



**NOTICE OF A VINEYARD
CITY COUNCIL MEETING
July 8, 2020 at 6:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold a regularly scheduled meeting on Wednesday, July 8, 2020 at 6:00 p.m. *This meeting will be held electronically because of the gathering restrictions in force due to the COVID-19 Pandemic. This meeting can be viewed live through Zoom.*

Please click on this link <https://zoom.us/j/97854523427> or dial 1-301-715-8592 US or 1-253-215-8782 to join the meeting.

AGENDA

Presiding Mayor Julie Fullmer

REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/INVOCATION/INSPIRATIONAL THOUGHT – to be announced.

2. PUBLIC COMMENTS

(15 minutes)

“Public Comments” 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.

Public comments can be submitted ahead of time to pams@vineyardutah.org. Public comments will also be taken through the zoom app by either using the ‘chat’ feature or the ‘raise hand’ feature when prompted.

3. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

5. DISCUSSION

No items were submitted.

6. CONSENT ITEMS

6.1 [Approval of the June 24, 2020 City Council Meeting](#)

7. MAYOR'S APPOINTMENTS

No names were submitted.

8. BUSINESS ITEMS

8.1 DISCUSSION AND ACTION – [Text Amendment to the Zoning Code and Map \(Ordinance 2020-05\)](#) (This item was continued from the June 24, 2020 City Council meeting.) *The City Council will send this item back to Planning Commission for further amendments.*

Community Development Director Morgan Brim will present a request for a zoning code text amendment. The applicant is proposing the creation of a new zoning district; Neighborhood Commercial (NC) within the Vineyard Zoning Ordinance Section 15.12 Establishment of Districts and Zoning Tables. The applicant is also seeking to apply the new Neighborhood Commercial (NC) district to the property located at 600 S. Geneva Road, Vineyard, Utah 84059 (Parcel Number 53:589:0002) consisting of 1.05 acres, currently zoned Regional Commercial (RC). The mayor and City Council will act to adopt (or deny) these requests by ordinance. (a public hearing for this item was held on June 24, 2020.)

8.2 PUBLIC HEARING – [Zoning Text Amendment Section 15.34.060 Accessory Dwelling Units \(Ordinance 2020-09\)](#)

The city is proposing a zoning ordinance amendment to Section 15.34.060 Accessory Dwelling Units to establish minimum lots size, parking and other development standards. *Community Development Director Morgan Brim is requesting that this item be continued to the July 22, 2020, City Council meeting as Planning Commission wanted to review it further.*

8.3 DISCUSSION AND ACTION – [Text Amendment to the Zoning Code \(Ordinance 2020-07\)](#) (This item was continued from the June 24, 2020 City Council meeting.)

Community Development Director Morgan Brim will present a request for text amendments to the Zoning Code Section 15.34.120 Domestic Livestock and Fowl to provide allowances for horses and other animals to be kept on lots of 3/4 acre or larger. The mayor and City Council will act to adopt (or deny) this request by ordinance. (a public hearing for this item was held on June 24, 2020.)

8.4 PUBLIC HEARING – [Flood Damage Prevention Zoning Ordinance \(Ordinance 2020-08\)](#)

Public Works Director/City Engineer Don Overson will present the Zoning Ordinance adopt regulations designed to minimize flood losses. The mayor and City Council will act to adopt (or deny) these requests by ordinance.

8.5 DISCUSSION AND ACTION – [National Flood Insurance Program Regulations \(Resolution 2020-12\)](#)

Public Works Director/City Engineer Don Overson will present a resolution in connection with the National Flood Insurance Program and their Regulations and to appoint staff to assist in execution of the requirements for floodplain insurance and control measures. The mayor and City Council will act to adopt (or deny) these requests by ordinance.

8.6 DISCUSSION AND ACTION – Edge Homes Lakefront at Vineyard Town Center Preliminary Plat *(15 minutes)*

The applicant is requesting approval for a preliminary plat for Lakefront at Vineyard Town Center. The mayor and City Council will take appropriate action.

8.7 DISCUSSION AND ACTION – Bid approval for the Public Works Facility

Assistant City Engineer Chris Wilson is requesting approval of the low bidder, Patriot Construction, for the building of the Public Works facility located at 282 West 1600 North, in Vineyard. The mayor and City Council will take appropriate action.

8.8 DISCUSSION AND ACTION – Interlocal agreement with Utah County for financial disbursement from the CRF (Resolution 2020-08) *(15 minutes)*

The mayor and city council will discuss and act to approve the resolution and allow the mayor to sign an interlocal agreement with Utah County for financial disbursement from the Coronavirus Relief Fund (CRF) made available through the Coronavirus Aid, Relief, and Economic Security Act (“CARES” act).

9. 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

10. ADJOURNMENT

The next regularly scheduled meeting is July 22, 2020.

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 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: July 7, 2020

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER



**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**

This meeting was held electronically, via Zoom,
due to the COVID-19 gathering restrictions

June 24, 2020 at 6:00 PM

Present

Absent

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

Staff Present: City Manager Jacob McHargue, Assistant Finance Director/Treasurer Mariah Hill, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, City Planner Elizabeth Hart, Building Official George Reid, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Finance Intern Moira Facer, Planning Commissioner Bryce Brady

Others Speaking: Residents David Lauret and Aubrey Bills, Craig Lamont with Telos

6:00 PM REGULAR SESSION

1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT

Mayor Fullmer opened the meeting at 6:00 PM. Councilmember Welsh led the Pledge of Allegiance and gave the invocation.

2. PUBLIC COMMENTS

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

3. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

No reports were given.

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager Jacob McHargue - Mr. McHargue reported that the Chalk the Walk event which was held last week was very successful. He mentioned that there would be a concert and fireworks at Vineyard Grove Park on Wednesday July 1, 2020. He explained how they would be

doing social distancing for those attending the event. He also mentioned that the concert would be lived streamed for residents to view on Facebook. There was a discussion about the event.

Mr. McHargue reported that staff had been meeting with the Central Corridor Transit Study group to go over development projection for the city. He said that staff had concerns with some of the numbers presented and was working with the group to have a sensitivity study completed on the city and any development coming to the down town area, to get the numbers up. Mayor Fullmer mentioned that staff had worked with Mountainland Association of Governments, on an analysis they put together, to show projection for roads, housing, and economics.

5. DISCUSSION

No items were submitted.

6. CONSENT ITEMS

6.1 [Approval of the May 13, 2020 City Council Meeting Minutes](#)

6.2 [Approval of Edgewater Phase 16 Final Plat](#)

Mayor Fullmer called for a motion to approve the consent items.

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

7. MAYOR'S APPOINTMENTS

No names were submitted.

8. BUSINESS ITEMS

8.1 DISCUSSION AND ACTION – [HAWK Signalized Pedestrian Crossing](#)

Assistant City Engineer Chris Wilson is requesting approval to install a HAWK (signalized pedestrian crossing) on Main Street and 400 North. A recent update to HAWK standards now warrants a HAWK at this location. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to Assistant City Engineer Chris Wilson.

Mr. Wilson gave an example of what a HAWK Signalized Pedestrian Crossing (HAWK) looked like. He explained that it was a signalized arm with signalized buttons on each side of the crossing. He said that they were looking at approval for funding and design of a HAWK on 400 North to help with crossing to the park and for school children. He explained that they needed to get the project going because it could take up to five (5) months to get the materials from the Utah Department of Transportation (UDOT). He said that staff was proposing to award the project to JUB Engineering, who had helped with the warrant studies. He explained that UDOT had made updates to their study and now it warranted the use of a HAWK at this intersection. He anticipated that the project would be completed no later than December 2020. He said that staff was hoping to work under the existing Black and McDonald contract to expedite the work. He

explained that the project would cost about \$180,000 and that it would come out of the Transportation funds.

Resident David Lauret asked if it should warrant a full signalized intersection. Mr. Wilson replied that it did not warrant a full signalized intersection at this time. Councilmember Judd asked if that was as at all times of the day. Mr. Wilson replied that they could not put in a signal based off of a peak 15-minute period during the day.

Councilmember Judd asked what the risk would be if they installed a full signal and the study did not warrant it. Mr. Wilson replied that the city would take on the added liability if they put in something for which there was not a standard. Mr. Church replied that if they did something that was not warranted then there would be some risk, but felt it would be a low risk. There was a discussion about the signal and future costs to install a full signalized intersection. Mr. Overson explained that UDOT had a policy of redesigning their signal technology at least every five (5) years. Mr. Wilson mentioned that all of the materials came from UDOT. He said that they would watch and do periodic studies as new development came into the city. He explained that the HAWK was the safest signal to install at this time. The discussion continued.

Mayor Fullmer called for further comments.

Motion: COUNCILMEMBER FLAKE MOVED TO ADOPT THE HAWK SIGNALIZED PEDESTRIAN CROSSING; ITEM 8.1 AS PROPOSED. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.2 PUBLIC HEARING – [Text Amendment to the Zoning Code and Map \(Ordinance 2020-05\)](#)

Community Development Director Morgan Brim will present a request for a zoning code text amendment. The applicant is proposing the creation of a new zoning district; Neighborhood Commercial (NC) within the Vineyard Zoning Ordinance Section 15.12 Establishment of Districts and Zoning Tables. The applicant is also seeking to apply the new Neighborhood Commercial (NC) district to the property located at 600 S. Geneva Road, Vineyard, Utah 84059 (Parcel Number 53:589:0002) consisting of 1.05 acres, currently zoned Regional Commercial (RC). The mayor and City Council will act to adopt (or deny) these requests by ordinance.

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

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 6:31 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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

Mr. Brim explained that this ordinance would create the Neighborhood Commercial (NC) district and apply it to the property just north of Telos. He said that the development concept proposed a mix of uses: retail, office space, service providers for students, and also dormitory uses. He explained that the city did not have a standard mixed-use zoning category that would allow for residential use to be mixed with commercial. He added that the residential in the Regional

Mixed-Use Zone had been capped and this new zone would allow Telos to have a dormitory use in their facility. He explained that the NC district would also provide a buffer zone between large-impact uses (such as major commercial areas, large arterials) and single-family neighborhoods. He said that the Planning Commission was in favor of the district but had some concerns that uses such as private clubs and dance clubs, etc., would conflict with the close proximity to residential neighborhoods, so they were removed. He said the district would allow for commercial office, medical, and residential mixed together. He added that residential would be capped at 50 percent of the square footage of the development. He said that staff and Planning Commission were recommending approval.

Craig Lamont with Telos explained that they provided a place for young adults who were struggling to have success in college, to get therapeutic support. He mentioned that they had apartments in Vineyard and Orem that housed some of their students. He added that they also helped the students find employment. He said that most of the students had high-functioning autism, who did not always do well in employment settings. They were hoping to have retail establishments for the students to work at and provide a service to the community. They wanted to create professional office space, retail, and independent apartments. He said that they wanted to create a space that was safe, family friendly, upscale, and nice. He added that their clientele was all private pay and that there was a zero-drug tolerance policy.

Mr. McHargue explained that this was currently located in a Regional Commercial zone on 600 South Geneva Road.

Mr. Brim said that this zoning district would provide the city with an additional tool as they work with developers on smaller properties and allow them to apply the zone as they saw fit. He added that this would only be for this property and would not make a change to the whole city.

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 6:44 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer called for comments from the council.

Councilmember Judd asked what the purpose was of having a model home or unit permitted in the uses table. Mr. Brim replied that this use was not specific to this product but provided a use category for someone doing retail on the ground floor with condominiums above, to turn one of those uses into a temporary model home to sell off their product. Councilmember Judd asked where else this zoning would be applicable. Mr. Brim replied that it could apply to smaller developments along Geneva Road where they currently had Regional Commercial zoning.

Councilmember Judd mentioned that Vineyard had larger lots on the southern end and townhomes and condominiums closer to the town center. He asked if this zone could have multi-family as a conditional use to better define the development and have restrictions on what could be built. Mr. Brim replied that they could move it to a conditional use. Councilmember Judd said that the applicant wanted to have apartment space and asked if the city wanted that use in other areas. Mr. Brim felt that it was a good use to have, but wanted to limit the square footage. He added that they would be requiring commercial to be on the ground floor and street-facing side. Housing would be a secondary use. He explained that the General Plan was supportive of this

type of use in this area but it would not be supported in other areas such as the Clegg farm. There was a discussion about other uses in the city.

Mayor Fullmer asked if they could say no to a conditional use. Mr. Brim replied that they could not say no but could add conditions where appropriate. He said that they had included development standards for building heights and setbacks near residential in the code.

Councilmember Judd asked why the city would allow a conditional use for substance abuse facilities. Mr. Brim replied that state codes regulated how far cities could restrict facilities for persons with disabilities. Mr. Lamont explained that they had a center for substance abuse in Orem but did not allow it in the Vineyard facility by choice. He pointed out that the conditional use for disabilities was protected though the law. He said that it was not a request from them, but felt that it would be a good city policy to not exclude disabilities. He said the apartments would be independent apartment living. He added that the facility would not be designed as a treatment center and they would have the ability to rent out the apartments to anyone, including their students. He said that legally they should not be excluding disabilities in the zone. Mr. Church explained that in any zone where they allow residents, they had to allow residential facilities for people with disabilities, which included those people who were recovering from substance abuse. He said that they are permitted uses, and we should not be listing them as conditional uses. Mr. Brim suggested that they remove the conditional use from this zone and then he would work on updating the entire code. Councilmember Judd asked if they were discriminating by saying a residential facility for elderly persons was not permitted. Mr. Church replied that we cannot discriminate by age either.

Mayor Fullmer called for further questions or if the council wanted to continue this discussion in another meeting.

Councilmember Judd stated that he wanted to see the updates in the code and correct it once. The council agreed. Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE THE DISCUSSION TO THE JULY 8, 2020 CITY COUNCIL MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mr. Brim asked the council to send him their comments before the next meeting.

8.3 **PUBLIC HEARING – [Text Amendment to the Waters Edge Zone \(Ordinance 2020-06\)](#)**

Community Development Director Morgan Brim will present a request for text amendments to the Waters Edge Special Zoning District 5 – Section 5.08.010 Building Standards Table to provide reference regarding Accessory Dwelling Units, Short Term Residential Leases and Accessory Buildings & Uses. The mayor and City Council will act to adopt (or deny) this request by ordinance.

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

Motion: COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 7:03 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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

Mr. Brim explained that the text amendments were to provide references in the Waters Edge code to the Zoning Code so that people would know where to look for certain regulations not referenced in the Waters Edge code.

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 7:05 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer called for comments from the council. Hearing none, she called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE ORDINANCE 2020-06 TEXT AMENDMENTS AS PRESENTED FOR THE WATERS EDGE ZONE. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.4 PUBLIC HEARING – [Text Amendment to the Zoning Code \(Ordinance 2020-07\)](#)

Community Development Director Morgan Brim will present a request for text amendments to the Zoning Code Section 15.34.120 Domestic Livestock and Fowl to provide allowances for horses and other animals to be kept on lots of 3/4 acre or larger. The mayor and City Council will act to adopt (or deny) this request by ordinance

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

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:07 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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

Mr. Brim explained that this request had come from some residents who wanted to have horses on their property. He said that there had been some discussion as to what size lots to allow domestic animals and agreed on allowing two domestic animals on .75 acres. He said that this code change would affect some of Holdaway Road and a few other parcels in the city. He added that this would open up properties outside of the Agricultural Zone to having domestic livestock.

299 Mayor Fullmer asked if it would affect any of the neighborhoods outside of Holdaway Road. Mr.
300 Brim replied that there were two or three lots outside of Holdaway Road. He said the reason they
301 were recommending two domestic animals, was to give the animals a partner.

302
303 Mr. Lauret said that the residents of Holdaway Road had requested this change and .75 acres
304 would meet their needs.

305
306 Resident Bryce Brady living in The Elms subdivision commented that some of the lots on
307 Holdaway Road, that would qualify, backed up to a subdivision that had not been developed yet.

308
309 Mayor Fullmer said that she wanted to know all of the properties affected. Mr. Brim reviewed the
310 properties that this new code would affect. Mayor Fullmer felt that throughout the city, people
311 could consolidate lots to meet the code for domestic animals and wanted to know the
312 ramifications if people were to do that. Mr. Brim replied that they could consolidate lots and
313 asked if the council would be okay with the consolidation of lots. He explained that the Planning
314 Commission had discussed this and felt that .75 acres would give them enough room for the
315 animals. Mayor Fullmer stated that she wanted more time to review it.

316
317 Resident Aubrey Bills living in The Elms subdivision said that she thought there were a couple of
318 properties in the James Bay subdivision, that had been purchased together, that might add up to
319 .75 acres.

320
321 Councilmember Welsh expressed concern that ramifications might be more concerning than first
322 thought and wanted to discuss the issue further. Mr. Brim asked if they wanted to restrict the use
323 by location. There was a discussion about the acreage.

324
325 Councilmember Welsh asked if it would be a concern for the properties that would eventually
326 back the Holdaway Road properties. Mr. Brim replied that it would be an established use.

327
328 Councilmember Flake suggested that the code be restricted to a single-lot purchase or lot size
329 only. Mr. Brim replied that it should be restricted to a single lot. Mayor Fullmer expressed
330 concern with someone consolidating two parcels into one lot.

331
332 Councilmember Judd felt that they should make this code for the entire city and not just one
333 neighborhood.

334
335 Mayor Fullmer felt that they needed more research for what the community was interested in.

336
337 Mr. Lauret commented that there was more than one person who had asked for this change. He
338 asked if the people who already had goats would be grandfathered in. Councilmember Judd asked
339 if anything grandfathered in would still be allowed if the people were to sell the property. Mr.
340 Brim replied that it would be vesting rights or lawful non-conforming use, which runs with the
341 land. He explained that if they were to stop the use then there would be a certain time period in
342 which they could have the same use again. There was a discussion about grandfathered uses.

343
344 Councilmember Judd stated that if this change was for only one property, he would be okay with
345 keeping it to one acre.

346
347 Ms. Bills asked if they could require a permit for each person who wanted the use, instead of
348 making it city wide. Mr. Brim replied that they could require permits, but was reluctant to do it
349 from a code enforcement standpoint. He asked that the council contact him with further
350 comments.

Councilmember Judd mentioned that just because the city allowed something, it did not mean that it would supersede the local Covenants, Conditions & Restrictions (CC&Rs) for that development.

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

Motion: COUNCILMEMBER JUDD MOVED TO CLOSE THE PUBLIC HEARING AT 7:28 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer called for a motion to continue the item to the next meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO CONTINUE TO THE ITEM TO THE NEXT MEETING. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.5 **PUBLIC HEARING – Adopt Final Fiscal Year 2020-2021 Budget (Resolution 2020-09)**

City Manager Jacob McHargue will present the final Fiscal Year 2020-2021 Budget and the certified tax rate. The mayor and City Council will act to adopt (or deny) this request by resolution. (A public hearing was held on the tentative budget during the May 13, 2020 City Council meeting.)

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

Motion: COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 7:29 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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

Mr. McHargue mentioned that he anticipated that, because of the coronavirus, there would be budget adjustments throughout the year. He said that they had received the certified property tax rate of .003249, the updated sales tax rates, and updated population numbers from the state. He explained that the city's budget was conservative and that he had not added the updated costs back into it, in case the revenue was not what they had projected.

- Fiscal Year 2020-2021 Budget \$7,622,900 – which was a 12% increase from the previous year and included the Coronavirus Aid, Relief, and Economic Security Act (“CARES” act) grant funds.

Tax Revenues

- Property Tax \$2,410,000
- Sales Tax \$1,510,000 - 10% reduction projected in overall state sales
- Transportation Sales Tax \$136,000 - 10% reduction projected in overall state sales
- RAP Tax \$80,000
- Franchise Tax \$428,000

Permit & Fee Revenues

- Building Permits \$775,000
- Development Fees \$275,000
- Sanitation Fees \$426,400
- Inspection Fees \$200,000

Councilmember Judd asked Mr. McHargue to explain what the CARES grant could be used for. Mr. McHargue replied that they would be discussing the uses in the next meeting. He explained that as part of the budget they were adopting a Grant Revenue Fund with revenue and expense amounts. He said that the grant could be used for any city response such as personal protective equipment, employees hired specifically for cleaning or maintenance, public safety, supplies and materials, signage, etc. He added that it cannot be used for revenue replacement.

Expenses

New Positions

- Parks maintenance employee - can be paid for through the CARES Grant Fund until December 31, 2020.
- Seasonal parks employee
- Staff accountant
- City Engineer
- Deputy - can be paid for through the CARES Grant Fund until December 31, 2020.
- Step increases for employees below midpoint
- 3% merit-based increase for all eligible employees

General Fund

- Administration \$668,100
- Contracted Services \$158,500
- Building Inspections \$655,600
- Public Safety \$2,856,700
- Public Works \$370,800
- Sanitation \$412,900
- Parks \$647,100
- Transfers \$1,602,900 – apportion of this money comes from the CARES Grant Fund.
- Administration \$668,100
 - Decreased overall \$151,700
 - Moved I.T., insurance, and utility to Internal Services Fund to be shared by departments.
 - Decreased travel and training budgets
 - Offing insurance to the full-time employees – Councilmember Judd asked if the city offered a stipend. Mr. McHargue replied yes, but this would modify the stipend and offer insurance to employees.
- Contract Services
 - Budget \$158,500
 - Decreased Overall \$139,000
 - Legal Work \$24,000
 - Additional costs to transition
 - Engineering
 - Decrease \$125,000
 - Allocating inspection costs to RDA and projects, and brining additional engineering
- Public Safety
 - Budget \$2,856,700

- Increased Overall \$440,400
 - Police \$1,511,600
 - Increased Contract Costs
 - Additional Deputy
 - Fire \$1,269,900
 - 445 additional ERU's
 - Dispatch
 - Increased based on calls \$75,200
for service and population
- Public Works
 - Budget \$370,800
 - Decreased Overall \$12,000
 - Professional & Technical Services
 - Mosquito Abatement contracted through county to extend the season – Mr. McHargue explained that the city could readjust the schedule and do additional sprays if necessary.
 - Additional treatment along trails and parks
- Sanitation
 - Revenues \$426,400
 - Expenses \$412,900

Mr. Brady asked how often they would be spraying for mosquitoes. McHargue replied that the county would spray when the counts were high enough, but with the additional funds, they would increase their spray times and extend their season. There was a discussion about mosquito abatement.

- Parks & Recreation
 - Budget \$647,100
 - Increased Overall \$97,600
 - Increased park maintenance costs as additional parks come online
 - Increased program costs as more children join recreation programs

Councilmember Flake asked if the new Recreation, Arts, and, Parks (RAP) Tax would fund some of the budget. Mr. McHargue replied yes. He suggested that they determine how the council wanted to allocate the RAP Tax revenue as it came into the city.

- Transfers
 - Transfer to Capital Projects Fund \$1,602,900
 - Transfer to Transportation Fund \$476,000
 - B&C Roads \$340,000
 - Transportation Tax \$136,000
 - Transfer to Storm Water Fund \$16,400 – projecting a small deficit
 - Contribution to Fund Balance \$438,900
 - CARES Act grant \$671,600
 - Transfer to Internal Service Fund \$250,300

498	• Capital Projects	
499	○ Public Works building	\$500,000 – bid came in higher than budgeted so
500		there would have to be a budget adjustment later in
501		the year.
502	○ Shoreline project	\$500 – project discussed during the retreat. The
503		project is being expanded to include cleanup of the
504		beach.
505	○ CARES Act expenditures	\$671,600
506	• Water Fund	
507	○ Water Revenues	\$1,827,200
508	○ Water Expenses	\$1,859,300
509	• Transfer to Internal Service Fund	\$61,000
510	• Depreciation	\$228,100 – Mr. McHargue mentioned that the
511		Water Fund was solvent but not funded at 100
512		percent.
513	• Water Tank	
514	○ Water Tank Estimate	\$17,000,000
515	○ Water Tank Funding	
516	• RDA funding	\$13,550,000
517	• Impact fees	\$1,500,000
518	• Revenue bond	\$3,252,000
519	• Sewer Fund	
520	○ Sewer Revenues	\$1,212,000
521	○ Sewer Expenses	\$1,520,700
522	• Personnel	\$291,800
523	• TSSD	\$480,000
524	• Transfer to Internal Service Fund	\$84,400
525	• Depreciation	\$549,800
526	• Storm Water Fund	
527	○ Storm Water Revenues	\$216,900
528	• General Fund subsidy	\$16,400
529	○ Storm Water Expenses	\$216,900
530	• Personnel	\$163,600
531	• Transfer to Internal Service Fund	\$41,800
532	• Transportation Fund	
533	○ Transportation Revenues	\$547,300
534	• B&C from General Fund	\$340,000
535	• Transportation Tax	\$136,000
536	• Appropriation of fund balance	\$71,300
537	• Transportation Expenses	\$547,300
538	• HA5 treatment	\$75,000
539	• Crack seal	\$30,000
540	• Road striping	\$60,000
541	• Repairs & projects	\$40,000
542	• Personnel	\$92,600
543	• Transfer to Internal Service Fund	\$69,700
544	• 400 North HAWK	\$180,000
545	• Internal Services Fund	
546	○ Revenues	\$545,600
547	• General Fund	\$250,300

548	• Water Fund	\$61,000
549	• Sewer Fund	\$84,400
550	• Storm Water Fund	\$41,800
551	• Transportation	\$69,700
552	• RDA	\$38,400
553	○ Expenditures	545,500
554	• Increased Overall	\$77,500
555	• Took additional costs from General Fund to spread between funds (I.T., insurance, and utilities)	

557
558 Councilmember Judd asked how far off they would be if they kept the current water fees. Mr.
559 McHargue replied that he had not done an estimate. He said that with the new fee schedule they
560 would bring in more fees to cover the increased costs for the purchase of water. He added that
561 they had reevaluated the tiers.

562
563 Mr. Brady asked if the city had still budgeted to have the wetlands next to the city offices re-
564 delineated. Mr. McHargue replied yes.

565
566 Mayor Fullmer called for further questions. Hearing none, she called for a motion to close the
567 public hearing.

568
569 **Motion:** COUNCILMEMBER JUDD MOVED TO CLOSE THE PUBLIC HEARING AT 7:52
570 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,
571 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
572 MOTION CARRIED UNANIMOUSLY.

573
574 Mayor Fullmer called for a motion.

575
576 **Motion:** COUNCILMEMBER JUDD MOVED TO ADOPT THE FINAL FISCAL YEAR
577 BUDGET, RESOLUTION 2020-09, AS PRESENTED. COUNCILMEMBER FLAKE
578 SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER,
579 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
580 MOTION CARRIED UNANIMOUSLY.

581
582 **8.6** **PUBLIC HEARING – [Amend the Consolidated Fee Schedule \(Resolution 2020-10\)](#)**

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

586
587 Mayor Fullmer called for a motion to open the public hearing.

588
589 **Motion:** COUNCILMEMBER EARNEST MOVED TO OPEN THE PUBLIC HEARING AT
590 7:52 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER,
591 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
592 MOTION CARRIED UNANIMOUSLY.

593
594 Mayor Fullmer turned the time over to Assistant Finance Director/Treasurer Mariah Hill

595
596 Ms. Hill reviewed the changes to the Consolidated Fee Schedule. She mentioned that Moira
597 Facer, the finance intern, had put together the analysis for the recommended changes to the water
598 rates. Recommended changes to the fee schedule were:

Administrative Fees

- **Bond Processing Fee** \$60.00

Utility Fees

- Residential Water Usage Rates:
 - Tier 1 (5,001 – ~~15,000~~29,999) ~~\$1.50~~ \$1.77 per 1,000 gallons
 - Tier 2 (~~15,001~~ –30,000+) ~~\$3.00~~ \$2.03 per 1,000 gallons
 - **Tier 3 (30,001 – 50,000)** \$2.50 per 1,000 gallons
 - **Tier 4 (50,001+)** \$2.75 per 1,000 gallons
- Commercial Water Usage Rates:
 - Tier 1 (5,001 – 30,000) ~~\$1.50~~ \$1.77 per 1,000 gallons
 - Tier 2 (30,001 – 100,000) ~~\$1.75~~ \$2.50 per 1,000 gallons
 - Tier 3 (100,001+) ~~\$2.50~~ \$2.75 per 1,000 gallons

Mayor Fullmer asked how they were going to assess the depreciation costs and if this change would affect that. Ms. Hill replied that when they set the original tiers, they were not trying to cover depreciation. When they did the analysis, it was determined that they could either change the tiers or increase the base rate. They wanted to take the state's requirements and have it more reflective of the uses. Mayor Fullmer asked if they had taken this into consideration when they were lowering the costs. Mr. McHargue replied that they did not need to consider the depreciation at this time because, as the development filled in, there would be more accounts to spread the cost around. The tier analysis was done to make it more equitable for different size lots.

Councilmember Judd asked about the higher cost of the water. Mr. McHargue replied that there was an annual cost for Central Utah Water Project (CUP) water and their cost increased this year. There was a discussion about the water costs.

Mr. McHargue mentioned that there was a comment from a member of the public who stated that the General Plan mentioned that the city wanted to be conservation minded. The commenter expressed concern that they were increasing the cost for the first tier and decreasing the cost for the top tier. Mr. McHargue responded that the rates still penalized people who had a higher water use, and put the city closer to other cities' rates, but still promoted water conservation.

Councilmember Judd asked what size of lots would use 50,000 gallons. Ms. Hill replied that water use was a personal choice. She said that there were only between 7 and 12 percent of users who used extra water. There was a discussion about water usage in the city. Ms. Hill mentioned that the residents could look at their water usage through their 'Eye on Water' report.

Ms. Hill continued her overview of the proposed changes to the Consolidated Fee Schedule.

Facilities Rentals

- Non-Existing Line Painting – Per field
 - 1-499 Feet - ~~\$200~~ \$100
 - 500-999 Feet - ~~\$250~~ \$125
 - 1000+ Feet - ~~\$300~~ \$150
- Remarking Line Painting – Per field
 - 1-499 Feet - ~~\$50~~ \$20
 - 500-999 Feet - ~~\$75~~ \$25
 - 1000+ Feet - ~~\$100~~ \$30

Annual Business License Fees

- Late **Renewal** fee
 - 50% of license fee, or \$25, whichever is greater, if not paid by ~~January 31st~~ the **license expiration date**
- Penalty Fee for doing business without a Vineyard Business License
 - ~~50% of license fee, or \$25, whichever is greater~~ **Double the license fee**

Land Use Application Fees

- ~~Right of Way/Road Cut~~ **Encroachment - Permit**
- ~~Jet Truck Work Request~~
- **\$190/hour – Minimum of 2 hours**

Ms. Hill mentioned that they wanted to add a \$50 refundable pickleball net deposit to the Facilities Rental Fees.

Pass Through Fees

- Timpanogos Special Service District
 - ~~\$1708 Per ERU~~ **Equal to TSSD's impact fee as dictated by their up-to-date Impact Fee Facilities Plan.**

Water Department Fees

- Water Lateral Inspection Fee **\$40-\$50**
- Fire Hydrant Meter Rental Deposit **~~\$1,100~~ \$1,250**

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

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 8:05 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer called for further questions or a motion.

Councilmember Judd felt that the public comment was a valid point for people to think about, that we live in a desert, and we need to continue to look at our overall water use and do more outreach. Ms. Hill mentioned that Ms. Facer had put together information on water usage to include in the monthly newsletter.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO AMEND THE CONSOLIDATED FEE SCHEDULE, RESOLUTION 2020-10 WITH THE ADDITION OF THE \$50 REFUNDABLE PICKLEBALL NET DEPOSIT. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9. CLOSED SESSION

No closed session was held.

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



COMMUNITY DEVELOPMENT

DATE: July 8, 2020
FROM: Morgan Brim, Community Development Director
TO: City Council
ITEM: 8.1 Public Hearing and consideration of an ordinance to create a new zoning district (NC)
APPLICANT: Telos Academy

INTRODUCTION:

Due to comments received by the City Council in the last meeting, staff and the applicant are working to amend the proposed ordinance to eliminate multifamily uses from the NC District and replace it with a new use and term: Clinical Support Housing. This new use would allow residential uses, not to exceed 50% of total project square footage, for patients and staff members connected with the clinical or educational facility of the program of the facility in which the units are located. This change would prohibit leasing to the general public.

Staff is requesting the City Council direct the Planning Commission to reconsider this ordinance and to bring back an updated ordinance.

RECOMMENDATION:

Staff is recommending the City Council direct the Planning Commission to reconsider the proposed ordinance.

PROPOSE MOTION:

"I move to direct the Planning Commission to reconsider the proposed NC District ordinance to address city council concerns."



Community Development

Date: July 8, 2020
From: Morgan Brim, Community Development Director
To: City Council
Item: 8.2 Public Hearing and Consideration of an Ordinance to amend ADU standards
Applicant: City Initiated

OVERVIEW:

The Planning Commission held a public hearing on July 1, 2020 and will continue working on this ordinance in their next meeting. At this point, the ADU ordinance is not ready for the City Council to review. Staff is requesting the City Council continue the public hearing to July 22, 2020.

RECOMMENDATION:

Staff recommends continuation of this ordinance to July 22, 2020.

PROPOSED MOTION:

"I move to continue the public hearing of the proposed Accessory Dwelling Unit ordinance to the July 22, 2020 City Council meeting."



COMMUNITY DEVELOPMENT

DATE: July 8, 2020
FROM: Morgan Brim, Community Development Director
TO: City Council
ITEM: 8.3 ZTA Domestic Livestock & Fowl
APPLICANT: City Initiated

INTRODUCTION:

The city council held a public hearing and discussed a proposed text amendment to zoning ordinance section 15.34.120 Domestic Animals and Fowl on June 24, 2020. Council members mentioned concerns in regards to allowing domestic animals on single family lots containing 0.75 acres in size. Staff has increased the minimum lot size to one acre. Overall, this change would affect three single family lots in the city, one on Holdaway Road and two on 400 South.

RECOMMENDATION:

Staff and the Planning Commission are recommending approval of the proposed Ordinance 2020-07.

PROPOSE MOTION:

"I move to approve Ordinance 2020-07."

ATTACHMENTS:

- Ordinance 2020-07

**VINEYARD
ORDINANCE 2020-07**

**AN ORDINANCE OF THE VINEYARD CITY COUNCIL, VINEYARD, UTAH,
AMENDING THE CITY'S ZONING ORDINANCE TO SECTIONS 15.34.120
DOMESTIC LIVESTOCK AND ANIMAL TO ALLOW THE KEEPING OF UP TO
TWO (2) DOMESTIC ANIMALS ON LOTS CONTAINING A MINIMUM OF ONE
ACRE IN SIZE IN THE AGRICULTURE AND SINGLE-FAMILY ZONING
DISTRICTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND
SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION BY SUMMARY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of the Utah Municipal Code permits the City of Vineyard to ensure the health, safety, and the welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, the City of Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code 10-9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on June 3, 2020, and after fully considering staff recommendations, recommended approval to the Vineyard City Council on June 3, 2020, and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments held a public hearing on June 24, 2020, and July 8, 2020; and

WHEREAS, , the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public, and adopt the proposed text amendments to the Zoning Ordinance.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.34.120 Domestic Livestock And Fowl” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.34.120 Domestic Livestock And Fowl

The keeping of domestic livestock, limited to the domesticated horse (*Equus caballus*), domesticated cattle (*Bos taurus* and *Bos indica*), domesticated sheep (*Ovis aries*), domesticated goat (*Capra hircus*) and domestic fowl, but excluding the keeping of pigs (*Suidae*), shall be allowed subject to the following:

1. The keeping of domestic livestock and fowl may be allowed as a Permitted Use in the A-1, ~~and~~ R&A-5 and single-family residential Zoning Districts, subject to the provisions of this Section.
2. No domestic livestock or domestic fowl shall be kept on any lot located in an A-1, ~~or~~ R&A-5 and single-family residential Zoning Districts where the ~~area used exclusively for the keeping of domestic livestock or domestic fowl is less~~ lot or parcel size is not less than one ~~one (1)~~ acre (43,560~~43,560~~ square feet).
3. The number of domestic livestock or fowl that may be kept where the lot or parcel size is not less than one acre ~~area used exclusively~~ shall comply with the following: for the keeping of domestic livestock or fowl is one (1) acre (43,560 square feet), or larger, shall be as follows:
 - a. Limited to a maximum of ~~two~~ one (2) domestic animals ~~for each~~ for every 43,560 square feet of lot or parcel size. one (1) acre (43,560 square feet).
 - b. Fowl may be kept on lots equal to, or larger than one (1) acre (43,560 square feet), provided the number of fowl maintained does not exceed twenty-five (25) fowl for each acre.
4. Domestic livestock, fowl, and other animals, but excluding all Prohibited Animals, may be kept on lots of five (5) acres or larger, and located in the A-1 and R&A-5 Zoning Districts, without restriction on the type or number of domestic livestock or animals kept.
5. Residents who have kept domestic livestock on legal lots smaller than one (1) acre (43,560 square feet) ~~one (1) acre (43,560 square feet)~~ and who have those animals legally on the effective date of this Ordinance shall not be in violation of this Ordinance. However, the number of animals being kept shall not be increased, and the nonconforming use shall be deemed to have ceased when the keeping of domestic animals has been discontinued for a minimum period of one (1) year.
6. No barn, stable, shelter, corral, coop, pen, or run in which domestic livestock or fowl are maintained shall be closer than one hundred (100) feet to any residential structure located on adjacent lots.
7. The required minimum side yard and rear yard setbacks for the zone in which a barn, stable, shelter, corral, coop, pen, or run is located shall be met, or twenty (20) foot side and rear yard setbacks shall be provided, whichever is greater.
8. All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.
9. All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Cristy Welsh	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: 7/8/2020

Agenda Item: 8.4 and 8.5 National Flood Insurance Program (NFIP)

Department: Public Works

Presenter: Don Overson

Background/Discussion:

WHY JOIN THE NATIONAL FLOOD INSURANCE PROGRAM

Joining the NFIP is a community-based decision that allows administration of Special Flood Hazard Areas through a floodplain ordinance. Without community oversight of human activities in the floodplain, the best efforts of some to reduce future flood losses could be undermined or nullified by the careless actions of others. Unless the community as-a-whole is practicing adequate flood hazard mitigation, the potential for loss will not be reduced sufficiently to affect disaster relief costs.

BENEFITS OF JOINING THE NFIP

- By joining the NFIP, anyone (homeowner, renter, business, non-profits, etc.) in a participating community can buy flood insurance – outside the high-risk areas, the policies can be very inexpensive!
- Increased eligibility for Hazard Mitigation Assistance grant programs (which are not limited to flood mitigation).
- Increased eligibility for damages to publicly owned facilities in the Special Flood Hazard Area from Public Assistance Program (disaster declaration dependent).
- Increased eligibility for damages to privately owned buildings in the Special Flood Hazard Area from Individual Assistance Program (disaster declaration dependent).

Fiscal Impact:

Staff Time (City Engineer) to meet with residents regarding home location and review flood plain map.

Funding Source: No additional funding needed

Recommendation:

Staff recommends that City Council pass the “Resolution for joining the NFIP” and Adopt the “Flood Damage Prevention Ordinance”

Sample Motion:

I move that the City Council pass the Resolution to join the National Flood Insurance Program (NFIP) and to adopt the Flood Damage Prevention Ordinance.

Attachments:

- **Resolution for joining the NFIP**
- **Flood Damage Prevention Ordinance**

**VINEYARD
ORDINANCE 2020-08**

**AN ORDINANCE BY THE VINEYARD CITY COUNCIL ADOPTING A NEW
CHAPTER 15.50 FLOOD DAMAGE PREVENTION IN THE VINEYARD ZONING
CODE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND
SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of Utah Municipal Code, permits Vineyard to ensure the health, safety, and welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code Section 10-9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on July 1, 2020, and after fully considering public comment and staff recommendations, recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on July 8, 2020; and

WHEREAS, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance.

NOW THEREFORE, be it ordained by the Council of Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.50 (Reserved)” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.50 ~~(Reserved)~~ Flood Damage Prevention

SECTION 2: **ADOPTION** “15.50.010 Purposes And Authorizations” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.010 Purposes And Authorizations(Added)

1. STATUTORY AUTHORIZATION The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of Vineyard, Utah does or has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, does ordain as follows:
2. FINDINGS OF FACT
 - a. The flood hazard areas of Vineyard, Utah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
3. STATEMENT OF PURPOSE It is the purpose of this Chapter is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for costly flood control projects;
 - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. Minimize prolonged business interruptions;
 - e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - f. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
and
 - g. Insure, that potential buyers are notified that property is in a flood area
4. METHODS OF REDUCING FLOOD LOSSES
 - a. In order to accomplish its purposes, this Chapter uses the following methods:
 - b. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - c. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - d. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - e. Control filling, grading, dredging and other development which may increase flood damage;
 - f. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 3: **ADOPTION** “15.50.020 Definitions” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.020 Definitions(*Added*)

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application. ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths. APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur. AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood hazard Boundary Map (FHBm). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V. BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year. Base Flood Elevation (BFE) is the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year. BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides. CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones 1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor

elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations. EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures." EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters. 2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map (if applicable), Flood Insurance Rate Map and supporting technical data. FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding). FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations. FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a) by an approved state program as determined by the Secretary of the Interior or; b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations. MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis; 2. 400 square feet or less when measured at the largest horizontal projections; 3. designed to be self-propelled or permanently towable by a light duty truck; and 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or 2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.). VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 4: ADOPTION “15.50.030 General Provisions” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.030 General Provisions(*Added*)

1. LANDS TO WHICH THIS CHAPTER APPLIES The Chapter shall apply to all areas of special flood hazard within the jurisdiction of Vineyard, Utah.
2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County, Utah and Incorporated Areas" dated June 19, 2020 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter.
3. ESTABLISHMENT OF DEVELOPMENT PERMIT A Development Permit shall be required to ensure conformance with the provisions of this Chapter.
4. COMPLIANCE No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
5. ABROGATION AND GREATER RESTRICTIONS This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. INTERPRETATION In the interpretation and application of this Chapter, all provisions shall be:
 - a. considered as minimum requirements;

- b. liberally construed in favor of the governing body; and
 - c. deemed neither to limit nor repeal any other powers granted under State statutes.
- 7. WARNING AND DISCLAIMER OR LIABILITY The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

SECTION 5: ADOPTION “15.50.040 Administration” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.040 Administration(*Added*)

1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - a. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 - b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - c. Review, approve or deny all applications for development permits required by adoption of this Chapter.
 - d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

- f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Utah Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- h. When base flood elevation data has not been provided in accordance with 15.50.030(2), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of 15.50.050.
- i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- j. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA(Conditional Letter of Map Revision).

3. PERMIT PROCEDURES

- a. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - i. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - ii. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - iii. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of 15.50.050(2)(b);
 - iv. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - v. Maintain a record of all such information in accordance with 15.50.040(2)(a).
- b. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant

factors:

- i. The danger to life and property due to flooding or erosion damage;
- ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iii. The danger that materials may be swept onto other lands to the injury of others;
- iv. The compatibility of the proposed use with existing and anticipated development;
- v. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- vi. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- vii. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- viii. The necessity to the facility of a waterfront location, where applicable;
- ix. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- x. The relationship of the proposed use to the comprehensive plan for that area.

4. VARIANCE PROCEDURES

- a. The Appeal Board/Hearing Officer as established by the community shall hear and render judgement on requests for variances from the requirements of this Chapter.
- b. The Appeal Board/Hearing Officer shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
- c. Any person or persons aggrieved by the decision of the Appeal Board/Hearing Officer may appeal such decision in the courts of competent jurisdiction.
- d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in 3(b) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- g. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board/Hearing Officer may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Section 15.50.010(3)).
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- j. Prerequisites for granting variances:
 - i. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. Variances shall only be issued upon:
 - (1) showing a good and sufficient cause;
 - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iii. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. the criteria outlined in 15.50.040(4)(a) - (i) are met, and
 - ii. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION 6: **ADOPTION** “15.50.050 Provisions For Flood Hazard Reduction” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.050 Provisions For Flood Hazard Reduction(*Added*)

1. GENERAL STANDARDS In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
 - i. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
2. SPECIFIC STANDARDS In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) 15.50.030(2), (ii) 15.50.040(2)(h), or (iii) 15.50.050(3)(C), the following provisions are required:
 - a. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 15.50.040(3), is satisfied.
 - b. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
 - c. Enclosures - new construction and substantial improvements, with fully

enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Manufactured Homes –

- i. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- ii. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- iii. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (1) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be

securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- e. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - i. be on the site for fewer than 180 consecutive days,
 - ii. be fully licensed and ready for highway use, or
 - iii. meet the permit requirements of 15.50.040(3)(a), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. STANDARDS FOR SUBDIVISION PROPOSALS

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 15.50.010(B), (C), and (D) of this Chapter.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of 15.50.030(3); 15.50.040(3); and the provisions of 15.50.050 of this Chapter.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or 5 acres, whichever is less, if not otherwise provided pursuant to 15.50.030(2) or 15.50.040(2)(h) of this Chapter.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

4. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in 15.50.030(2), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- a. Require that within Zone AO all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

- b. Require that within Zone AO all new construction and substantial improvements of non-residential structures:
 - i. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - ii. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in 15.50.040(3) are satisfied.
 - d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- 5. FLOODWAYS Floodways - located within areas of special flood hazard established in 15.50.030(2), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. If 15.50.050(5)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 15.50.050.
 - c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.
- 6. PENALTIES FOR NONCOMPLIANCE In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the National Flood Insurance Program (NFIP) regulation, to qualify for the sale of federally-subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances or codes." THEREFORE: No structure or

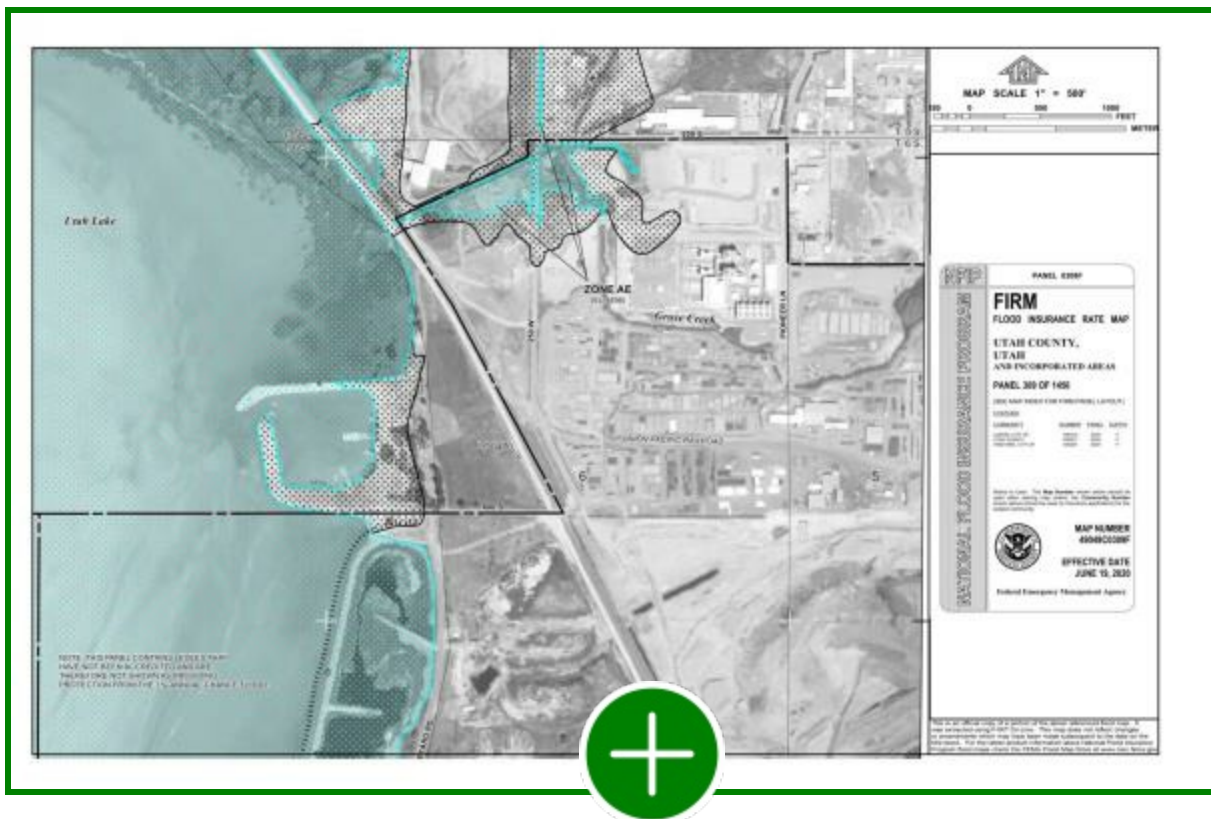
land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of any provisions of this chapter (including violations of conditions and safeguards established in connection with conditions) shall constitute a Class C misdemeanor. Nothing contained herein shall prevent the city from taking such other lawful action as is necessary to prevent, remedy, or abate any violation.

SECTION 7: **ADOPTION** “15.50.060 FIRM Maps” of the Vineyard Zoning Code is hereby *added* as follows:

ADOPTION

15.50.060 FIRM Maps(*Added*)

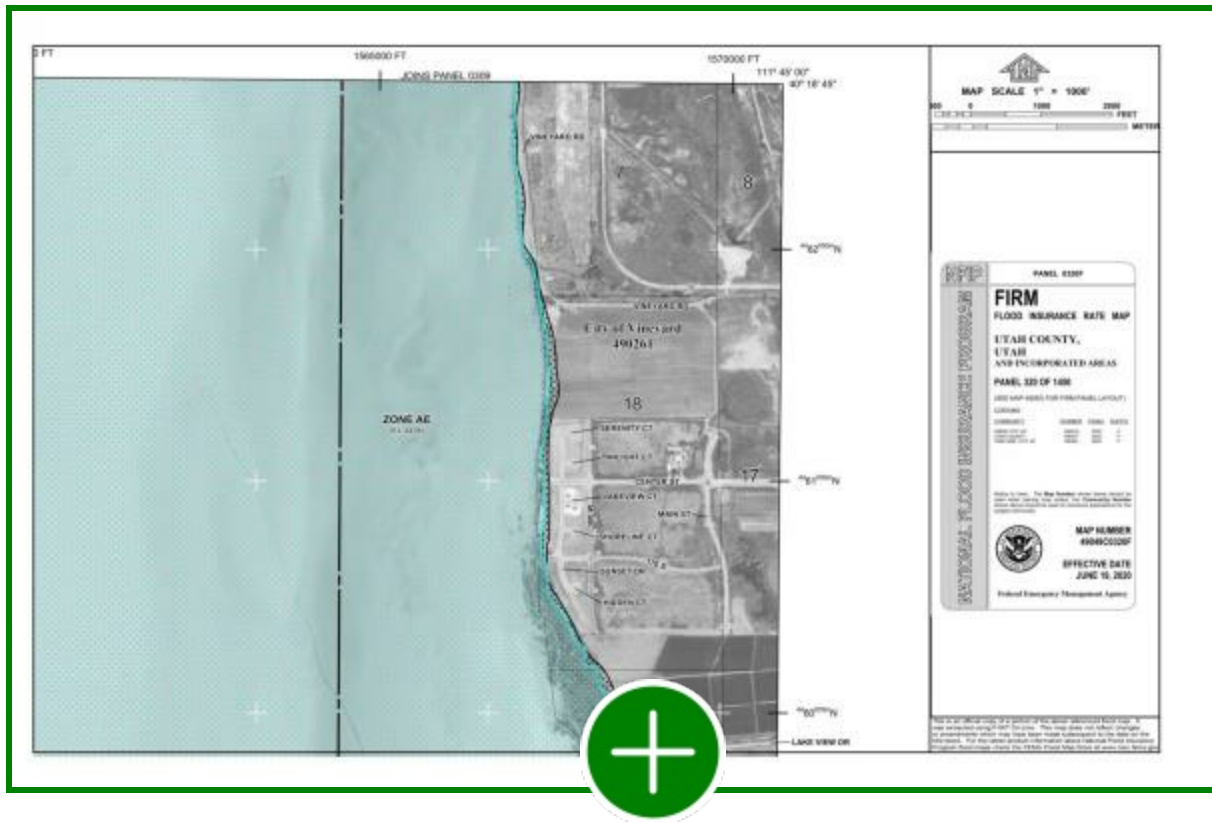
Firm Map 309F-A

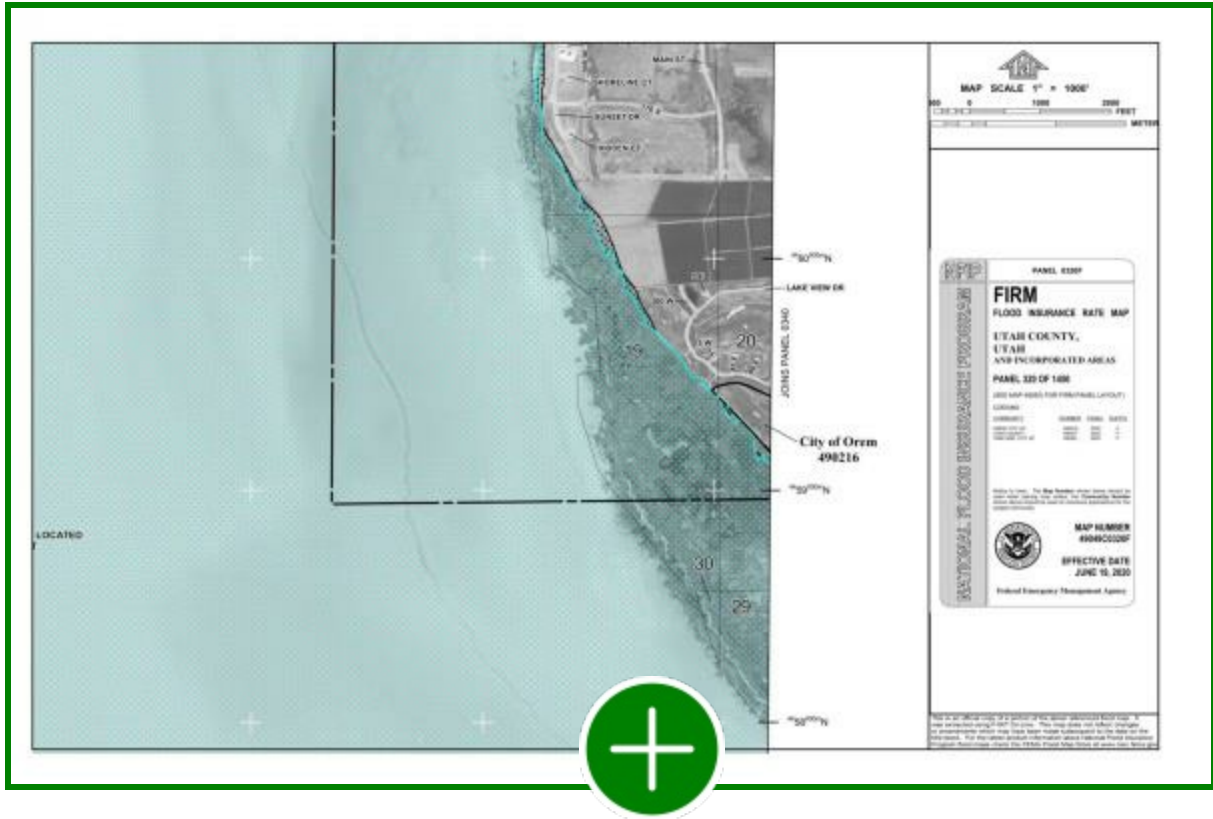


Firm Map 309F-B



Firm Map 320F -A





PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Cristy Welsh	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard

RESOLUTION 2020-

WHEREAS, certain areas of Vineyard, Utah, are subject to periodic flooding, causing serious damages to properties within these areas; and

WHEREAS, it is the intent of the City Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Utah State Code 10-3-701.

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force, in those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations; and
2. Vests the City Engineer or his/her designee with the responsibility, authority and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.
 - (b) Provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow) or flood-related erosion areas as the Administrator may request.
 - (c) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide, (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

- (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - (f) Submit an annual report to the Administrator concerning the community's participation in the program, including, but not limited to the development and implementation of floodplain management measures.
- 3. Appoints the City Engineer or his/her designee with the responsibility, authority, and means to implement the commitments as outlined in this Resolution.
 - 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

APPROVED: _____
(Mayor)

DATE PASSED: _____

CERTIFICATION

I, the undersigned, city recorder, do hereby certify that the above is a true and correct copy of a resolution duly passed by the Vineyard City Council at a regular meeting duly convened on July 8, 2020

(City Recorder)

RESOLUTION 2020-

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WHEREAS, it is the intent of the City Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

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 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.
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 - (d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide, (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

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 - (f) Submit an annual report to the Administrator concerning the community's participation in the program, including, but not limited to the development and implementation of floodplain management measures.
- 3. Appoints the City Engineer or his/her designee with the responsibility, authority, and means to implement the commitments as outlined in this Resolution.
 - 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

APPROVED: _____
(Mayor)

DATE PASSED: _____

CERTIFICATION

I, the undersigned, city recorder, do hereby certify that the above is a true and correct copy of a resolution duly passed by the Vineyard City Council at a regular meeting duly convened on July 8, 2020

(City Recorder)

COMMUNITY DEVELOPMENT

DATE: July 8, 2020
 FROM: Morgan Brim, Community Development Director
 TO: City Council
 ITEM: 8.6 Consideration of an amended preliminary plat for the Lakefront @ Town Center development
 APPLICANT: Edge Homes



INTRODUCTION:

The City Council approved a preliminary plat for the Lakefront @ Town Center development in early 2019. This approval entitled the project with 685 residential units: 400 condominiums, 270 townhomes, and 15 single family lots. Due to conflicts with wetland delineation within the project area, the developer is now requesting a preliminary plat amendment to reallocate units within the site and to preserve a larger portion of the property, delineated wet lands, as open space. This project will primarily impact the southern portion of the project area. The road alignment for Vineyard Loop Road and 300 West will not change. The internal road system will see minor changes, including straightening and moving of the proposed 415 North Road slightly to the south and the elimination of stub road 480 North on the south east side of the project.

PLANNING COMMISSION:

The Planning Commission discussed this new amendment in their July 17, 2020 meeting and approved an option which eliminates the 15 single family lots abutting the north side of Sunset View Park, replaced with town homes, an increase in condominium units and an overall decrease of 22 total units due to the preservation of open space delineated as wetlands. The added wetlands open space area contains 2.11 acres in size.

CONCEPT NARRATIVE RESIDENTIAL

LOCATED IN: VINEYARD, UTAH

CONDO UNITS 120
TOWNHOME UNITS 66
TOTAL UNITS 186

GARAGE STALLS 252
(2 PER TOWNHOME/SINGLE FAMILY UNIT; 1 PER CONDO UNIT)
DRIVEWAY STALLS 252
(2 PER TOWNHOME/SINGLE FAMILY UNIT; 1 PER CONDO UNIT)
NEW PUBLIC STALLS 28
(TO BE ADDED TO 300 W IN PHASES 5-9)
GUEST PARKING STALLS 84

TOTAL PRIVATE PARKING 504
TOTAL GUEST & PUBLIC PARKING 112

ADA CONDO BUILDINGS: 0

UNIT COUNT BEFORE:

PHASE 5 (1-E) 45
PHASE 6 (1-F) 100
PHASE 7 (1-G) 10
PHASE 8 (1-H) 38
PHASE 9 (1-I) 15

UNIT COUNT AFTER:

PHASE 5 (1-E) 30
PHASE 6 (1-F) 105
PHASE 7 (1-G) 20
PHASE 8 (1-H) 17
PHASE 9 (1-I) 14

PHASE 1 TOTAL: 208 186

PLANNING COMMISSION:

Requirement	Staff Comment	Compliant
Minimum 5' front setback	Buildings have a setback of 18'-20'	Yes
Maximum 20' front setback		
Minimum 5' side setback	Buildings have 5'-15' of side setback/between neighboring buildings	Yes
Minimum 5' rear setback on alley	No alley is present	NA
Minimum 20' rear setback without an alley		Yes
Vineyard Connector ROW setback of 14'	The Vineyard Connector is located further to the north of the impacted area	NA
Minimum 1 story height	Building will contain 2-3 stories	Yes
Maximum 4 stories in height		
Minimum ground story transparency of 25%	Plans appear to meet minimum transparency requirements	Yes

RECOMMENDATION:

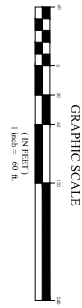
Staff is recommending approval of the proposed Lake Front at Town Center Preliminary Plat Amendment. The planning commission approved the site plan and recommended approval of this preliminary plat.

PROPOSE MOTION:

"I move to approve the proposed Lakefront at Vineyard Town Center Preliminary Plat Amendment attached to the July 8, 2020 staff report."

ATTACHMENTS:

- Proposed preliminary plat



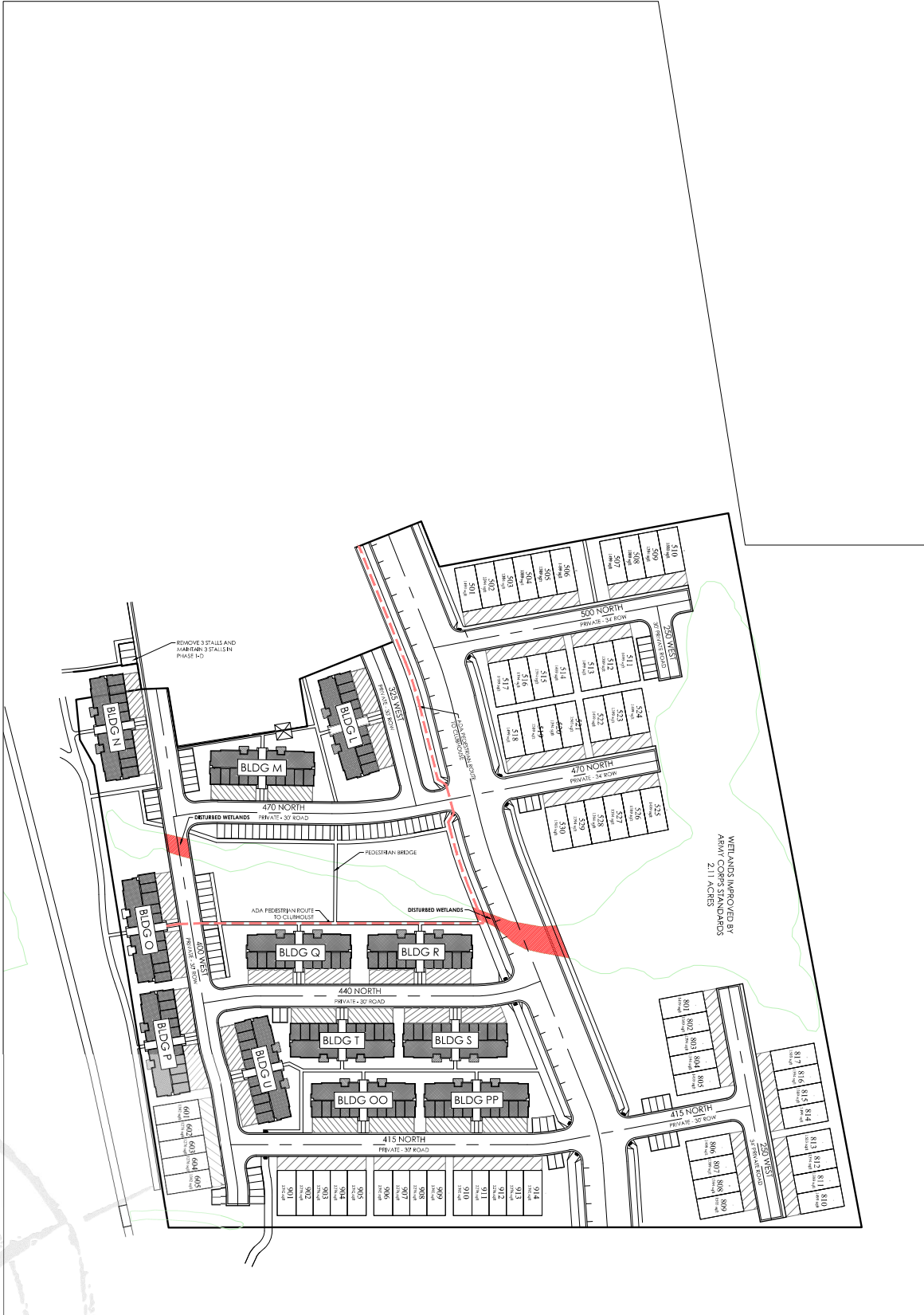
LOCATED IN: VINEYARD, UTAH

UNIT COUNT BEFORE:		UNIT COUNT AFTER:	
CONDO UNITS	120	PHASE 5 (1+E)	30
TOWNHOUSE UNITS	60	PHASE 6 (1+D)	105
TOTAL UNITS	186	PHASE 7 (1+F)	20
		PHASE 8 (1+H)	17
		PHASE 9 (1+I)	14
		PHASE 10 (1+J)	14
PHASE 1 TOTAL	208		

VINEYARD CITY, UTAH COUNTY



FOCUS
ENGINEERING AND SURVEYING, LLC





VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: 7/8/2020

Agenda Item: 8.7 Public Works Building Bid Approval

Department: Public Works

Presenter: Chris

Background/Discussion:

Last year the City advertised an RFP for a design-build team to design and construct a public works facility and salt storage building. The main facility was intended to house the public works staff. Due to the general contractor backing out of their bid, City Council approved staff to continue with the architect to complete a Design. In order to try to reduce costs, staff and Think Architect have completed a full design of a Public Works maintenance/storage building without offices and a salt storage building. We had over a dozen bidders submit a bid for the project and all were all closely grouped in their bids. We have interviewed and vetted the low bidder and feel comfortable recommending Patriot Construction the award of the contract for this project. Patriot Construction intends to have the project completed within 180 days of their notice to proceed.

Fiscal Impact:

Patriot Construction Bid	= \$1,493,250
Existing CIP Building Budget	= \$500,000
<u>Unallocated CIP funds</u>	<u>= \$1,000,000</u>
Total	= \$1,500,000

Recommendation:

Motion to Approve

Sample Motion:

Motion to allow staff to proceed with the construction of the Public Works Facility Project and contract with Patriot Construction as presented.

Attachments:

Bid Tabulation

Patriot Construction Bid

	Bid Tabulation Form				
	Project location or address Vineyard Public Works, 282 West 1600 North, Vineyard, Utah, 84059			Property ID -	Bid opening date: June 17, 2020
	Official bid opening time 10:00 AM (local time)	Project Name Vineyard Public Works Facility		Presiding -	Conducting Chris Wilson
	Bid Information				
	Name of bidder	Bid Bond *	Addenda received	Bid Amount	Comments
1	Patriot Construction LLC	NA	1 2 3	\$1,493,250.00	180 days
2	E.K. Bailey Construction Inc	NA	1 2 3	\$1,564,221.00	160 days
3	Kier Construction Corp	NA	1 2 3	\$1,567,706.00	167 days
4	Wasatch West Constracting	NA	1 2 3	\$1,588,252.00	180 days
5	VanCon Inc	NA	1 2 3	\$1,617,000.00	210 days
6	Culp Comercial Construction LLC	NA	1 2 3	\$1,627,810.00	182 days
7	JLR Contractors	NA	1 2 3	\$1,658,365.00	300 days
8	Merrill Sheriff Construction Inc	NA	1 2 3	\$1,663,109.00	180 days
9	Stout Building Contractors	NA	1 2 3	\$1,663,228.00	175 days
10	MakersLine 2.0 LLC	NA	1 2 3	\$1,672,475.00	180 days
11	Paulsen Construction LLC	NA	1 2 3	\$1,676,019.00	180 days
12	Double H Contractors LLC	NA	1 2 3	\$1,683,316.00	161 days
13	North Ridge Construction Inc	NA	1 2 3	\$1,732,000.00	180 days
14	City Creek Construction	NA	1 2 3	\$1,750,000.00	180 days
15	Valley Design and Construction Inc	NA	1 2 3	\$1,771,095.00	180 days
16	Ellsworth Paulsen Construction Company	NA	1 2 3	\$1,798,205.00	235 days
17		NA	1 2 3		
	Other Attendees				
	Recorder Signature				
	Witness Signature				
	Others				
*If required Bid bond not required					

BIDDING REQUIREMENTS - PROPOSAL FORM

PROJECT: VINEYARD PUBLIC WORKS FACILITY

The undersigned hereby proposes and agrees to provide construction services for the above project, in conformity with the Bidding Documents prepared by Think Architecture for the sum hereafter listed:

One million four hundred ninety three thousand two hundred fifty and $\frac{00}{100}$ DOLLARS
(\$ 1,493,250.00)

The undersigned has examined the location of the Work, and is familiar with the Bid Documents and the local conditions of the place where the Work is to be done.

The undersigned agrees to have work substantially completed within 180 consecutive calendar days after notice to proceed.

Upon receipt of acceptance of this bid, I (we) shall execute the Contract within 10 business days.

This bid is valid for a period of 30 days after the date set for receipt of bids.

The following addenda are hereby acknowledged:

Addenda Numbers 1, 2, 3

My / Our State of Utah Contractor's License is Number 5178202-5501

Dated this 17 day of June month 2020 year.

Respectfully submitted,

Contractor Name Patriot Construction, LLC

Contact Person Paul Groberg

Signature 

Title Manager member



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: July 8, 2020

Agenda Item: 8.8 Interlocal Agreement with Utah County for CRF (Resolution 2020-08)

Department: Administration

Presenter: Jacob McHargue

Background/Discussion: In response to COVID-19 the federal government passed the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”). The money in this act was distributed out to the states and any city/county with over 500,000 people. Because the population of Utah County is over 500,000 the county received a direct disbursement of the Federal Coronavirus Relief Fund. The county has created an agreement to facilitate the distribute that money between county and city. This agreement requires the city to follow the federal guidelines for spending the money. The distribution Vineyard will receive from the county is \$776,542.63

Fiscal Impact: \$776,542.63

Recommendation: Staff Recommendation is to approve the resolution and allow the mayor to sign the agreement.

Sample Motion: I move to approve resolution 2020-08 and authorize the mayor to sign the agreement with the county.

Attachments:

COVID-19 Interlocal Cooperation Agreement

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL
AGREEMENT.

WHEREAS, pursuant to the Utah Interlocal Cooperation Act, Utah Code Annotated, Section 11-13-1, et seq., 1953 as amended, governmental entities are allowed to enter into agreements for the joint provision of services; and

WHEREAS, Vineyard, Utah having determined that it is in the public interest and welfare of its residents has negotiated an agreement with Utah County for the Disbursement from the Coronavirus Relief Fund to be provided to the City.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF
VINEYARD AS FOLLOWS:

1. The Vineyard City Council authorizes the Mayor to sign the agreement titled INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND LOCAL ENTITY FOR DISBURSEMENT FROM THE CORONAVIRUS RELIEF FUND, in the form attached hereto as Exhibit A.
2. This resolution shall take effect upon passing.

Passed and dated this _____ day of _____, 2020.

Mayor

Attest:

City Recorder

**INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND
LOCAL ENTITY FOR DISBURSEMENT FROM THE CORONAVIRUS RELIEF FUND**

THIS IS AN INTERLOCAL COOPERATION AGREEMENT (“Agreement”) effective the 15th day of June, 2020 by and between Utah County, a political subdivision of the State of Utah (“County”) and _____ Vineyard _____, a political subdivision of the State of Utah (“Recipient”) (collectively “parties”).

WITNESSETH:

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act (“Interlocal Act”), Title 11, Chapter 13, Utah Code Annotated, 1953 as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, pursuant to the Interlocal Act, the parties desire to work together through joint and cooperative action that will benefit the residents of Recipient and County; and

WHEREAS, the parties to this Agreement are public agencies as defined in the Interlocal Act; and

WHEREAS, earlier this year the United States of America began battling a public health emergency known as Coronavirus Disease 2019 (“COVID-19”). On March 27, 2020 and in response to COVID-19, President Trump signed the Coronavirus Aid, Relief and Economic Security Act (“CARES Act”); and

WHEREAS, the Federal Government provided \$1.25 billion to Utah state and local governments through the Coronavirus Relief Fund (“CRF”) included in section 5001 of the CARES Act. Based on the distribution formula in the CARES Act, \$934.8 million was paid to the State of Utah (“State”), \$203.6 million was paid directly to Salt Lake County, and \$111.6 million was paid directly to Utah County (the “County Allocation”). State and local governments can only use the CRF payments to respond to the COVID-19 pandemic. While the County is not required to distribute a portion of its \$111.6 million payment to local entities, the County Commission have elected to share a portion with local entities within Utah County; and

WHEREAS, the CARES Act provides that payments from CRF may only be used to cover costs that: (1) are necessary expenditures incurred due to the public health emergency with respect to COVID–19, (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or local government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

NOW, THEREFORE, the parties do mutually agree, pursuant to the terms and provisions of the Interlocal Act, as follows:

Section 1. EFFECTIVE DATE; DURATION

This Agreement shall become effective and shall enter into force, within the meaning of the Interlocal Act, upon the submission of this Agreement to, and the approval and execution thereof by Resolution of the governing bodies of each of the parties to this

Agreement. The term of this Agreement shall be from the effective date hereof through December 31, 2020.

This Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney's Office and the attorney for Recipient. Prior to becoming effective, this Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 2. ADMINISTRATION OF AGREEMENT

The parties to this Agreement do not contemplate nor intend to establish a separate legal entity under the terms of this Agreement. The parties hereto agree that, pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, County, shall act as the administrator responsible for the administration of this Agreement. The parties further agree that this Agreement does not anticipate nor provide for any organizational changes in the parties. The administrator agrees to keep all books and records in such form and manner as the Utah County Clerk/Auditor shall specify and further agrees that said books shall be open for examination by the parties hereto at all reasonable times.

Section 3. PURPOSE

This Agreement has been established and entered into between the County and Recipient to provide CRF funds to the Recipient from the County Allocation to respond to the COVID-19 pandemic.

Section 4. CRF FUNDING AMOUNTS

1. From the County Allocation, \$20 million will be set aside for economic support, to be overseen and recommended by a seven-member committee chosen by the Council of Governments (“COG”) within Utah County and then allocated by the County in accordance with the recommendation. This \$20 million shall be known as “Part 1” of the County Allocation and shall only be expended as authorized by the CARES Act including the costs incurred by County to administer this Part 1. This seven-member committee shall comply with the Utah Open and Public Meetings Act, Utah Code, Title 52, Chapter 4.
2. From the County Allocation, \$45,815,170.95 will be set aside for eligible recipients who may receive an allocation up to the maximum amount listed in the Available Funds for Cities and Unincorporated County document attached hereto as Exhibit “A” and incorporated herein by this reference. This \$45,815,170.95 shall be known as “Part 2” of the County Allocation. This amount may be subject to revision by the County due to federal mandate or by an order of a court of law. If Recipient places any CRF funds in an interest-bearing account, Recipient must expend the interest earned on CRF funds in accordance with the requirements of the CARES Act or return the interest earned to County. If Recipient received funds to reimburse or otherwise cover the costs of permissible expenditures, as described in Section 5, from any other sources other than the County Allocation, then Recipient shall provide an accounting to County of all such funds from the other sources and repay to County such funds up to an amount equal to the

Recipient's portion of the County's Allocation. Recipient acknowledges that it shall receive no funds from the County outside of those CRF funds in the County Allocation.

3. From the County Allocation, \$45,815,170.95 will be set aside for the County. This \$45,815,170.95 shall be known as "Part 3" of the County Allocation.

Section 5. PERMISSIBLE USE OF CRF FUNDING

The CARES Act and additional guidance issues by the United States Treasury Department provides that CRF funds may only be used to cover costs that meet the following conditions:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - a. The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency.
 - b. CRF Funds may NOT be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute.
 - c. The expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending the CRF funds.
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the Recipient; and
 - a. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially

different use from any expected use of CRF funds in such a line item, allotment, or allocation.

- b. The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the Recipient, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the Recipient in response to the COVID-19 public health emergency.
 - c. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
- a. A cost is “incurred” when the Recipient has expended funds to cover the cost.

These provisions and guidance are current as of May 26, 2020. The Recipients accepting funds must agree to adhere to any additional current or future Federal or State legislative guidance regarding spending, reporting, or any other matter related to CRF funds. Further, the Recipients shall require that any subgrantee to which it awards CRF funds adhere to the CARES Act and any current or future guidance related to the CRF funds. Federal guidance has been updated regularly and can be found at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.

Section 6. TIME PERIOD

The Recipient has until **November 2, 2020** to expend the CRF funds and provide the necessary documentation of the expenditure of the CRF funds to County. CRF funds provided by the County that are not expended on eligible expenditures on or before **November 2, 2020**, must be returned to the County on or before 5:00 P.M. MST, **November 9, 2020**, so that the County will have time to reallocate and expend the funds before they expire on December 30, 2020. The

Recipient may petition the County to retain allocated, but unspent CRF funds, after the **November 2, 2020** date, with approval from the County. Any requests for exceptions shall be emailed to Peter Brown, Finance Manager COVID Project, in the Utah County Clerk/Auditor's Office, peterb@utahcounty.gov, before 5:00 P.M. MST, November 2, 2020.

Section 7. REPORTING ON USE OF CRF FUNDS

The Recipient shall retain documentation related to any uses of the CRF funds, including but not limited to invoices and/or sales receipts. All payroll expenditures must illustrate compliance with CARES Act by detailed, daily documentation. Any subgrants made by the Recipient shall similarly require, as a term of the grant, that the subgrantee shall retain documentation and shall produce such documentation to the Recipient and the County upon request.

Consistent with County's responsibilities for the management of CARES funds distributed to it and in accordance with being subject to the Federal Single Audit Act, Recipient shall be prepared to submit receipts and HR records if requested in connection with an audit. All receipts should be individually accompanied (either physically or by PO number) by an explanation form that will be provided by the County that will need to explain how the expenses respond to the "reasonably necessary" justification of the CARES Act Coronavirus Relief Fund (CFR). The Recipient is required to report CRF expenditures at the detailed transaction level on a quarterly basis or data uploaded to Transparent Utah if available for use by County and Recipient. CRF Funds will be identified using function codes specified for these CRF funds in the Uniform Chart of Accounts for Local Government of Utah (revised June 2020) and related resources provided by the Office of the State Auditor. The Recipient is also required to provide summary and detailed

documentation supporting the use of CRF Funds upon request of County, state, federal, or independent auditors. The County may request additional reporting if necessary.

Section 8. ACCOUNTABILITY FOR THE USE OF CRF FUNDS

If County, state, or federal audit findings determine that any CRF funds were expended by the Recipient in violation of the requirements of the CARES Act and request repayment of those CRF funds, the Recipient shall provide funds to the County for repayment to the Federal Government as required by the CARES Act. If the County is forced to repay the funds because the Recipient is unwilling or unable to repay the funds, the amount paid by the County will become a past due obligation of the Recipient to the County and may be collected as such.

Section 9. AVAILABILITY OF CRF FUNDS

It is expressly understood and agreed that the obligation of the County to proceed under this Agreement is conditioned upon the availability of CRF funds remaining in the County Allocation. If the CRF funds anticipated for the continuing fulfillment of the Agreement from the County Allocation are, at any time, not forthcoming or insufficient, either through the failure of the Federal government to provide or if CRF funds are not otherwise available to the County, the County shall have the right upon ten (10) working days written notice to the Recipient, to terminate this Agreement without damage, penalty, cost, or expense to the Recipient of any kind whatsoever. The effective date of termination shall be as specified in the notice of termination.

It is also expressly understood and agreed that any disbursement of CRF funds to

Recipient shall be considered an advance payment from County to Recipient subject to repayment of those CRF funds. Recipient shall either submit to County the appropriate justification documents of funds under the CARES Act or repay the CRF funds to the County. If the Recipient is unwilling or unable to repay any portion of the CRF funds which are not expended as required herein, that amount of the CRF funds will become a past due obligation of the Recipient to the County and may be collected as such.

Section 10. METHOD OF TERMINATION

This Agreement will automatically terminate at the end of its term herein, pursuant to the provisions of paragraph one (1) of this Agreement. Prior to the automatic termination at the end of the term of this Agreement, any party to this Agreement may terminate the Agreement sixty (60) days after providing written notice of termination to the other party. The Parties of this Agreement agree to bring current, prior to termination, any financial obligation incurred in the exercise of its rights and obligations set forth herein.

Section 11. INDEMNIFICATION

To the fullest extent permitted by law, Recipient shall indemnify and hold harmless County, its officers, employees, and agents, from and against any and all claims, demands, causes of action, audits, orders, decrees, judgements, losses, risks of loss, damages, expenses, and liabilities arising out of or related to the Agreement. Recipient shall also pay any litigation and appeal expenses that County incurs, including attorney's fees, penalties, and interest arising out of or related to the Agreement. Recipient shall assume sole liability for any injuries or damages caused to a third party as a result of fulfillment of the Agreement. Recipient is not responsible for

other Recipient's or County's misuse of Parts 2 and 3 of the County Allocation. County reserves the right to conduct, control, and direct its own defense for any claims, demands, causes of action, audits, orders, decrees, judgements, losses, damages, expenses, and liabilities arising out of or related to the Agreement. Both Recipient and County agree that the terms of this Agreement are subject to, and not a waiver of, the protections, immunities and liability limits of the Governmental Immunity Act, U.C.A. 63G-1-101, et. seq. Recipient's obligations under this provision shall survive the expiration or other termination of this Agreement.

Section 12. FILING OF INTERLOCAL COOPERATION AGREEMENT

Executed copies of this Agreement shall be placed on file in the office of the County Clerk/Auditor of County and with the official keeper of records of Recipient and shall remain on file for public inspection during the term of this Agreement.

Section 13. ADOPTION REQUIREMENTS

This Agreement shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties (c) submitted to and approved by an Authorized Attorney of each of the parties, as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 14. AMENDMENTS

This Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and

approved by an Authorized Attorney of each of the parties, as required by Section 11-13-205.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 15. SEVERABILITY

If any term or provision of the Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

Section 16. NO PRESUMPTION

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against the party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that each of the parties have participated in the preparation hereof.

Section 17. HEADINGS

Headings herein are for convenience of reference only and shall not be considered any interpretation of the Agreement.

Section 18. BINDING AGREEMENT

This Agreement shall be binding upon the heirs, successors, administrators, and assigns of each of the parties hereto.

Section 19. NOTICES

All notices, demands and other communications required or permitted to be given hereunder shall be in writing and shall be deemed to have been properly given if delivered by hand or by certified mail, return receipt requested, postage paid, to the parties at their addresses first above written, or at such other addresses as may be designated by notice given hereunder.

Section 20. ASSIGNMENT

The parties to this Agreement shall not assign this Agreement, or any part hereof, without the prior written consent of all other parties to this Agreement. No assignment shall relieve the original parties from any liability hereunder.

Section 21. GOVERNING LAW

All questions with respect to the construction of this Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

Section 22. COUNTERPARTS AND FACSIMILE SIGNATURES

The Agreement may be executed in counterparts, each of which when executed and delivered shall be deemed to be an original, binding between the executing parties, and all of which together constitute one and the same instrument. Original, facsimile, emailed, texted, electronic, or power of attorney signatures shall be binding upon the executing party.

Section 23. SUB-RECIPIENT REQUIREMENTS

By virtue of terms and conditions of the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. CRF funds received through this Agreement make Recipient a sub-recipient of the federal grant.

As Recipient is a Sub-recipient of the grant monies, and as such, shall have no authorization, express or implied, to bind County to any agreements, settlements, liability, or understanding whatsoever, and agrees not to perform any acts as agent for the County, except as herein expressly set forth. Recipient as Sub-recipient shall be responsible for the payment of all income tax and social security amounts due as a result of CRF funds received from the County for these necessary COVID-19 related purchases. Persons employed by the County and acting under the direction of the County shall not be deemed to be employees or agents of Recipient.

- a) All Recipient's records with respect to any matters covered by this Agreement shall be made available to the County, State of Utah, and the Comptroller General of the United States or any of their authorized representatives.
- b) Failure of Recipient to comply with the above requirements will constitute a violation of this Agreement and may result in the withholding of future payments.
- c) Local governments or non-profit organizations that expend \$750,000 or more in total federal financial assistance (from all sources) in the Recipient's fiscal year shall have a Single Audit completed.

- d) All Sub-recipient's, regardless of Single Audit eligibility, will make all pertinent financial records available for review, monitoring or audit, in a timely manner to appropriate officials of the federal granting agency, State of Utah, County and/or the General Accounting Office.
- e) To comply with 2 C.F.R. § 200.331 the County as the pass-through entity is providing the following required information:

Subrecipient Name	[City Name]
Subrecipient DUNS number	[City DUNS]
Federal Award Identification Number	Not Available
Federal Award Date	March 27, 2020
Subaward Period of Performance Start & End Date	March 1, 2020 – December 30, 2020
Amount of Federal Funds Obligated by this action by the County to the Subrecipient	[Award Amount]
Total Amount of Federal Funds Obligated to the Subrecipient by the County including the current obligation	[Award Amount]
Total Amount of the Federal Award committed to the Subrecipient by the County	[Award Amount]
Federal award project description	Project description: Through this subaward, Utah County will provide Covid-19 relief funding for direct support for cities in Utah County, direct support relating to expenditures “reasonably necessary” to help combat the spread of Covid-19.
Name of Federal awarding agency	United States Department of the Treasury
Name of pass-through entity	Utah County Government
Contact information for awarding official of the pass-through entity	Utah County Auditor’s Office Attn: Peter Brown, CARES Act Finance Manager 100 East Center Street, Suite 3600 Provo, UT 84606 Phone: 801.851.8222 Email: PeterB@UtahCounty.gov
CFDA Number and Name	21.019
Is the award for Research and Development?	No
Indirect cost rate for the Federal award	None

Nothing contained in this Agreement is intended to, nor shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. Recipient as Sub-recipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. County shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Sub-recipient is an independent contractor.

UTAH COUNTY

Authorized by Resolution No. 2020-____, authorized and passed on the____day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By:_____
TANNER AINGE, Chairman

ATTEST: AMELIA POWERS GARDNER

Utah County Clerk/Auditor

By:_____
Deputy

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:
DAVID O. LEAVITT

Utah County Attorney

By:_____
Deputy County Attorney

RECIPIENT

Authorized by Resolution No._____, authorized and passed on the _____day of _____, 2020.

By:_____ MAYOR

ATTEST: _____
City Recorder

APPROVED AS TO FORM AND COMPATIBILITY
WITH THE LAWS OF THE STATE OF UTAH:

City Attorney