in South Jordan, with a Design Review Committee. When Home Center Construction purchased the property, they were going to sell to other developers so they deleted the Design Review Committee.

The discussion continued.

Mr. McHargue mentioned that there was a piece of old farm equipment that was being donated to the city, that could serve as a feature. Mr. Olsen explained that the club house would look like a barn.

- #56 Front yard landscaping – Shall include a mix of turf, groundcovers, shrubs or trees.
  - Recommendation: discard because it was to be done by the developer.

Mr. Olsen explained that the requirement was to install two trees, sod, and bushes. He added that the only trees they were allowed to use were a flowering pear and a maple, which they did not have an issue with.

- #57 Street trees – Street trees shall be from the approved list. The developer shall be responsible for ensuring that the street tree assigned to the specific neighborhood is planted.
  - Recommendation: remove and take it to an administrative level.

Mr. Brim explained that there were right-of way standards and only two types of trees were allowed. This could be handled through an administrative process.

Councilmember Fullmer asked about the garage requirements. Mr. Brim responded that the development agreement required a two-car garage for every unit. They were in compliance except for Pod 1. Mr. Olsen replied that 28 of the 288 Units would be one bedroom/one car garages. He said that when they received approval a year ago they were required to have 75 additional guest parking stalls, which he increased to 147. Mr. Brim stated that they were proposing to allow Pod 1 to have up to 10 percent be single car garages. Councilmember Fullmer asked if it would cause parking issues. Mr. Brim explained that the increase was a substantial increase. Mr. Church stated that they could never require enough parking for what Utah homeowners were using. There was further discussion about the requirements for Pod 1.

Mr. Brim stated that they would work with the data and take it back to Planning Commission to prepare a final version for council to approve.

ITEMS REQUESTED FOR FUTURE AGENDAS

Item	***Requested by***
• *Municipal Code Amendments*	*City Recorder Pamela Spencer*
• *2017-2018 FY Budget*	*City Manager/Finance Director Jacob McHargue*
• *Pressure Irrigation Pump Station and Reservoir*	*Public Work's Director/City Engineer Don Overson*

Mr. Overson explained that they had planned on building a pond in the 6-arce park. They had started designed in it but had run out of RDA funds on the original bonding. They were assuming the cost would be around $1.5 million. The cost for culinary water would be $2.8 million for the takedown fee and $120,000 a year for the yearly cost of the water. He said that the use of culinary water would double what they would be spending for the cost of the pressurized irrigation system. He said the that pressurized irrigation system would water the 18-acre park, the 6-acre park, the 3-arce park, and all of the park strips in the WatersEdge area. He added that they were also looking at being able to do the same thing in the Town Center area.

Council took a break at 8:06 PM. The meeting resumed at 8:10 PM.

8:10 PM REGULAR SESSION

MAYOR'S APPOINTMENTS
No appointments were submitted.

CONSENT ITEMS

a) Approval of the January 26 & 27 City Council Retreat Minutes
b) Approval of the February 22, 2017 City Council Meeting Minutes
c) Approval of the March 8, 2017 City Council Meeting Minutes
d) Approval of the March 22, 2017 City Council Meeting Minutes
e) Final approval of the Bridgeport at WatersEdge Plat "B"

Mayor Farnworth asked if there was any discussion on the consent items. Councilmember Fullmer asked to remove item b, February 22, 2017 City Council Meeting Minutes, for further review.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE CONSENT ITEMS A, C, D, AND E. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

BUSINESS ITEMS

12.1 DISCUSSION AND ACTION – <u>2016 Municipal Wastewater Planning Program Self-Assessment</u>

Water/Sewer Operator Sullivan Love will present the 2016 Municipal Wastewater Planning Program Self-Assessment. The mayor and City Council may act to approve (or deny) this request by resolution.

Mayor Farnworth turned the time over to Water/Sewer Operator Sullivan Love.

Mr. Love gave a brief review of the annual report.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO APPROVE (RESOLUTION NO 2017-01) THE 2016 MUNICIPAL WASTEWATER PLANNING PROGRAM SELF-ASSESSMENT. COUNCILMEMBER FULLMER SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

12.2 DISCUSSION AND ACTION – <u>Homesteads Reimbursement Agreement</u>

City Attorney David Church will present the Homesteads Reimbursement Agreement for the New Vineyard Road. The mayor and City Council will take appropriate action.

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

Mr. Church explained the reason for the agreement. He said that there was a general reimbursement agreement that benefited the entire community. He stated that they had negotiated what they felt the developer needed to pay and what Vineyard would pay for the road in Pod 1. He explained that this was the New Vineyard Road and that the developer would be responsible for the underground improvements and dedicating the ground for the road to the city, and that Vineyard would be responsible for the surface improvements. He added that they were memorializing in the agreement that the developer would be dedicating the ground and installing the new park, and dedicating a trial to the city without any reimbursement. He said that the estimated cost to the city would be $1.6 million. He explained that they had the obligation to improve other portions of the New Vineyard Road that was not on the developer's property. The estimated cost would be $219,000 for the offsite section of the New Vineyard Road. He said that the cost would be reimbursed through impact fees.

Mr. Church said that they would need approval on the abandonment of the old portion of Vineyard Road, which would be done with a quit claim deed to the developer.

He asked for the council's approval on the agreement.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER GOODMAN MOVED TO APPROVE THE HOMESTEAD REIMBURSEMENT AGREEMENT FOR THE NEW VINEYARD ROAD AND OTHER ITEMS AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Mr. Church mentioned that the construction of the road would start soon. Mr. Olsen indicated that they would like to start on Monday.

CLOSED SESSION – No closed session was held.

ADJOURNMENT

Mayor Farnworth called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 8:21 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is April 26, 2017.

MINUTES APPROVED ON: May 10, 2017

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