

**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**
City Council Chambers
125 South Main Street, Vineyard, Utah
February 26, 2020 at 6:00 PM

Present

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Cristy Welsh

Absent

Staff Present: City Manager Jacob McHargue, City Attorney David Church, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, Building Official George Reid, Sergeant Holden Rockwell with the Utah County Sheriff's Office, City Planner Elizabeth Hart, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer

Others Present: Bryce Miller, Scott Knudson, Alan Feuerlein with Assemble, Planning Commissioners Anthony Jenkins, Jessica Welch, Amber Rasmussen, Jeff Knighton, and Bryce Brady

6:03 PM REGULAR SESSION

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

Mayor Fullmer opened the meeting at 6:03 PM. Councilmember Earnest led the Pledge of Allegiance and gave the invocation.

2. PUBLIC COMMENTS

Mayor Fullmer called for public comments.

Resident Catherine Eslinger introduced herself and mentioned that she was running for Utah House District 59 under the United Utah Party.

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

3. PRESENTATION

Bryce Miller and Scott Knudson from Assemble will update the City Council on their program.

Mayor Fullmer turned the time over to representatives from Assemble.

Scott Knudson led the presentation. He mentioned that they opened the app on October 25, 2019 and had 13 subscribers and they now have around 1000. He gave an overview of the app results.

Highlights were:

1,079	downloads
738	Vineyard citizens
590	active users

With Assemble residents could learn what was going on in their city, voice their opinion, and see the results. Results of polls were as follows:

Statistics:

1,0717	detailed votes
1,524	quick votes
16	polls

Average per poll:

200	detailed votes
50	comments

Registered voters:

62%	voluntary information
70%	registered voters

Feedback:

Community Involvement Poll:

Are you more involved in your community using the Assemble app?

91%	Agreed
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Comments from the residents:

“Assemble. Love this app! Such an easy way to weigh in all of the things Vineyard!”

“I’ve really liked this app so far. It’s nice to feel like we have a little more say in how things are run in our town and I like that the results are pretty transparent so there is some accountability.”

“It’s great to be able to see what the city is thinking and voice my opinion on the ones that are important to me.”

What has been your favorite poll yet? \$500 Project

Where does this (Assemble) content come from? City Council

Mr. Knudson asked if there were questions that the city council had for the community and how they can they get more integrated with the application. He mentioned that he was impressed with staff’s support. He felt that there was value in getting feedback from the citizens.

Councilmember Earnest asked how they could continue to grow the number of people using the app. Mr. Knudson replied that having two factor would be valuable content and residents thinking that they were making a difference. He said that when the content is less impactful, the downloads and responses went down. Mayor Fullmer mentioned that she had noticed that residents cared about the more impactful content and not the fluff. She said that it was the city’s goal to have meaningful content and to want the residents to be involved. She said that if the majority of the respondents felt that the content was coming from the city council then it affected how people thought the city was being run. Mr. Knudson felt that the app made it a great place to set some expectations and create a reality where citizens understood that things did not happen overnight.

Alan Feuerlein with Assemble said that they would love to get more specific engagement from the city council and mayor so they could identify where the content was coming from. Mayor Fullmer felt that the staff had come to council. She mentioned that the \$500 project came from staff at their planning retreat and the council wanted to put it to a vote from the public.

Councilmember Earnest explained that he was taking on a role of emergency manager for the city and felt that Assemble would be a good opportunity to communicate with the residents on potential resources in the emergency management arena.

Councilmember Welsh felt that they should not be putting out content just to fill up space. The polls should be serious. She asked if the city was required to put out a certain amount of content. Mr. Knudson replied no, but felt that it was building a culture mindset of the city asking the community before decisions were made.

Mr. McHargue said that, from a staff level, they had several conversations on how to direct content and not become another social media platform. The city wanted people to actually respond to posts from Assemble.

Councilmember Earnest asked if they could put community announcements on Assemble. Mr. Knudson replied that they had different components: polls, project updates, and announcements. Councilmember Earnest felt that this was one more way to announce things that were going on in the city.

Councilmember Judd asked at what percentage would it be a valid statistical sample to take the information and have it sway the city's decisions from one decision to another. Mr. Feuerlein replied that they were running at a 90% statistical confidence, meaning that if they ran the same poll 90% of the time, they should get the same results. He explained how sampling of the polls worked. There was a discussion about the statistics. Mayor Fullmer asked if their data included the demographics. Mr. Knudson replied yes.

Councilmember Judd said that he liked the app, but wanted to see the data and percentage of responses go up. Mr. Knudson felt that this was just the beginning. He said that they would keep doing what they were doing and the percentages would double in another four months.

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported the Orem Community Hospital would be holding a Teen Health Summit. Their goal was to reduce the rate of teen pregnancy in Utah County and help the youth live healthy lives. Teens and parents were invited.

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager/Finance Director – Jacob McHargue gave a Utah State Legislative update. He said that one bill they were watching. House Bill 273 Property Rights Ombudsman Amendments. He said that this bill would take away some of the local government immunity. Mr. Church explained that the bill was being promoted by development interests, because cities were denying applications that should have been approved under local ordinances. The developers wanted to be able to recover damages if the city was found liable.

Mr. McHargue mentioned that there was also a bill in the legislature that would further regulate building departments, allowing developers to use third party reviewers. He mentioned other bills they were also watching. He told council that they could watch the Legislative Policy Committee meetings (LPC), which were held every week from noon to 1:30 PM during the legislative session. He mentioned that there was an opening on the LPC as a voting member.

Mr. McHargue reported that the Leisure Villas' "No Parking" signs had been installed.

6. DISCUSSION ITEMS

No items were submitted.

7. CONSENT ITEMS

7.1 Approval of the February 12, 2020 City Council Meeting Minutes

Mayor Fullmer called for a motion.

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

8. MAYOR'S APPOINTMENTS

Planning Commissioner.....1 vacancy
The mayor with the consent of the City Council will appoint Amber Rasmussen to a four-year term on the Planning Commission.

Mayor Fullmer asked for questions from the council. Hearing none, she called for a motion to appoint Amber Rasmussen to a four-year term on the Planning Commission.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE MAYOR'S APPOINTMENT OF AMBER RASMUSSEN TO A FOUR-YEAR TERM ON THE PLANNING COMMISSION. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – City Manager Contract

The mayor and City Council will discuss the City Manager Contract. They will take appropriate action.

Mayor Fullmer explained that the council had done Mr. McHargue's annual review and had requested a contract be drawn up including his compensation. Her recommendation was to pay Mr. McHargue around \$116,000 a year. There was a discussion about the pay ranges for the city manager position. Mr. Church felt that the contract had the necessary minimums to protect the city and Mr. McHargue.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE CITY MANAGER CONTRACT AND APPROVE THE MAYOR TO SIGN THE CONTRACT AT \$116,000 ANNUAL PAY WITH A FIVE (5) PERCENT ANNUAL INCREASE. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9.2 DISCUSSION AND ACTION – Hiring Procedures for Directors and Department Heads

The mayor and City Council will discuss the hiring procedures for directors and department heads. They will take appropriate action.

Mayor Fullmer turned the time over to City Manager Jacob McHargue.

Mr. McHargue explained that when they hired the last department head it was done in a public meeting. He felt that if it was a public record and then someone did not get the job, it could make things uncomfortable at their current place of employment. He suggested that staff could vet the applications and then interview those applicants who qualified with a panel that would include one or two city councilmembers. He also suggested that they could have more than one panel if there were more councilmembers who were interested in interviewing the applicants. He asked if the councilmembers were comfortable with these new procedures, which would be added to the Policy and Procedures Manual. Mr. McHargue explained that the city code had the department heads reporting to the city manager. This also included the hiring and firing of the department heads with the exception of the city treasurer, city recorder, and city attorney.

Mayor Fullmer explained that before they hired Mr. McHargue, people were being hired in random ways and then they brought it to the council. She said that they hired a city manager to simplify the hiring process. She felt that a department head led the vision out of their department, changing the way the city functioned, and having the city council be a part of the panels would allow for transparency.

Mr. McHargue mentioned that the policy manual amendments would be brought to the city council for approval this spring.

Mayor Fullmer asked if the change was put was in the policy manual it would become a part of the ordinance. Mr. Church replied yes, and that Mr. McHargue would be required to follow the policy manual.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE ACTION DISCUSSED FOR HIRING PROCEDURES AND DIRECTIONS FOR DEPARTMENT HEADS. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

10. TRAINING – Open and Public Meetings and Municipal Officers' and Employees' Ethics Act Training

City Attorney David Church will present annual training on Open and Public Meeting procedures and requirements. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code. This will also include Municipal Officers' and Employees' Ethics Act training. The City Council as well as members of the Planning Commission will attend this training.

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

Mr. Church explained that the Utah State Code required the chair of each public body hold annual Open and Public Meetings Act training. He said that this was a requirement in the State Law and by the State Auditor for compliance. This year they were adding Municipal Officers' and Employees' Ethics Act Training.

Mr. Church read the Ethics Act from State Code. He said that they needed to fill out a "Disclosure Business Interest" form and disclose it orally in a public meeting. The disclosure form must be filed with the city recorder and mayor.

Mr. Church gave a summary of the Open and Public Meetings Act (OPMA), which requires all public bodies to conduct their business transparently. He explained what the difference between a public meeting, a chance meeting, and a social gathering. This included anything electronic such as social media, texting, or emails. He also explained that public meetings had to be noticed and posted in a timely manner and had to be recorded and minutes taken. He mentioned that minutes did not have to be a transcription but must contain the substance, the motions, and the votes by name on issues discussed. It also must contain the substance of public comments and presentations. Minutes must be available in draft form, within 30 days of the meeting, for public viewing at the same time it is given to council for review. He noted that Planning Commission did not have to have their minutes done in the same time frame. The minutes must be posted within 3 business days of approval. Councilmember Judd asked if YouTube would act as the digital copy. Mr. Church replied that it was any recording.

Mr. Church explained that the council may close a portion of the public meetings but the motion must be made in a public meeting. He said that there was an exclusive list of topics for which they could hold a closed meeting. Closed (sessions) meetings were to be recorded except for meetings about employee issues and security devices.

He explained that the city could be sued if someone felt they had been harmed by a violation to the OPMA. If the public body acted on something not on the agenda then people had 90 days to challenge the action, which would then void it. If there was no challenge, the action would stand.

11. CLOSED SESSION

No closed session was held.

12. ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:06 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is March 11, 2020.

MINUTES APPROVED ON: March 11, 2020

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