MINUTES OF THE VINEYARD
CITY COUNCIL MEETING
City Council Chambers
125 South Main Street, Vineyard, Utah
August 28, 2019 at 6:01 PM

Present	**Absent**
Mayor Julie Fullmer	
Councilmember John Earnest	
Councilmember Tyce Flake	
Councilmember Chris Judd	
Councilmember Nate Riley	

Staff Present: City Manager/Finance Director Jacob McHargue, Assistant Finance Director/Treasurer Mariah Hill, Assistant City Engineer Chris Wilson, Community Development Director Morgan Brim, City Planner Elizabeth Hart, Deputy Bret Ryan with the Utah County Sheriff's Office, City Recorder Pamela Spencer, Building Official George Reid, Water/Parks Manager Sullivan Love, Administrative Intern Briam Amaya Perez; Planning Commissioners Bryce Brady, Anthony Jenkins, and Tay Gudmundson, Planning Commissioner and Heritage Commission Chair Tim Blackburn

Others Speaking: Mark Rupnow and Mark Wiltse with U.S. Steel, residents Ted Cameron, Stuart and Stephanie Lewis, and Alma Slade; Theddi Chappell, Director of Utah C-PACE, Pete Evans with Flagship Homes and Anderson Geneva, Mike Olsen and Dan Allphin with Home Center Construction.

6:01 PM REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE INVOCATION/INSPIRATIONAL THOUGHT

Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Flake lead the Pledge of Allegiance and gave the invocation.

2. PRESENTATIONS

2.1 Vineyard Open Space Corridor Plan

Briam Amaya Perez (University of Utah Masters of City and Metropolitan Planning student) will present and lead a discussion regarding his Vineyard Open Space Corridor Plan with the City Council.

Mayor Fullmer introduced Briam Amaya Perez and turned the time over to him.

Mr. Amaya Perez introduced himself and explained that this project was part of his professional project toward his master's degree. He mentioned that he had help from the Department of City and Metropolitan Planning at University of Utah, city staff, the Vineyard Heritage Commission,

community engagement activities, individual residents, and by using the adopted planning documents. He reviewed the detail of the project site. Highlights were:
Existing Conditions:

- 81 Total Acres
- 24 Acres of existing park space
    - Vineyard Grove Park (18 acres
    - Gammon Park (6 acres)
- Potential Park Space (26.5 Acres)
- Natural Open Space (28 Acers)
- City Property Hall (2.5 acres)

Considerations:

- Preserve and enhance the 28 acres of open space
- Extend Vineyard Grove Park and Gammon Park by 12.5 acres and 14 acres, respectively

He posed the question of what could be done with the space. He answered by saying that they had to understand the demographics of the community. He said that the median age for Vineyard was 23, and that there were lots of children, and some senior citizens. He said that they needed to tailor the amenities to the specific needs of the community.

This demographic wanted:

- Physical activity and recreation opportunities
- Social interaction
- Interesting destinations
- Interaction with nature
- Sense of community and belonging

He felt that the parks would be a great location to have community service projects, community celebrations, food trucks, organized sports, etc.

He explained that they wanted the park space to provide something for everyone. With this space he wanted to provide mobility and connectivity, and to make Vineyard a regional attraction, and honor Vineyard's heritage.

He broke down parts of the project site:

- Vineyard Grove Park – There is the potential to expand the park to 30.5 acres. Suggested amenities include additional parking, a community garden, a pump track, additional sports fields, a fenced dog park, or even disc golf.

- Central Corridor (11.5 acres of natural undeveloped open space) – Suggested amenities could be trail extensions, mountain bike trails, disc golf, a boardwalk, and preservation of natural open space.

- Gammon Park – This park could be extended to 20 acres. Suggested amenities included additional parking, historic buildings, a cultural center, additional sports fields, all-abilities playground, garden space, vineyard/orchard, arboretum, Native American memorial, Zen garden, walking loop, and disc golf.

- Fish Hook (16.5 acres of wetlands/open space between the Meadows and Elms subdivisions) – Suggested amenities included trail extensions, mountain bike trails, disc golf, natural open space, and a boardwalk.

- City Hall Property (2.5 acres) – Suggested amenities included disc golf, additional parking, and a skate park.

Mr. Amaya Perez mentioned that general amenities throughout the entire city's open space could be trail extensions, pavilion rentals, bathrooms, water fountains, lighting, seating, artwork and sculptures, picnic areas, ADA access, landscaping, way-finding, pedestrian access points, pergolas, and waste/recycling.

Mayor Fullmer asked how his professors had responded to the project. Mr. Amaya Perez felt that they had given him good positive feedback.

Mayor Fullmer tanked Mr. Amaya Perez and commented that this gave the city a good vision for future possibilities. The council was appreciative. Councilmember Earnest asked if there were any "out-there" ideas that Mr. Amaya Perez had not presented. Mr. Amaya Perez said that they had thought about a mountain bike park. Mayor Fullmer thanked Mr. Amaya Perez for all of his hard work.

2.2 CORRECTIVE ACTION MANAGEMENT UNIT (CAMU) UPDATE

Mark Wiltse and Mark Rupnow from US Steel will give an update on the progress of the CAMU.

Mayor Fullmer turned the time over to Mark Rupnow and Mark Wiltse with U.S. Steel.

Mr. Rupnow, Director of Environmental Remediation for U.S. Steel, gave a brief background on the property and the Corrective Active Management Unit (CAMU). He reviewed the design and materials that they were using on the site. He explained that a big portion of the project scope was site preparation. He said that they had gone through permitting, design and construction process and were waiting for their 100% design approval from the Utah Department of Environmental Quality (UDEQ). He mentioned that they had run some stabilization trials. He said that the last piece of the project would be to close the unit and ongoing monitoring. He said that the overall area was 440 acres on the east side of the Geneva Steel property. They had to move about 1.2 million cubic yards of material. He explained where the CAMU was located and reviewed the types of materials that were being used on the project. He showed a 2:30 minute video about the site.

Mr. Rupnow said that they were slightly ahead of schedule on the project and were set to be done filling the CAMU late summer. Then they would add the cap material, stone and riprap. He said that the CAMU should be closed by the end of 2020.

Councilmember Riley asked if there would there be a report to the city with options for the use of the CAMU acreage. Mr. Rupnow replied that they had had discussions with UDEQ for the design and there would be restrictions, such as no deep rooting plant or anything that would compromise the material.

Councilmember Riley asked if Flagship Homes had assumed all responsibility with the transfer of ownership. Pete Evens with Flagship Homes (Anderson Geneva) replied in the affirmative.

Councilmember Judd asked if Mr. Rupnow had a mockup of what the finished project would look like. Mr. Rupnow replied that he would forward it. He gave a brief explanation of what it might look like. He said that for height it would be slightly mounded. He added that UDEQ required a stone cap. There was a discussion about how it could be used. Councilmember Judd asked if they had any other sites around the country that they could look at. Mr. Rupnow replied that he would send them some examples of other sites.

3 **PUBLIC COMMENTS –** Citizens' Comments

Mayor Fullmer called for public comments.

Resident Ted Cameron living in the Parkside subdivision stated that when he moved into the subdivision, he was told that the open space would stay that way. He said that he was told that there would be trees and landscaping on the hill behind their home and none of that had happened. He said that the hill, when first presented, would be four (4) feet high, run the length of the field, and be like stadium seating. Mr. Wilson explained that staff hoped to reduce the size and shape of the hill this fall. Mr. Cameron said that when people were on the hill they could look into people's homes and he was uncomfortable with that. He mentioned that there were all types of activities going on, some of which were inappropriate. He felt that the hill was a huge liability. Deputy Ryan explained that they patrolled the park every night. He asked that people call them when they see people in the park after 11:00 PM. There was a discussion about activity on the hill. Mr. Cameron said that they were just asking for some privacy. He also mentioned that the lights in the park were not turning off until after 11:15 PM. Mayor Fullmer recapped that they would be addressing park open space, which was not currently planned, but when it was planned it would be a public process. She added that staff would review the park closing time and concerns about park safety.

Stuart Lewis, currently building a home, in the Parkside subdivision, felt that Mr. Cameron had given an excellent example of why additional park space next to homes was not a good idea. He felt that the regional attraction in the park plan from the presentation tonight was not a good idea. He said that it should be kept as natural open space.

Mayor Fullmer reiterated that there was no park plan at this time and the city would go through a public process when and if they decided to put one in place.

Stephanie Lewis currently building a home, in the Parkside subdivision asked about the goals for protecting the wetlands. Mayor Fullmer replied that this was a student project done to develop their skills. She explained that wetlands did not always stay wetlands. They could be re-delineated as uplands depending on the water in the area. She said that many of the wetlands were no longer wetlands and once the Army Corps of Engineers determined that they would no longer be wetlands then they would become open space to be maintained and the city would decide how to use it. Ms. Lewis said that staff had told her that the city had already applied to have the wetlands re-delineated. She said that they were building with the promise that it would remain wetlands. Mayor Fullmer clarified that the city would not try to declassify it but would go through the process to make sure city was properly maintaining the land.

Alma Slade living in The Preserve subdivision said he received a letter from Vineyard showing housing density in the city. He said that when he spoke with other residents, he found that representatives from Edge Homes had lied about the parking in his development and parking on the road in the new development to the west. He said that he was told by FCS Community Management that they were trying to minimize street parking to kick the students out. He felt that having students in the city added value. He asked if the city would ever consider allowing street parking in the high-density areas. He also asked if the city worked closely with the HOAs to accommodate things. Mayor Fullmer asked for clarification about the density population letter. Mr. Slade said that the letter showed the different densities throughout the city. Mr. Brim explained this it was the land use letter for the General Plan.

Councilmember Judd explained that the city met regularly with the HOAs to help alleviate parking issues. He said that most of the HOAs had been great to work with in trying to provide additional parking. He asked if Mr. Slade was suggesting that they add parking along the main corridor roads. Mr. Slade replied that he was suggesting that they allow parking on one side of Vineyard Loop Road. Mayor Fullmer explained that they had met with the HOAs and were getting feedback on parking issues. She further explained that there was never parking allowed on Vineyard Loop Road, however during construction it was difficult to see the striping so it was not enforced. She said that part of the plan was to ensure that the HOAs were regulating their CC&Rs first. Our intention was not to kick people out of the city. She suggested that he meet with staff to discuss options. Mr. Slade said that the CC&Rs were word for word the same as the Edge Homes development in Herriman.

Councilmember Judd mentioned that he was not the first person to come to them with this problem. He said that historically the city had said no to parking on those roads. He added that the parking in the high-density was to be contained within the development. He said that the roads were made for travel and not for parking. Mr. Slade said that he felt bad for the homeowners because they were lied to by Edge Homes. Mayor Fullmer suggested that he get in touch with the young professional's group. She added that the first step in the process was to get the HOAs to manage their own properties properly.

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

4 MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported that there would be an event held on September 16 from 4:00 PM to 8:00 PM in Springville. He said it would be a training that would showing what a relief center, resources, etc., would look like in the event of a disaster.

5 STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager – Jacob McHargue – Mr. McHargue reported that he was working with Central Utah Water Conservancy District and Orem City on the water tank design and that it would be brought forward in the next few months. He was working on a proposal to work with Alpine School District for the location of the tank.

City Recorder – Pamela Spencer – Ms. Spencer reported that there were eight (8) candidates to fill two (2) council seats. She mentioned that there would be a ranked choice voting demonstration on September 12 and another one on October 15 in the City Council Chambers starting at 6:00 PM.

Planning Commission Chair – Cristy Welsh – Chair Welsh was excused. Vice-Chair Anthony Jenkins reported that the Planning Commission had approved the site plan and conditional use permit for Panda Express and a site plan Sunset Beach Park just north of the James Bay subdivision. Mayor Fullmer asked for his thoughts on the amphitheater in the park. Vice-Chair Jenkins explained that the original intent was a tiered amphitheater and the developer had changed that plan. He said that the Planning Commission worked with the developer to come up with a minimum of three (3) tiers for people to sit on.

Heritage Commission – Chair Tim Blackburn – Chair Blackburn reported on the Heritage Days event held May 30 – June 1. He said that the Heritage Commission very much appreciated how Mr. Amaya Perez had been very careful to protect Vineyard's Heritage in the Open Space Corridor Plan that he presented this evening. Mr. Blackburn explained that the celebration this year was three days long. There were a lot of firsts, and some activities were great and some were not. He also said that there had been some weather issues. He said that the people who had attended the gave favorable feedback on the heritage portion. He said that they were thinking about extending the heritage portion of the event. He mentioned the carnival and the effect to minimize noise and any disruption to the neighbors. He said that one event heritage event was the Original Families' Reunion, which was by invitation only and was funded by the Heritage Foundation. He apologized for not making a personal invitation to the City Council. He added that there were 35 families represented at this event. He said Mr. Amaya Perez was at the event and made a presentation about the possibilities for preserving the heritage of Vineyard. He said that money wise, they broke even for the entire celebration. He mentioned the issue with the fireworks and wanted to have them be even bigger for the next year.

Mayor Fullmer felt that the event was fantastic and that they did an excellent job. She asked if the commission had thought about changing the event dates to later in June. Chair Blackburn replied that they had tried to keep the event close to the anniversary but with the unpredictable weather, they had moved it to the end of May. He said that they were not stuck on the date. He expressed concern with competing with events in surrounding communities.

Councilmember Judd commented that his children's favorite part was milking the cow. He felt that looking at the dates would be beneficial. He also felt that having it be the first celebration of the summer was good. He said that they needed to look at the location of the event, attractions, etc.

Mr. McHargue expressed concern about competing with surrounding events. He said that the date for this year was because it was the only date to get the carnival. He said that as the event grew and became more of a draw, they would be able to compete with other cities and get better dates for attractions. He thanked the Heritage Commission for their efforts for and being a great partner.

Councilmember Riley asked how they were going to incorporate the Original Families event into the Heritage Celebration. Chair Blackburn replied that they had not discussed it yet. He said that the feeling was that the original families wanted to do it every year. He explained that if they had the funding, they would like to do it again.

Mayor Fullmer said that it did not compete with other cities events but it did compete with graduations or other events that closed out universities' schedules. She said that she would like to be a bigger participant. She commented that it would have been nice to meet with the original families.

6 DISCUSSION ITEMS

No items were submitted.

7 CONSENT ITEMS

No items were submitted.

8 MAYOR'S APPOINTMENTS

No names were submitted.

9. BUSINESS ITEMS

9.3 DISCUSSION AND ACTION – <u>Policy and Procedures Manual Amendment (Resolution 2019-12)</u>

City Manager Jacob McHargue will present suggested amendments to the Vineyard Personnel Policies and Procedures Manual. The mayor and City Council will act to approve (or deny) this request by resolution.

Mayor Fullmer called for a motion to continue 9.3.

Motion: COUNCILMEMBER JUDD MOVED TO MOVE DISCUSSION AND ACTION ITEM 9.3 ABOVE ITEM 9.1 AND MOVED TO CONTINUE THE DISCUSSION UNTIL THE CITY ATTORNEY DAVID CHURCH COULD BE THERE. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.1 DISCUSSION AND ACTION – <u>Commercial Property Assessed Clean Energy (C-PACE) District Governing Body Participation Agreement (Resolution 2019-11)</u>

Theddi Chappell, Director of Utah C-PACE will present an agreement and resolution for the city's participation in the C-PACE Governing Body Participation Agreement. The mayor and City Council will act to approve (or deny) this request by resolution.

Mayor Fullmer explained that C-PACE gave companies the ability to go after grants to make their companies more economic, green, and friendly to the city. She turned the time over to Theddi Chappell, Director of Utah C-PACE.

Ms. Chappell explained that her primary role was education about the program. She explained how the program worked. Highlights were:

- C-PACE was a new way to finance energy improvement on new or existing properties.
- It works by placing a lien on the real property, the lien is assigned to a lender, and the lender extends private loans to the property owner to finance the project.
- C-PACE assessment features are that it is voluntary and the loans can be for up to 30 years. There are no personal guarantees, the assessment does not accelerate, and it can transfer if the property is sold.
- For existing buildings C-PACE offers $0 down, 100 percent private financing for commercial buildings to fund energy improvements.
- For new construction C-PACE fills the gap in the capital stock and allows the owners to upgrade designs and improve building performance.
- Features are:
    - Voluntary
    - Long term (up to 30 years)
    - No personal guarantees (based on building performance)
    - Does not accelerate
    - Can be transferred with the property if it is sold

- What is C-PACE?
  - Program allows for existing buildings and new builds.
  - Improves the performance of buildings.
  - Allows an owner to avoid more expensive financing.
  - C-Pace level payments.
- Eligible properties are hotels, retail, office, industrial, multifamily, healthcare, and nonprofit.
- Eligible improvements are energy efficient and water conservation, renewable energy, battery storage, EV charging, parking automation, seismic upgrades, and vertical transport devices.
- Other items that are eligible are things such as energy audits and renewable energy feasibility studies, engineering studies, extended warranties or solar PV inverters, roof upgrades, building structural reinforcement, environmental clean-up, maintenance contracts, and finance closing costs.
- C-PACE process
  - Owners
    - Verifying that the property is in a city or county that opted in to the program.
    - Submit property address for pre-qualification, title must be clear of bankruptcies, delinquencies, and up to date on mortgage and property taxes.
    - They must obtain mortgage holder consent, identify a contractor and lender
    - Execute a financing and property development agreements
    - Record assessment and lien on property
    - Complete the project
  - City
    - Must opt in to the C-PACE District
    - Owner requests lien to be placed
    - City designates the energy assessment area
    - City levies special assessment
    - Assigns lien to third party lender
    - Lender indemnifies the city
    - Lender records the lien and assessment with the county.

Councilmember Riley asked if they had a list of the types of improvements that were included. Ms. Chappell responded that they were outlined in the statute and that this information was also listed on the Utah C-PACE website. She mentioned that they hold required workshops for contractors who want to participate in the program.

Councilmember Earnest asked if this program was something that developers coming to Vineyard wanted available. Ms. Chappell replied that it was a tool available to the city for contractors to use. Mr. McHargue explained that The Forge developer had mentioned it and suggested that this could be used in the Town Center. He mentioned that Provo, Orem and several cities in Salt Lake County had opted in. Ms. Chappell mentioned that there were three projects in the pipeline and that other cities were also looking at it.

Councilmember Judd asked about the 15 percent of the total project cost mentioned in the presentation. Ms. Chappell explained that the code changed in July of 2019 and if a project was completed in the last three years it could be grandfathered in. She said if it exceeded the 2015 code by 5 percent, which was determined by energy modeling, to determine that the building could perform at a higher level, then it could be financed at a lower rate. Councilmember Judd asked if it was 15 percent of the total vertical cost of the entire building. Ms. Chappell replied that it was the entire building. There was discussion about C-PACE. Councilmember Judd asked if C-PACE bond was a tax benefit. Ms. Chappell replied that no one had been interested in the bond referendum. The discussion continued.

Mayor Fullmer called for further questions. Hearing none, she called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) DISTRICT GOVERNING BODY PARTICIPATION AGREEMENT (RESOLUTION 2019-11). COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.2 ► DISCUSSION AND ACTION – **Human Resource Services Contract**

City Manager Jacob McHargue is requesting approval of a contract for human resource services with FACIL HR. The mayor and City Council will take appropriate action.

Mr. McHargue explained that because Vineyard was growing quickly, he needed to turn human resources (HR) over to someone else. He said that he had looked at different options and felt that it would be beneficial to contract with an outside organization to take care of the HR needs. He said that FACIL HR had submitted a proposal, which he felt could provide the scope of service the city needed at this time. He said that they would be available 24/7 for city employees to ask questions about the policy manual, any grievances, etc. He added that the company would start by doing a thorough audit of the policy and procedures manual, then do monthly new employee trainings, quarterly and annual trainings, and that the quoted cost was $500.00 per month. He said that staff felt comfortable with the proposal and recommended approval.

Councilmember Earnest asked how long the contract would run for. Mr. McHargue replied that it would end at the fiscal year with an annual automatic renewal. He said that there was a 60 day opt-out period.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE CITY MANAGER JACOB MCHARGUE TO SIGN THE AGREEMENT WITH FACIL HR. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.4 ► PUBLIC HEARING – Zoning Code Text Amendments (ORD 2019-06)

The city of Vineyard is proposing zoning text amendments for ADU requirements (15.34.060), permitting accessory structures within street side yards of corner lots (15.34.050). (A public hearing was held on August 14, 2019, where these items were continued for future discussion.) The mayor and City Council will vote to approve (or deny) this request by ordinance.

Mayor Fullmer called or a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:30 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mr. Brim explained the changes made to the zoning code. He explained that the amendment would change the minimum lot size to 6,000 square feet and require an additional parking space. He said that staff wanted to take the accessory dwelling units (ADU) out of the smaller lots. He said that they had seen issues with parking and the narrow lots. He added that there were concerns with too many ADUs changing the character of the neighborhoods with smaller lots. He said that the developers of the Homesteads development had requested that they change the minimum lot size to 5,400 because that was the smallest lot size in The Cottonwoods subdivision. it in large lots.

Mr. Brim explained that the second amendment to the ordinance was to allow accessory structures on corner lots. He said that they had added a requirement for additional screening to the rear yard.

Mayor Fullmer called for public comment. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER RILEY MOVED TO CLOSE THE PUBLIC HEARING AT 7:43 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Councilmember Judd asked Vice-Chair Jenkins if the Planning Commission would have an issue with the increase in the minimum lot size. Vice-Chair Jenkins replied that the intent was to ensure that there was adequate room to accommodate the additional parking spaces and he did not see any issues.

Councilmember Riley asked about the parking requirements. Mr. Brim explained that they allowed tandem spaces so they could count a two-car garage and the driveway as parking spaces. He said that the garages must meet the requirements and the driveway must be 18 feet in length. He added that the fifth space would be on the side yard. Councilmember Riley stated that it was hard for him to go through the parking requirements and then find that the action the city took was not measuring up. He said the he wanted to make sure that as a city they were able to maintain high standards.

Councilmember Judd asked if they could add to the code that where an ADU was located, no overnight parking would be allowed. Mr. Brim replied that they could state that parking needed to be onsite but the issue would be determining who actually lived in the home and who was a visitor. He said that Vineyard currently had over 75 ADUs and only had a few complaints. He added that most of those complaints were for illegal use or short-term rentals. He said that staff was seeing a movement to put the ADUs in smaller lots and they were hoping to keep them in the larger lots. Mr. McHargue explained that there were standards in place for ADUs, but this would make it easier for staff to regulate.

Councilmember Riley asked if they should be looking at six (6) parking spaces instead of five (5). He mentioned that Vineyard was trying to become more public transit oriented and there were still a lot of vehicles. Mr. McHargue explained the standards. Mr. Brim suggested that they could require the number of parking spaces be greater than the number of bedrooms in the ADU.

Councilmember Riley felt that they needed to think about how the neighbors would be impacted and pitting neighbor against neighbor. He felt that there would be unintended consequences. Mr. Brim said that the code was wide open and these changes would tighten up the code.

Mike Olsen with Home Center Construction suggested that they consider the number of garages. He said they had widened the roads after they had built Pod 3. Councilmember Riley felt that parking was the number one issue that needed to be addressed. He said that if they failed at parking, the city would struggle. He said that he did not want to take parking issues lightly and wanted to get the developers on board.

Mayor called for further comments.

Councilmember Judd felt that they needed to look at density if they were going to allow ADUs on smaller lots. He added that he liked the idea of having three-car garages. He said that the houses had not gotten smaller on the smaller lots which would create a higher demand for open space. He stated that he would like to send the ADU issue back to the Planning Commission for further review. Mr. Brim suggested that they could put some caps on the size of the unit.

Councilmember Judd asked what percentage of homebuyers in the neighborhood were building ADUs. Dan Allphin with Home Center Construction replied that most of the lots were just under 6,000 square feet. Councilmember Judd asked how many of those units had or wanted an ADU. Mr. Allphin replied that about 30 percent had requested ADUs in the Cottonwoods and anticipated that they would keep going up. Councilmember Judd felt that the increased density would make a big impact with parking. He suggested that they limit the number of ADUs in a subdivision. Mayor Fullmer felt that the difficulty would be who you give that right to. Councilmember Judd felt that 50 percent of the units having ADUs was too high. Mr. Allphin explained that they had started installing basement entrances but were focusing on 3-car garages in The Cottonwoods. Mr. Brim said that most of the parking complaints were in the higher density areas like the Cascades. Councilmember Earnest said that he liked the idea of forcing additional off-street parking spaces. Mr. Brim asked how the 3-car garages were set up. Mr. Allphin replied that there were a few different types. Councilmember Judd asked how big the basements were. Mr. Allphin replied that the apartments were about 1,000 to 1,100 square feet.

Councilmember Riley felt that the planning department should put some density put numbers to the code amendments before the Planning Commission reviews them. He felt that they chould identify certain lots in the developments that would be allowed to have an ADU. Mr. Brim suggested that if they did limit the number of ADUs in a subdivision that they go back to requiring a business license. Councilmember Flake stated that he was not comfortable with limiting who could have an ADU. He said that he was in favor of the softer way with limited bedrooms. He added that he was fine with the 5,400 square foot lot size and 3-car garages. He said that he was concerned with the population in the city and square footage of the ADU. Mayor Fullmer said that if they were worried about percentage then they go back to the original amendment. She felt that the council was unanimous in the decision that the amendment go back to the Planning Commission for further review.

Mr. Brim said that staff recommended approving the accessory structures amendment. Councilmember Judd asked if there was a height restriction on the screening of the accessory structure. Mr. Brim replied that it was dropped to 6 feet. There was as brief discussion about the fence height.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE ORDINANCE 2019-06 ZONING TEXT AMENDMENTS WITH THE MODIFICATION THAT THE ACCESSORY STRUCTURE HAVE A MINIMUM 5.5-FOOT HIGH SCREEN ON ALL THREE SIDES AND REMOVE THE ADU AMENDMENTS AND REFER THEM BACK TO THE PLANNING COMMISSION FOR FURTHER DISCUSSION. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.5 DISCUSSION AND ACTION – Municipal Code Text Amendments (Ordinance 2019-07)

Community Development Director Morgan Brim will present recommended changes to the Municipal Code regarding animal leash and defecation laws. The mayor and City Council will act to approve (or deny) this request by ordinance.

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

Mr. Brim explained that the amendment to the code was to clarify that dogs needed to be on a leash on public sidewalks, open space areas, city parks, parkways, trails, or outside of private properties, except in areas designated for off-leash activities. He said that they were also to add a fine for code violations. He explained that a $250 fee was being added to in the Consolidated Fee Schedule. He explained that the deputies would be giving a warning first and then the fine. He said that the code amendment clarified that owners need to clean up after their dogs.

Councilmember Riley asked if they had ever issued a fine. Deputy Ryan replied that his department had not issued fines for dogs off leashes and owners not cleaning up after their pets' defecation. He explained that the deputies used the county code. Mayor Fullmer explained that the reason for amending the code was because it was unclear to the deputies what the code meant. Mr. Brim added that it would allow the city to put the notice on the signs and make people aware of the code. Mayor Fullmer asked if this would allow the deputies to give violators fines moving forward. There was a discussion about the code enforcement.

Councilmember Riley felt the challenge would be dogs running at large all the time. He said that he had called but by the time a deputy could get there, the animal would be gone. He felt that the signage would be good. He said that he was in favor of the amendment but felt that the enforcement would be an issue.

Mr. Love said another reason for the code amendment was public health and to keep the parks clean. Councilmember Riley asked if cities had outlawed dogs in other parks when they had dog parks. Mr. Love explained that owners were not controlling their dogs/pets and they were getting into the splash pad which was against health codes. He mentioned that they had 20 doggie bag stations that would be located in parks, on trailheads, detention basins, etc. to help control the mess. Councilmember Judd felt that it was a mindset change and would take some time for people to get used to. He felt that it was important and that they needed to be proactive in education and enforcement. Mayor Fullmer felt that it was important and would provide clarity for the deputies. Councilmember Riley said that if it required that they had to shut down the water feature for several hours to clean it up and let people know why, then they may have close the park to animals. Mr. Love said that they did not want limit the use of the park but have more responsible dog owners.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE ORDINANCE 2019-07 TEXTED AMENDMENTS AS PRESENTED. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.6 PUBLIC HEARING – Amend the Consolidated Fee Schedule (Resolution 2019-13)

Assistant Finance Director/Treasurer Mariah Hill will present recommended amendments to the Consolidated Fee Schedule. The mayor and City Council will act to approve (or deny) this request by resolution.

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

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 8:23 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer turned the time over to Assistant Finance Director/Treasurer Mariah Hill.

Ms. Hill explained that the amendments to the fee schedule were to add fees for animal leash and defecation violations, lot line adjustments, code enforcement fees, and field and court rentals.

Mayor Fullmer called for public comments. Hearing none, she called for a motion to close the public hearing.

Motion: COUNCILMEMBER JUDD MOVED TO CLOSE THE PUBLIC HEARING AT 8:24 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

There was a discussion about the fees for field and court rentals and the city not making money. Mr. McHargue explained that the fees would be put into the parks budget to be used for maintenance of the fields and courts, and to purchase new equipment to be used by the Recreation Department and those renting the fields and courts. The fees would also be used to pay for any damage done to the park, courts, or equipment. Mr. Love explained that there were several organized leagues that were already using the fields for free. He said that when he spoke with other cities, they told him to not let them play for free or they would lose control of their fields. He added that people were already overusing the fields, and that the city was understaffed. The discussion continued.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE AMENDED CONSOLIDATED FEE SCHEDULE RESOLUTION 2019-13. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

10 CLOSED SESSION
No closed session was held.

11 ADJOURNMENT
Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 8:29 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is Sept 11, 2019.

MINUTES APPROVED ON: September 25, 2019

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