



**NOTICE OF A WORK AND REGULAR SESSION
OF THE VINEYARD CITY COUNCIL MEETING
April 11, 2018 at 6:00 PM**

Public Notice is hereby given that the Vineyard City Council will hold a Work and Regular Session of the Vineyard City Council meeting on Wednesday, April 11, 2018, at 6:00 pm in the Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following: (clicking on the blue wording will take you to the documents associated with the agenda item.)

AMENDED AGENDA

WORK SESSION

1. CALL TO ORDER

2. INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

- 3. OPEN SESSION – Citizens’ Comments** (15 minutes)
“Open Session” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

4. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

5. STAFF AND COMMISSION REPORTS

- City Manager/Finance Director – Jacob McHargue
- Public Works Director/Engineer – Don Overson
- City Attorney – David Church
- Utah County Sheriff’s Department – Sergeant Holden Rockwell – Quarterly Reports
- Community Development Director – Morgan Brim & Planning Commission – Chair Cristy Welsh
- City Recorder – Pamela Spencer
- Building Official – George Reid – Quarterly Report
- Water/Parks Manager Sullivan Love - Timpanogos Special Service District - Board Member

6. DISCUSSION ITEM

6.1. PROCLAMATION – [Bike Month](#)

Staff would like to have the mayor proclaim May as Bike Month.

REGULAR SESSION

7. MAYOR'S APPOINTMENTS

No items were submitted.

8. CONSENT ITEMS

- a) [Approval of the March 28, 2018 City Council Meeting Minutes](#)
- b) [Annual Municipal Wastewater Planning Program Report](#)
- c) [Purchase of Park Maintenance Equipment](#)

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – [Cancellation the April 25, 2018 City Council Meeting](#)

(15 minutes)

The mayor and City Council will vote to cancel the April 25, 2018 City Council Meeting due to a lack of a quorum.

9.2 DISCUSSION AND ACTION – [Rocky Mountain Power Easement](#)

(15 minutes)

City Manager/Finance Director Jacob McHargue will present an agreement with Lindon City for a Rocky Mountain Power Right-of-way Easement. The mayor and City Council will take appropriate action.

10. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of:

- (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

11. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

The next regularly scheduled meeting is April 25, 2018.

The Public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Hall, the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: April 10, 2018

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer

PAMELA SPENCER, CITY RECORDER



Whereas, the bicycle is an economical, healthy, convenient, and environmentally sound form of transportation and an excellent tool for recreation and enjoyment of Vineyard’s scenic beauty; and

Whereas, throughout the month of May, the residents of Vineyard and its visitors will experience the joys of bicycling through educational programs, races, commuting events, charity events, or by simply getting out and going for a ride; and

Whereas, Vineyard’s road and trail system attracts bicyclists each year, providing economic health, transportation, tourism, and scenic benefits; and

Whereas, creating a bicycling-friendly community has been shown to improve citizens’ health, well-being, and quality of life, growing the economy of Vineyard, attracting tourism dollars, improving traffic safety, supporting student learning outcomes, and reducing pollution, congestion, and wear and tear on our streets and roads; and

Whereas, the League of American Bicyclists, schools, parks and recreation departments, police departments, public health districts, hospitals, companies and civic groups will be promoting bicycling during the month of May; and

Whereas, these groups are also promoting bicycle tourism year-round to attract more visitors to enjoy our local restaurants, retail establishments, and cultural and scenic attractions; and

Whereas, these groups are also promoting greater public awareness of bicycle operation and safety education in an effort to reduce collisions, injuries, and fatalities and improve health and safety for everyone on the road; and

NOW, THEREFORE, I, Julie Fullmer, Mayor of Vineyard, do hereby proclaim the month of May as “Bike Month” in Vineyard, and I urge all residents to join me in this special observance.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of Vineyard City to be affixed this _____ day of _____, 2018.

Julie Fullmer, Mayor of Vineyard

ATTEST

Pam Spencer, City Recorder

1
2
3 **MINUTES OF THE WORK AND REGULAR SESSION**
4 **OF THE VINEYARD CITY COUNCIL MEETING**
5 **March 28, 2018 at 6:00 PM**
6
7
8
9

10 **Present**

Absent

11 Mayor Julie Fullmer
12 Councilmember John Earnest
13 Councilmember Tyce Flake
14 Councilmember Chris Judd
15 Councilmember Nate Riley
16

17 **Staff Present:** City Manager/Finance Director Jacob McHargue, Public Works
18 Director/Engineer Don Overson, Sergeant Holden Rockwell with the Utah County Sheriff's
19 Department, Community Development Director Morgan Brim, Water/Parks Manager Sullivan
20 Love, City Attorney David Church, Building Official George Reid, Deputy Building Official
21 Brad Hardman, Plans Examiner Patricia Abdullah, Records Management Assistant Kelly
22 Kloefer, Planning Commission Chair Christy Welsh
23

24 **Others Present:** Planning Commissioners Anthony Jenkins and Stan Jenne, Residents Erick
25 Schork, Christian Suchanski, Marlon Lindsay, Kyle Stucki, and David Lauret; BYU student
26 Karuva Kaseke; Bronson Tatton with Flagship Homes
27

28 **6:01 PM WORK SESSION**
29

30 Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Judd offered the invocation.
31

32 **OPEN SESSION – Citizens' Comments**
33

34 Mayor Fullmer called for public comments. Hearing none, she closed the public session.
35

36 **MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS**

37 Councilmember Earnest reported on the recent meeting that the mayor and councilmembers had
38 all attended, where they discussed the forecasted transportation needs of Utah County up to
39 2050. He felt that the ideas about public transportation were good but given the statistic of 97-
40 98% of people wanting to drive their cars, the plans would need to address that fact. Mayor
41 Fullmer reported that Vineyard had good representation at the meeting, and everyone sat in
42 different groups to discuss the plan. Councilmember Judd reported that in the future they would
43 need to work with other cities on transportation needs. He noted that a lot of Vineyard's ideas
44 align with those of other cities. He added that even though people were not using it right now,
45 with the high density that would be in the Town Center, there would be a need to have a light rail
46 connection because of the FrontRunner station. Councilmember Flake stated that the Utah
47 Department of Transportation (UDOT) and Mountainland Association of Governments (MAG)
48 would put together a plan on May 13th, at which point they would meet again with the
49 municipalities. He added that everyone agreed that there was a desperate need for east-to-west
50 access in the valley, and a way to go across the lake.
51

Councilmember Flake reported that he attended the Utah Lake Commission meeting. The Commission was continuing with the removal of phragmites, and he reported that there was enough water for this year.

STAFF AND COMMISSION REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that he attended the North Pointe Solid Waste Special Service District conference, where they discussed recycling and the issues the industry was facing. China was no longer buying recycled material, which could impact the cost to residents. Contamination was the biggest issue affecting recycling programs. People were not sure what they could recycle and then would throw everything into the recycling bin, which contaminated not only their bin, but the whole truck. He was working on ways to educate Vineyard residents about recycling to reduce that impact. He also reported that at the latest North Pointe board meeting, he was appointed finance committee chair. By November 2018, which was 13 months before the contract expiration date of December 2019, the city would need to decide if Vineyard would want to renew its contract with North Pointe.

Mr. McHargue reported that they had completed the Request for Proposal (RFP) process for the lease of the 11-acre parcel west of Gammon Park, and that he would have a lease agreement for council shortly. He briefly explained the property realignment request which was on the Consent Agenda.

Public Works Director/Engineer – Don Overson – Mr. Overson gave council an update on the Center Street Overpass project. The Union Pacific (UP) engineer was reviewing the overpass plan. He asked UP for a projected date for when that review would be completed but had not gotten a date. Mr. Overson wanted to get the design finalized. He added that today he met with Gerber Construction who had done some quality engineering on the project for no charge. Their review identified some ways to improve the project and help reduce the cost.

Mr. Overson reported on the progress of other projects such as the grading for the Town Center, and smaller projects such as the 400 South curb inlet project. They were going to push the curb out to match the west side so it would be a safer intersection at Vineyard Elementary.

Mr. Overson reported that Public Works employees were working as hard as they could to keep up with the workload. Mayor Fullmer asked for an update on problems that Public Works had been mitigating recently. Mr. Overson replied that in the Bridgeport subdivision there was one cul-de-sac with a drainage issue. He reported that he had notified the developer that they would have to rebuild the cul-de-sac curb and gutter so it drained better. This was bonded for and still in the warranty period, so it would be paid for by the developer. He also mentioned that there was ponding in front of the house of a resident, and that Public Works was working to resolve it.

Mayor Fullmer asked for an update on the Rocky Mountain Power (RMP) lighting situation. Mr. McHargue replied that the city had applied for a permit for the light poles on 400 North. Mr. Overson added that the city did this about 6 or 7 months ago, asking RMP to install the meter and connect the power. Mr. Overson expressed frustration at the delays. Councilmember Judd remarked that the industry as a whole, including Dominion Energy, are behind on projects. Mr. McHargue explained that the reason for this was that there was a set fee for street lights, but now the city was metering them and paying for usage, so it would be a much lower cost overall. So while the city would save a lot of money in the future, it did slow down the construction. Mr. Overson added that there were lights installed on Mill Road but the city was still waiting for the meters to get set.

Mr. Overson reported that there have been complaints about basketball stands being placed in the right-of-way. Councilmember Judd asked if residents could just call and report this to the Sheriff's Department. Mr. Church clarified that if basketball stands were in the travel lane, the residents could contact either the Sheriff's Department or the Public Works Department, who could then move them. Mr. Overson emphasized that the city did not want children playing in the streets.

City Attorney – David Church - Mr. Church had no items to report.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell reported that Deputy Sean Peterson had been selected to be a member of the Utah County Sheriff's traffic team, so he would no longer be serving in Vineyard. Sergeant Rockwell said that he was working on selecting another deputy.

Community Development Director – Morgan Brim & Planning Commission – Chair Cristy Welsh - Chair Welsh reported on the last Planning Commission meeting where they discussed The Vine Apartments. The Vine was working to consolidate the smaller pocket parks to make a bigger, nicer facility in the middle, and would submit their plan to Vineyard staff. Those areas would still be open space but without playground equipment. She added that they would have them add a fence around the dog park.

Ms. Welsh invited council to the General Plan Open House to be held April 12 at Franklin Discovery Academy. She explained that Planning Commission was seeking input on the General Plan, so she invited council to be a part of the General Plan interviews taking place in the next two weeks.

Mayor Fullmer asked Mr. McHargue to discuss the upcoming Easter event. Mr. McHargue said that the Bunny Hop Egg Drop would be taking place at 9:30 AM sharp this Saturday March 31. He mentioned that the Vineyard Youth Council had done a lot of great work on this event.

Mr. Brim further explained the topics the General Plan interviews would cover, such as transportation, land use, sustainability, how to celebrate Vineyard heritage, trails, parks, and open space. He explained that the reason for the one-on-one interviews was they wanted to get individual thoughts and focused comments, instead of interviewing the council as a whole.

Mr. Brim told the council about the O'Reilly Auto Parts and Starbucks site plans, which were both under review. He reported that there was another developer working to consolidate the Parish Chemical and R2R properties on Geneva Road for a large retail center.

Councilmember Riley asked about the Parish Chemical site. There was a discussion about the site and the EPA.

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

Building Official – George Reid Mr. Reid introduced Deputy Building Official Brad Hardman and Plans Examiner Patricia Abdullah. Mr. Reid indicated that Ms. Abdullah had written the Administrative Code Enforcement Draft Chapter 2.26 that he would be presenting later in the meeting. Mayor Fullmer mentioned that yesterday she spoke with the mayor of American Fork who told her that five or six developers had told him that they did not like American Fork's building department process and that they requested that American Fork mimic the process that Mr. Reid had implemented in Vineyard. American Fork officials were going to contact Mr. Reid to learn what he had been doing. She thanked Mr. Reid for the great job he was doing.

Water/Parks Manager Sullivan Love - Timpanogos Special Service District - Board Member – Mr. Love gave council an update on the Central Utah Water Project’s well and pipeline project. Councilmember Judd commented that there was a live camera on the project’s website, www.thewellsatvineyard.com.

DISCUSSION ITEMS

No items were submitted.

6:30 PM REGULAR SESSION

Mayor Fullmer opened the regular session at 6:30 PM.

MAYOR’S APPOINTMENTS

No names were submitted.

CONSENT ITEMS

- a) Approval of the February 28, 2018 City Council Meeting Minutes
- b) Approval of the March 14, 2018 City Council Meeting Minutes
- c) Approval of the Waters Edge Willows Final Plat D
- d) Approval of the Waters Edge Parkside Final Plat D
- e) Approval of Property Realignment Requests

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE CONSENT ITEMS. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED.

BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Waters Edge Hamptons Preliminary Plat and Hamptons Final Plat B

The applicant is proposing an amended preliminary subdivision plat to accommodate the proposed church parcel of the Water’s Edge Hamptons development. The proposed development consists of a total 93 SFD lots and 1 parcel for a church, located at 300 West and 200 North and the final approval for Hamptons Plat B. The mayor and City Council will take appropriate action.

Mr. Brim explained that the reason for the amendment to the previously approved preliminary plat was that the LDS Church was requesting to purchase 3.84 acres, which was 7 lots. He showed council the previous and the current preliminary plats, both of which he had on-screen. To stay in compliance with the Memorandum of Understanding (MOU) that was approved on July 31, 2014, the applicant provided a lot reallocation plan. The MOU required that the number of the larger lots (8,000, 10,000, and 15,000 square feet) be maintained. If the plat had less of those lots, the applicant needed to make those up elsewhere. He showed on the map that seven lots were being taken out for the church and being reallocated to be 10,000 square foot lots. The seven displaced 10,000 square foot lots were being reallocated to the 8,000 square foot lot district, and then the 8,000 square foot lots were being reallocated in the 6,500 square foot lot

district. He referred council to the Lot Displacement Exhibit, which identified the different lots affected.

Mr. Brim further explained that the past preliminary plat had 81 lots, and the current one had 77 lots, including the seven for the church lot. This made for a net loss in density of four units in this plat. He said that staff could do a deeper analysis if council wanted them to. He introduced Bronson Tatton with Flagship Homes and asked council if they had questions for him or for Mr. Tatton.

Councilmember Judd asked Mr. Tatton to explain the process of platting lots and how inefficiencies occur. Mr. Tatton explained how some lots may be larger than what the subdivision is zoned for because of the shape of the land, cul-de-sacs, and corners. Councilmember Judd questioned Mr. Tatton, stating that since there were natural inefficiencies, those lots were going to be the larger size anyway, but that it seemed that Flagship Homes wanted credit for making them larger. Mr. Tatton replied that they knew that the overall density would never be achieved because of inefficiencies, and that was why they felt comfortable moving forward even knowing they might sell land to a school or a church. Councilmember Judd asked if that was the council's understanding at the time of the MOU. Mayor Fullmer, who was a councilmember at the time, replied that they were very concerned that if a church or school came in to a subdivision with larger lots, they would take the larger lots. She added that they felt confident after working with Pete Evans of Flagship Homes that there would be a displacement of those lots. Councilmember Riley, who was also a councilmember at the time, felt that what they were more worried about in 2014 was if they lost a 15,000 square foot lot, that it be relocated and that they not allow the developer to essentially double dip and make it denser in another area. He acknowledged that council did not analyze it on as deep of a level as they were now doing but stated that in 2014 council was absolutely adamant about that point.

Mr. Brim commented that the original ordinance had stated that, but that the MOU sought to "clarify and augment." He pointed out that the church lot counted as seven lots, and that there were now 77 instead of the previously approved 81 lots. The discussion continued.

Councilmember Judd commented that he wasn't sure if Flagship's interpretation of the MOU was what his would be, and therefore if they were to do this in the future, they would need to look at it at that deeper level. If the developer were to sell another lot to a church or school, they would need to displace lots again, or, if they had already used up the inefficiencies, they would have to pay the \$100,000 penalty fee per lot, as outlined in the MOU. His concern was that if there were a need for more churches or schools, that Flagship would just not sell the property because they had already used up the inefficiencies.

Mayor Fullmer reiterated that the MOU meant to clarify. In some areas, she felt that Flagship Homes met the needs, but in the corner lots, she felt that what Flagship Homes was doing did not meet the intent of the MOU.

Mr. Brim remarked that the intent of MOU seemed to be that if a 15,000 square foot lot was displaced, that they would combine smaller lots into larger lots. But it wasn't written in a way to do that, and so staff felt that Flagship Homes was meeting the requirements of the MOU.

Mr. Tatton reminded them that Waters Edge had been approved at 2100 units, but were now only at 1850 units, so they were far below the approved density. He further explained that they came up with the 2100 number even after considering inefficiencies, so in the overall scope, there was much less density than what Flagship Homes was entitled to.

259 Mayor Fullmer asked for public comments.

260
261 Resident Erick Schork, living in The Maples subdivision, asked if the church building would
262 border The Maples. Councilmember Judd and Mr. Brim indicated on the map where the church
263 lot was in relation to The Maples.

264
265 Mr. Brim further explained the location of the LDS Church site plan.

266
267 Councilmember Judd asked Mr. Brim about the deeper analysis that he had previously
268 mentioned. Mr. Brim explained that the other subdivisions had larger lots because of
269 inefficiencies, but that in the Hamptons they had significant changes, which resulted in a net loss
270 of 3-4 lots. He offered to do that research if council wanted to see the total net loss. They
271 continued the discussion.

272
273 Councilmember Judd asked Mr. Church to explain the difference between the MOU and
274 council's intent. Mr. Church replied that the words of the MOU were what counted.

275
276 Mr. Brim commented that if it was the intent, then the MOU should have said that.

277
278 Mr. Church said that the MOU reflected what council intended, that if churches or schools
279 bought the larger lots, that there would still be a minimum number of the larger lots and that
280 there would never be more than 2100 maximum lots. Councilmember Riley said that council's
281 concern at the time was that because the original proposal had 3 church sites and a school site,
282 when those came in, they wanted to keep those lots from being reallocated into smaller spaces.
283 Mr. Church summarized by saying that the concern of the council at the time was the total
284 number of units, and the residents were requesting larger lots. He added that the city was getting
285 the same number or more of the larger lots with the amended plat. The discussion continued.

286
287 Mr. Brim offered to research what was previously approved compared to this plat and give those
288 numbers to council so they could explain this to residents.

289
290 Mr. Church observed that had this been the first plat built, city would have worked with the
291 developer to ensure the lot sizes on the plats that followed, and everyone would have thought it
292 was great. It simply happened in a different order and ultimately did not make a difference.

293
294 Mr. McHargue sought to address Councilmember Judd's concern about future lots being sold to
295 churches or schools. He offered to have staff work with the developer on the actual lots that
296 would be displaced, and apply a preference to non-corner lots, etc. That way there would be a
297 mutual understanding. Mayor Fullmer and council agreed.

298
299 Mayor Fullmer called for a motion.

300
301 **Motion:** COUNCILMEMBER FLAKE MOVED TO ACCEPT THE WATERS EDGE
302 HAMPTONS PRELIMINARY PLAT WITH THE ADDITION THAT THE CITY WILL
303 COME UP WITH THE ACTUAL NUMBER OF LOTS FOR THE WATERS EDGE
304 DEVELOPMENT AND THE APPROVAL OF THE HAMPTONS FINAL PLAT B AS
305 STATED. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER,
306 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR.
307 MOTION CARRIED.

311 **9.2 DISCUSSION AND ACTION - Municipal Code Amendment Ordinance 2018-03**

312 City Building Official George Reid will present a request for an amendment to Title 2
313 formerly Chapter 10 of the Municipal Code to create an Administrative Code Enforcement
314 (ACE) program. The mayor and City Council may act to approve (or deny) this request by
315 ordinance.

316
317 Mr. Reid presented the Municipal Code Amendment Ordinance, which addressed code
318 enforcement. He explained that the current enforcement procedure had a lot of bark but not a lot
319 of bite and gave an example of how the current procedure would work in the case of an illegal
320 shed. He described how there often would be no consequences until the owner wanted to sell the
321 property, which could take many years.

322
323 He discussed how code enforcement was an important public service provided by the City and
324 presented to council the proposed Title 2.26 Administrative Code Enforcement. He then
325 explained the proposed citation process. He gave examples such as parking, vacation rentals,
326 and a food vendor doing business without a business license.

327
328 Mayor Fullmer asked how it would work at night and on weekends when the Sheriff's deputies
329 handle code enforcement. Mr. Reid responded that if the deputies document and report it to code
330 enforcement, then the code enforcement officer would cite the offender.

331
332 Mr. Brim clarified that on vacation rentals, that council had requested staff to handle those on a
333 case-by-case basis, since some of them were grandfathered in and therefore not out of
334 compliance.

335
336 Mr. Reid explained how abatement would work, using the example of the illegal shed. The
337 resident would receive a Notice of Violation and would have a minimum of ten days to remove
338 the shed. They would also receive an explanation of the consequences if they did not correct it,
339 which in many cases would be \$25 per day per violation. This might be accompanied by a
340 citation. If there were numerous violations and the resident could not clean it up in one day, they
341 could give them 10 or 30 days, depending on the situation.

342
343 Mr. Reid then detailed the civil penalties, fines, and fees.

344
345 Councilmember Judd asked how this compared with other local cities.

346
347 Ms. Abdullah replied that this was fairly standard and that she had researched the code
348 enforcement in about seven cities while preparing this program.

349
350 Mr. Reid continued explaining the fees, stating that the city had to follow state law and could not
351 exceed the maximum fee for a Class B Misdemeanor, which was \$1,000. He also explained how
352 this program would establish an Administrative Law Judge (ALJ).

353
354 Mr. Brim asked Mr. Reid if the zoning hearing officer could be the same person as the ALJ. Mr.
355 Church replied yes. Councilmember Judd asked if there was a reason not to have it be the same
356 person. Mr. Church responded that it depended on the person, since some people might not have
357 the expertise to do both. He added that the city manager could not be the ALJ since that would
358 deny the resident due process because a city manager would not be an impartial hearing officer.

359
360 Mayor Fullmer asked Mr. Brim about the hearing officer position. Mr. Brim explained that the
361 hearing officer position was not in the code yet but was in the process to come before Planning
362 Commission next month. He explained why it was better to have a hearing officer rather than a

board of adjustments. He emphasized that it would be more efficient to have the ALJ and the hearing officer be the same person.

Mr. Church explained that in most small cities the hearing officer was a citizen who volunteered, or they had a list of individuals who could do it, either voluntarily or for pay. Mayor Fullmer asked for clarification on the wording. Mr. Church stated that the current wording that the city manager “will appoint” would be fine. He suggested finding someone with legal training.

Mr. Reid recommended that since the ALJ would establish the policies and procedures, that the city manager could do that part so they are in place when the appointed person began. He then discussed appeals and hearings.

Mayor Fullmer asked for questions.

Councilmember Judd asked about code enforcement officers’ authority to inspect, and if they were authorized to enter a resident’s home.

Mr. Reid replied that no, the city still had to follow state law. He explained that the code enforcement officer could ask to enter but if the resident refused, the city would have to get a warrant, etc.

Mr. Church explained that this proposal was an alternative to what we had now under state law and code. This way the city would be using an administrative citation instead of a criminal citation. He listed the advantages of this approach and recommended that council approve the proposal. He added that the city would still be able to decide if they wanted to pursue the administrative pathway or the criminal pathway, depending on the situation. Councilmember Earnest remarked that code enforcement was something that residents wanted. Mr. Reid and councilmembers continued the discussion.

Mr. Church explained that the key to success was using this as a way to get abatement of the problem. Then if the resident refused to abate, the administrative citation process brings them to a resolution more quickly. He added that the court system was too slow for these kinds of issues, and the fines were too low. He used the example of the illegal shed, which the justice court would assign a \$50 fine, and still the shed would not go away. In contrast, the administrative code enforcement helped to bring the resident into compliance. An added benefit of this process was that it gave residents the ability to challenge the code enforcement officer in front of a neutral hearing officer, without getting charged with a crime and without going to court, because sometimes cities were wrong.

Councilmember Judd asked Mr. Reid if the city already had the technology and staffing in place to implement this. Mr. Reid replied yes. Mr. Reid emphasized that sending out a city inspector was a friendlier approach than sending out the sheriff.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE MUNICIPAL CODE AMENDMENT ORDINANCE 2018-03 AS PRESENTED AND PROPOSED.

COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED.

414 **CLOSED SESSION**

415
416 Mayor Fullmer called for a motion to go into closed session for a strategy session to discuss the
417 purchase, exchange, or lease of real property.

418
419 **Motion:** COUNCILMEMBER JUDD MOVED TO GO INTO A CLOSED SESSION FOR A
420 STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL
421 PROPERTY AT 7:30 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL
422 CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST,
423 FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED.

424
425 **ADJOURNMENT**

426
427 The meeting was adjourned at 8:31 PM.

428
429 The next regularly scheduled meeting is April 11, 2018.

430
431 MINUTES APPROVED ON: _____

432
433 CERTIFIED CORRECT BY: /s/ Kelly Kloepper
434 KELLY KLOEPFER, RECORDS MANAGEMENT ASSISTANT



Municipal Wastewater Planning Program (MWPP) Annual Report 2017

Please Select the Appropriate Facility from the Dropdown Menu

Facility Name:

VINEYARD TOWN

Facility Class and Grade

COLLECTION I

-

-

Owner Name:

Vineyard City

Name and Title of Contact Person:

Sullivan Love

Wastewater Manager

Phone:

801.376.0419

E-mail:

sullivanl@vineyardutah.org

SUBMIT BY APRIL 16, 2018

Electronic Submittal:

<https://deq.utah.gov/ProgramsServices/services/submissions/index.htm>

NOTE: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of that assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility.

If you need assistance please call Beth or Judy, Utah Division of Water Quality: (801) 536-4300.

Definitions

I. Definitions: The following terms and definitions will help you complete the worksheets and questionnaire:

- ¹**Asset Management** – Any combination of management tools applied to physical assets of the sewer system with the objective of providing the required level of service in the most cost-effective manner. It incorporates asset lifecycle management tools, including depreciation, with the accountant's cost allocation process.
- ²**Capital Facility Plan** – An engineering report detailing the planning procedures including a comprehensive analysis to establish the need, scope, basis, viability and implementation schedule of proposed sewer system projects.
- ³**Capital Improvements** - Addition of a permanent structural change or the restoration of a property that renews or improves its value, increases its useful life, or adapts it to new uses.
- ⁴**Capital Improvement Reserve Fund** - A fund or account established for capital improvement projects.
- ⁵**Debt Service** – A payment of interest and principal, usually due annually, made in repayment of a loan or bond obligation.
- ⁶**Debt Service Reserve Fund** - A fund or account established for use in making up deficiencies in bond repayment funds.
- ⁷**Equivalent Residential Connection (ERC)** - A unit of wastewater that incurs the same cost for operations and maintenance as the average volume of domestic waste discharged from a single family residence in the sewer system service area
- ⁸**Impact Fee** – A fee established by ordinance to be imposed on new development for payment of capital costs associated with providing public services to the new development.
- ⁹**Operation and Maintenance Costs** - The total annual cost for management, operations and maintenance of sewer systems including labor and benefits, general and administrative overhead, materials, supplies, utilities, fuel, tools, etc. These costs do not include capital improvements costs or debt service. Repair and replacement costs for fixed assets may be included.
- ¹⁰**Plan of Operations** – A plan summarizing the operational and financial requirements that the sewer system must meet to achieve its goals and purpose. The minimum requirements are established I UAC R137-3-1.8
- ¹¹**Rate Study** – A study that establishes the user charge(s) of a sewer system based on the required level of service and its cost.
- ¹²**Repair and Replacement Costs** - The annual cost to renew or replace fixed assets of the sewer system. Fixed assets are generally land, buildings and equipment. These are often major major costs not included in operations and maintenance budgets.
- ¹³**Repair and Replacement Sinking Fund** - A fund or account established for renewal or replacement of fixed assets.
- ¹⁴**Sewer Revenues** - Income from user charges and other fees or taxes collected to pay the cost of sewer systems.
- ¹⁵**Sewer System** - The collective of sewerage systems and treatment works operated by the public utility or sponsor.
- ¹⁶**User Charge** - A fee established by ordinance and used to pay the cost of sewer systems. Different fees may be established for one or more classes of users. For purposes of this survey, user charge means the annual average fee charges per sewer connection.

Instructions

Save this file to your local computer. The digital MWPP form is built in Microsoft excel. Please contact Beth or Judy if you cannot find your facility name or having trouble downloading your digital MWPP form. You will need to fill all the yellow boxes with the appropriate information. Several of the questions are Yes/No questions that require you to select the yellow cell and then click the small arrow drop down button to be able to select the appropriate answer. You may move through the worksheet by simply pressing tab to move from box to box. Hitting Enter within the form may cause you to skip over questions. Please be sure to verify that all yellow boxes have been filled with the appropriate information. Begin filling out the form by selecting the name of your facility from the dropdown menu. Please be sure to select the correct facility from the dropdown menu. DWQ will only accept one form from each facility. Once you have entered all the appropriate information in all the yellow boxes the MWPP form is complete and you are ready to submit the completed MWPP package back to DWQ. Please be sure to save your completed form. Please do not submit your form until you have the date the MWPP was presented to your Board or Council completed. You may not submit a second form with the date at a later time. DWQ will only accept one form from each facility. If you experience any trouble or have any questions please contact DWQ Engineering Section Staff.

Financial Evaluation Section

Form completed by:

Jacob McHarge

May Receive Continuing Education /units (CEUs)

Complete the following table:

VINEYARD TOWN

Part I: OPERATION AND MAINTENANCE

Question	Answer
	Amount
What was the User Charge ¹⁶ for 2017?	\$ 17.25
	Yes/No
Are property taxes or other assessments applied to the sewer systems ¹⁵ ?	No
Are sewer revenues ¹⁴ sufficient to cover operations & maintenance costs ⁹ , and repair & replacement costs ¹² (OM&R) <u>at this time</u> ?	Yes
Are projected sewer revenues sufficient to cover OM&R costs for the <u>next five years</u> ?	Yes
Does the sewer system have sufficient staff to provide proper OM&R?	Yes
Has a repair and replacement sinking fund ¹³ been established for the sewer system?	No
Is the repair & replacement sinking fund sufficient to meet anticipated needs?	No

Complete the following table:

VINEYARD TOWN

Part II: CAPITAL IMPROVEMENTS

Question	Answer
	YES/NO
Are sewer revenues sufficient to cover all costs of current capital improvements ³ projects?	Yes
Has a Capital Improvements Reserve Fund ⁴ been established to provide for anticipated capital improvement projects?	Yes
Are projected Capital Improvements Reserve Funds sufficient for the <u>next five years</u> ?	Yes
Are projected Capital Improvements Reserve Funds sufficient for the <u>next ten years</u> ?	Yes
Are projected Capital Improvements Reserve Funds sufficient for the <u>next twenty years</u> ?	No

Complete the following table:

VINEYARD TOWN

Part III: GENERAL QUESTIONS

Question	Answer
	YES/NO
Are sewer revenues maintained in a dedicated purpose enterprise/district account?	Yes

Are you collecting 95% or more of your anticipated sewer revenue?	Yes
Are Debt Service Reserve Fund ⁶ requirements being met?	Yes
Do you have a written emergency response plan for sewer systems?	No
Do you have a written safety plan for sewer systems?	No

Complete the following table:

VINEYARD TOWN

Part IV: FISCAL SUSTAINABILITY REVIEW	
Question	Answer
	YES/NO
Have you completed a Rate Study ¹¹ within the last five years?	Yes
Do you charge Impact fees ⁸ ?	Yes
Have you completed an Impact Fee Study in accordance with UCA 11-36a-3 within the last five years?	No
Do you maintain a Plan of Operations ¹⁰ ?	Yes
Have you updated your Capital Facility Plan ² within the last five years?	No
Do you use an Asset Management ¹ system for your sewer systems?	Yes
Do you know the total replacement cost of your sewer system capital assets?	No
Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?	Yes
Please enter the date that this MWPP package was presented to your Board or Council	4/11/2018

Provide your best estimate of the following costs:

Part IV: PROJECTED NEEDS				
Cost of projected capital improvements	2018	2019	2020	2021
	\$250	\$350	\$2,500	\$1,000
	2022	2023		
	\$1,000	\$1,000		

FINANCIAL EVALUATION SECTION END

Collection System Section

Form completed by:

Don Overson

May Receive Continuing Education /units (CEUs)

Complete the following table:

VINEYARD TOWN

Part I: SYSTEM AGE	
Question	Answer
What year was your collection system first constructed (approximately)?	2007
What year was the the oldest part of your collection system constructed, replaced, or renewed?	2007

Complete the following table:

VINEYARD TOWN

Part II: DISCHARGES	
Question	Answer
	Number
How many days last year was there a sewage bypass, overflow or basement flooding in the system due to rain or snowmelt?	0
How many days last year was there a sewage bypass, overflow or basement flooding due to equipment failure (except plugged laterals)?	0

The Utah Sewer Management Program defines two classes of sanitary sewer overflows (SSOs):

Class 1 - a Significant SSO means a SSO or backup that is not caused by a private lateral

- (a) affects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral

Below include the number of SSOs that occurred in year: 2017

Number of Class 1 SSOs in Calendar year	0
Number of Class 2 SSOs in Calendar year	0

Please indicate what caused the SSO(s) in the previous question.

Please specify whether the SSOs were caused by contract or tributary community, etc.

Complete the following table:

VINEYARD TOWN

Part III: NEW DEVELOPMENT

Question	Answer
	Yes/No
Did an industry or other development enter the community or expand production in the past two years, such that flow or wastewater loadings to the sewerage system increased by 10% or more?	No
Are new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years that will increase flow or BOD ₅ loadings to the sewerage system by 25% or more?	No
Number of new residential sewer connections added in the last year	543
Number of new commercial/industrial connections in the last year	7
Equivalent residential connections ⁷ served	683

Complete the following table:

VINEYARD TOWN

Part IV: OPERATOR CERTIFICATION

Question	Answer
How many collection system operators do you employ?	3
Approximate population served	12500

State of Utah Administrative Rules requires all public system operators considered to be in Direct-Responsible-Charge (DRC) to be appropriately certified at lease at the Facility's Grade.

What is the current grade of the collection system DRC operator(s)?

Eric Christensen	2
Chris Thomas	4
Sullivan Love	2
[Names]	[Grade]
[Names]	[Grade]
[Names]	[Grade]

Facility Class & Grade

COLLECTION	I
-	-

List all other collection operators in your system by their certification.

Note: Enter all names even if the list isn't visible within the cell.

Not Certified	[Names]
Small Lagoons	[Names]
Collection I	[Names]
Collection II	[Names]
Collection III	[Names]
Collection IV	[Names]

Yes/No	
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility?	Yes

Complete the following table:

VINEYARD TOWN

Part V: FACILITY MAINTENANCE	
Question	Answer
	Yes/No
Have you implemented a preventative maintenance program for your collection system?	Yes
Have you updated the collection system operations and maintenance manual within the past 5 years?	Yes

Complete the following table:

VINEYARD TOWN

Part VI: SSMP EVALUATION	
Question	Answer
	Yes/No
Has your system completed a Sewer System Management Plan (SSMP)?	Yes
Has the completed SSMP been public noticed?	Yes
Date of Public Notice	4/11/18
Has the SSMP been adopted by the permittee's governing body at a public meeting?	Yes
During the annual assessment of the SSMP, were any adjustments needed based on the performance of the plan?	No
If yes, what components of the plan were changed (i.e. line cleaning, CCTV inspections, manhole inspections and/or SSO events)?	
	Yes/No
During 2017, was any part of the SSMP audited as part of the five year audit?	No
If yes, what part of the SSMP was audited and were changes made to the SSMP as a result of the audit?	
	Yes/No
Have you completed a System Evaluation and Capacity Assurance Plan (SECAP) as defined by the Utah Sewer Management Program?	Yes

Complete the following table:

This section should be completed with the system operators.

VINEYARD TOWN

Part VII: NARRATIVE EVALUATION

Question

Describe the physical condition of the sewerage system: (lift stations, etc. included)

The oldest section of the system is ten years old with the majority built from 2012 to 2017. Lift Stations are inspected and cleaned. Collection system has been inspected and cleaned where necessary.

What sewerage system capital improvements³ does the utility need to implement in the next 10 years?

In the next 10 years it is anticipated that we will increase the capacity of the main lift station that discharges to TSSD. As the city grows we will add additional main lines to the lift stations.

What sewerage system problems, other than plugging, have you had over the last year?

We have noticed some H2S corrosion in some manholes.

Is your utility currently preparing or updating its capital facility plan²?

Yes, money is in the next years budget.

**Select
Answer**

Does the municipality/district pay for the continuing education expenses of operators?

**100%
covered**

Is there a written policy regarding continuing education and training for wastewater operators?

No, but will be adding it to our personell policy manual.

Any additional comments?

COLLECTION SYSTEM SECTION END



VINEYARD CITY COUNCIL STAFF REPORT

Date: 04-11-2018

Agenda Item: 8C

From: Sullivan Love

Department: Public Works

Subject: Purchase of Parks Maintenance Equipment

Background/Discussion: The Public Works dept. has the need for an additional piece of equipment to meet the needs of our growing City. This piece of equipment will be used for snow removal, assist in the maintenance of our parks, mosquito abatement, weed spraying and many other tasks. We researched new equipment and during this course, we discovered a used vehicle, being sold by Herc Rentals that meets our needs. We verified the service records of this vehicle to determine the maintenance and care the vehicle has received. The records indicate proper maintenance and care.

The vehicle is a 2012 Kubota RTV 900XT. This specific type of vehicle is used by many other entities and has proven to be very effective.

Money was approved in the recent budget adjustment for equipment purchases such as this.

Fiscal Impact: \$8,851.50

Recommendation: We recommend authorizing the City Manager or his designee to purchase the 2012 Kubota RTV from Herc Rentals in the amount of \$8,851.50.

Attachments: Equipment Sale Quote, Picture of Kubota



840 N INDUSTRIAL PARK DRIV
OREM, UT 84057
801-226-1392

Please make check payable to:

Herc Rentals Inc.

Remit To:

PO BOX 936257

ATLANTA, GA 31193

800-654-4740

EQUIPMENT SALE QUOTE

Job Site:

VINEYARD CITY
240 E GAMMON RD
VINEYARD, UT 840582032

C#: 801-376-0419 J#: 801-376-0419

Customer: 1345481

VINEYARD CITY
240 E GAMMON RD
VINEYARD, UT 84058-2032

Invoice #... 51485799

Invoice date 4/10/18 12:41

Employee....

Quote date..

Job Loc.....

Job No.....

P.O. #..... 999

ORDERED BY: SYLVIAN

Terms..... Due Upon Receipt

Est# Days: 0 / 0

Qty	Equipment #	Price	Amount
1	780130011 CC: 630-1240 CART UTV 2 PASSENGER DSL WITH CAB	6100.00 HR OUT:	6100.00
	Make: KUBOTA Model: RTV900XT Serial #: D7916		
1	800046354 CC: 290-7020 LOADER ATTACHMENT SNOW PUSHER	2751.50	2751.50
	Make: MOUNTAIN S Model: 8.5' SNOW PLOW Serial #: NA		
Taxable Sub-total:		8851.50	
			Sub-total: 8851.50
			Tax: 606.33
			Total: 9457.83

Vineyard price.

Print Customer Name

Title

Customer Signature

Date

Carefully read the terms and conditions on reverse side of this page





VINEYARD CITY COUNCIL STAFF REPORT

Date: 04.11.2018

Agenda Item: 9.1

From: Pamela Spencer

Department: Recorder

Subject: Cancellation of 4.25.2018 City Council Meeting

As the mayor and all of the city councilmembers have chosen to attend the Utah League of Cities and Town's Spring Conference located in St. George. It is necessary to cancel the City Council Meeting scheduled to be held on 4.25.2018.

Fiscal Impact: N/A

Recommendation: Cancel the 4.25.2018 City Council Meeting

Attachments: N/A



VINEYARD CITY COUNCIL STAFF REPORT

Date: 04-11-2018

Agenda Item: 9.2 RMP Easement

From: Jacob McHargue

Department: Administration

Subject: Agreement with Lindon for Rocky Mountain Power Easement

Background/Discussion: Rocky Mountain Power is completing a project and requires an easement through a parcel in Lindon. We have been negotiating an agreement for the transfer of this easement.

Fiscal Impact: up to 3 Acre Feet of water

Recommendation: Our recommendation is that we facilitate the easement dedication between Lindon and Rocky Mountain Power by granting up to 3 Acre Feet of water for the development of the future park.

Attachments: Easement Description & Purchase Agreement

When recorded, return to:

UTILITY RIGHT OF WAY EASEMENT AGREEMENT

THIS UTILITY RIGHT OF WAY EASEMENT AGREEMENT (“**Agreement**”) is made effective as of _____, 2018, by and between the City of Lindon, a Utah municipal corporation (“**Grantor**”) and Vineyard Town, a Utah Municipal Corporation (“**Town**”), collectively, the “**Parties**” and individually, a “**Party**”.

RECITALS

A. Grantor owns that certain real property located in Utah County, Utah, as identified in Exhibit A attached hereto (the “**Property**”).

B. The Town desires to obtain for the benefit of its residents an easement allowing Rocky Mountain Power (an unincorporated division of PacifiCorp) to allow it to build electric power transmission, distribution, and communication lines on, over and across the property of Grantor in substantially the form set out in Exhibit B attached hereto (“**Right of Way Easement**”).

C. Grantor owns property near and adjacent to the Property which it wishes to develop for a park or other purposes which will need a water utility to provide culinary water to the site.

D. Grantee operates a municipal water utility which is the best way to service water to the Property.

E. Subject to the limitations and conditions set forth herein, Grantor is willing to grant to Grantee an easement to Rocky Mountain Power on the Lindon Property, subject to the terms and conditions described in this Agreement.

AGREEMENT

1. Agreement to Grant of Easement. Subject only to the terms of this Agreement, Grantor hereby agrees to immediately sign and allow to be recorded the Right of Way Easement Agreement in the form as found in Exhibit B hereto.

2. Consideration. In consideration for Grantor granting to Rocky Mountain Power the Right of Way Easement, the Town agrees to be the water utility for the Property and allow Grantor to connect to the Town’s culinary water utility system and become a water utility customer and rate payer subject only to the Grantor paying all normal hookup fees and water usage rates as are charged by the Town to its water utility customer in the Town. Normally new water customers of the Town are required by the Town to pay a water impact fee and to pay a

“take down” fee to the Central Utah Water Conservancy District (CUWCD) for the right to the use of the water estimated to be used by the customer. In consideration for the granting of the Right of Way Easement, the Town agrees to waive the impact fee and be responsible, at no cost to the Grantor, to the “take down” costs for up to 3 acre feet of CUWCD water for use on the Property and the other Grantor owned property adjacent to the Property.

3. Term. The term of this Agreement and the covenants, easements, rights and conditions set forth herein are perpetual

4. Covenants to Run with Land. It is intended that each of the easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective Parties and their successors and assigns. If a Party sells, assigns or otherwise conveys its interest in any of the subject property to a third party grantee, then any reference in this Agreement to such Party shall be deemed to be a reference to such grantee. The grantee of any portion of the subject property or any portion thereof, by acceptance of a deed conveying title thereto, whether from the original owner or from a subsequent owner, shall accept such deed upon and subject to each and all of the easements, covenants, conditions, restrictions and obligations contained herein. By such acceptance, any such grantee covenants, consents and agrees to keep, observe, comply with, and perform the obligations and agreements set forth herein with respect to the portion of property so acquired by such grantee.

5. Counterparts. This Agreement may be executed in any number of counterparts, each of which will be an original but all of which will constitute one and the same instrument. Each party agrees to exchange original signatures in due course, with the original signatures being recorded in the Utah County Recorder’s Office at Town’s expense.

6. Attorneys’ Fees. In the event of any action to enforce the provisions of this instrument, the prevailing Party shall be entitled to receive reimbursement from the other Party, as determined by the court, for its reasonable costs and attorneys’ fees in an amount determined by the court and not by a jury.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah without regard to the conflict of laws rules applicable in the State of Utah.

8. Time of the Essence. Time is of the essence of this Agreement.

9. Entire Agreement. This Agreement which includes the following Exhibits:

Exhibit A	Description of the Easement Property
Exhibit B	Form of Rocky Mountain Right of Easement

constitutes the entire agreement between the Parties pertaining to the subject matter contained in this Agreement. All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written, are superseded by and merged in this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed as of the date first above written.

GRANTOR:

LINDON CITY,
a municipal corporation

By: _____

Name: _____

Its: _____

TOWN:

VINEYARD TOWN,
a Municipal corporation

By: _____

Name: _____

Its: _____

STATE OF UTAH)
) ss.
County of UTAH)

The foregoing instrument was acknowledged before me this ____ day of ____, 2018, by _____, the _____ of LINDON CITY, on behalf of such municipality.

Notary Public

STATE OF UTAH)
) ss.
County of UTAH)

The foregoing instrument was acknowledged before me this ____ day of ____, 2018, by _____, the _____ of VINEYARD TOWN, on behalf of such municipality.

Notary Public

Exhibit A

Legal Description of the Lindon Property

Exhibit B

Form of Rocky Mountain Right of Way Easement

REV05042015

Return to:

Rocky Mountain Power

Allen Stewart

70 North 200 East

American Fork, UT 84003

Project Name: Waters Edge Backbone

WO#: 6068179

RW#:

RIGHT OF WAY EASEMENT

For value received, LINDON CITY CORPORATION, ("Grantor"), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, ("Grantee"), an easement for a right of way 12 feet in width and 732 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, on, over, or under the surface of the real property of Grantor in **Utah** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit "A" attached hereto and by this reference made a part hereof:

Legal Description: City of Lindon 12' Utility Easement Description (Parcel 17-023-0012)

A perpetual easement upon part of an entire tract of property, which entire tract is described as "A TRACT

OF LAND SITUATE IN LOTS 2 & 3 OF SECTION 6, T.6 S., R.2 E., S.L.M." in that certain Special Warranty

Deed recorded as Entry 1827:2000 on the records of the Utah County Recorder, which easement is situate

in the SW1/4NE1/4 of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, which

easement is described as follows:

Beginning at a point on the westerly boundary of the Utah Transit Authority parcel which is described in that

certain Warranty Deed recorded as Entry 71844:2009 on the records of the Utah County Recorder, which

point is South 89°18'15" West 1,767.58 feet along the section line and South 00°41'45" East 2,564.50 feet

from the Northeast Corner of said Section 6; thence South 62°44'11" West 12.00 feet; thence North 27°15'49" West 32.70 feet; thence South 25°52'51" West 97.17 feet; thence North 89°58'00" West 13.33 feet; thence North 25°52'51" East 111.98 feet; thence North 27°15'49" West 628.67 feet; thence South 51°42'22" West 41.74 feet; thence North 38°17'38" West 12.00 feet; thence North 51°42'22" East 44.08 feet; thence North 27°15'49" West 46.43 feet; thence North 62°44'11" East 12.00 feet to the westerly boundary of said Utah Transit Authority parcel; thence along said boundary South 27°15'49" East 735.03 feet to the point of beginning.

The above described easement contains 10,590 square feet or 0.243 acre in area, more or less.

Basis of bearings: The line between the Northeast Corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian (Utah County GIS Monument No. 1520) and the East Quarter Corner of said section (Utah County GIS Monument No. 1525) bears South 89°18'15" West.

Assessor Parcel No. 17:023:0012

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this _____ day of _____, 20____.

***LINDON CITY CORPORATION* GRANTOR**

Acknowledgment by Trustee, or Other Official or Representative Capacity:

STATE OF _____)
) ss.
County of _____)

On this ____ day of _____, 20____, before me, the undersigned Notary Public in and for said State, personally appeared _____
(representative's name), known or identified to me to be the person whose name is subscribed as _____ (title/capacity in which instrument is executed) of _____ and acknowledged to me that (he/she/they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notary Signature)

NOTARY PUBLIC FOR _____ (state)
Residing at: _____ (city, state)
My Commission Expires: _____ (d/m/y)

Property Description

PARCEL

17:023:0012

LOTS 2 & 3 OF

SECTION 6,

T.6S., R.2E.,

S.L.B. & M.

PROPOSED EASEMENT

1600 NORTH

250 WEST



SCALE IN FEET

CC#: 11421

WO#: 6068179

NAME: WATERS EDGE

DRAWN BY: RAS

EXHIBIT B

PacifiCorp

SCALE:
N/S

SHEET 1 OF 1