



MINUTES OF A VINEYARD CITY COUNCIL MEETING

This meeting was held electronically, via Zoom,
due to the COVID-19 gathering restrictions
July 8, 2020 at 6:01 PM

Present

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

Absent

Councilmember John Earnest

Staff Present: City Manager Jacob McHargue, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, Building Official George Reid, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Anthony Jenkins

Others Speaking: Brandon Watson with Edge Homes

6:01 PM REGULAR SESSION

1. CALL TO ORDER/PLEDGE OF

ALLEGIANCE/INVOCATION/INSPIRATIONAL THOUGHT

Mayor Fullmer called the meeting to order at 6:01 PM. Councilmember Judd led the Pledge of Allegiance and gave the invocation.

2. PUBLIC COMMENTS

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

3. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

No council reports were given.

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

City Manager Jacob McHargue - Mr. McHargue reported the fireworks show, that was held on July 1, went well. Mayor Fullmer thanked everyone who helped with the events.

5. DISCUSSION

No items were submitted.

6. CONSENT ITEMS

6.1 Approval of the June 24, 2020 City Council Meeting

Mayor Fullmer called for a motion.

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

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.)

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO SEND ITEM 8.1 BACK TO PLANNING COMMISSION FOR REVIEW. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE, COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

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 lot sizes, 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.*

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE ITEM 8.2, THE PUBLIC HEARING, TO THE JULY 22, 2020 CITY COUNCIL MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

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.)

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

Mr. Brim explained that most of the council wanted to change the code back to one (1)-acre.

Councilmember Judd sought clarification, asking if they were limiting it to a single parcel of at least one (1)-acre or if people could consolidate parcels. Mr. Brim replied yes, one (1)-acre minimum per parcel. Residents would be required to go through the legal consolidation process if they had two half acres.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE ORDINANCE 2020-07 AS PRESENTED WITH THE ONE (1)- ACRE CHANGE. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL ALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

8.4 PUBLIC HEARING – Flood Damage Prevention Zoning Ordinance (Ordinance 2020-08)

Public Works Director/City Engineer Don Overson will present the Zoning Ordinance to 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 2020-11)

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 resolution.

Both 8.4 and 8.5 were discussed together.

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

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 6:09 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

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

Mr. Wilson explained that the Federal Emergency Management Agency (FEMA) helped to establish floodplain studies and maps to help the city know where the possible emergency flood areas might be and how things might be affected in the event of a flood. Vineyard was not incorporated when they made the last update to the maps so when the 2017 update for the flood insurance rate map study started, Vineyard was invited to participate. The study was completed in June of 2019. To complete the application, it required the city to adopt a Flood Damage Prevention Ordinance and pass a resolution to join the National Flood Insurance program (NFI). The benefits of joining the program were that the federal government would subsidize flood insurance and FEMA would help with natural disasters. It would be a financial benefit to the city with aid for natural disasters. Currently the high-risk areas fall outside of the Vineyard city boundaries. Lindon Hollow was the closest floodplain. In general, there were no real flood risks. The only high-risk area would be along the shoreline of Utah Lake. Staff and Planning Commission were recommending approval.

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 6:14 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for questions.

Mr. Church explained that the ordinance was nonnegotiable. The city was required to pass the ordinance as presented. If the city did not have the ordinance then the flood insurance would not be available to the residents. There were also regulations that would apply to building permits if they fell within the floodplain boundaries.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO ADOPT ORDINANCE 2020-08 AND RESOLUTION 2020-11. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

8.6 DISCUSSION AND ACTION – Edge Homes Lakefront at Vineyard Town Center Preliminary Plat

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

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

Mr. Brim explained that there were issues with the wetlands, which did not allow for residential. The developer was in the process of trying to get it re-delineated. The amended plat removed 22 units and added 2.1 acres of open space. They were increasing the overall open space and reducing the density. The new plan allowed them to keep some of the density by adding townhomes and condominiums. There was a concern that if they moved the single family lots to another area, they would be out of place and become rentals. A townhome product would blend better. The plan turned the townhomes to face onto the park. There would be alley loaded in the back to create a nice transition between the open space and the townhomes.

Mr. Brim said the during the site plan approval the Planning Commission required a small fence for delineation between the front yard area and the wetlands and as well as a trail connection to 300 West down to the Lakeside Trail. He said that staff and Planning Commission were recommending approval. One item of concern was to ensure that the area stayed open space. Staff suggested that they approve the final plat with the condition that the wetlands be noted as common area open space. This would prevent someone from adding additional residential if the wetlands were re-delineated.

Brandon Watson with Edge Homes said that there had been concerns with the trail in that area and they had been enhancing it and making it safe to use. He said that they were okay with the deed restriction. He said that it would be too big of a liability to build on the wetlands because of water there. They would want to avoid flooding. He felt it was best to drop the units and turn it into open space. He explained that they were working with the Army Corps of Engineers to see what they could do with area in terms of amenities. He mentioned that the Army Corps had called it a low-quality wetland.

Mayor Fullmer called for questions.

Councilmember Welsh said that she had concerns and had attended the Planning Commission meeting so that she could understand the proposal. She felt that this would be a positive change. Her concern was that the density would close the view corridor to the lake but having the wetlands would give people a sight line to the lake. She asked Mr. Watson what the Army Corps would allow them to do to improve the low-quality wetlands. Mr. Watson replied that they would allow them to grub the area and get rid of the phragmites and other invasive plants. He mentioned that the Army Corps had a list of what they could plant in the area and that Planning Commissioner Amber Rasmussen had asked to give input on what they planted in the area.

Councilmember Welsh asked about the boardwalk in the wetland area. Mr. Watson replied that they wanted to put a pedestrian bridge over the wetlands area so they did not disconnect the development, but needed to work with the Army Corps on what would be allowed.

Councilmember Judd asked who would be liable to maintain the wetlands area once they had it cleaned up. Mr. Watson replied that they had hired a consultant to work with the Army Corps. He said that if the wetlands delineation went away then they could fill the area with grass and other plantings. If it did not go away then they wanted to upgrade and maintain the area at a level above the low-quality wetlands.

Councilmember Judd asked about the roads they were building. Mr. Watson replied that they were building 300 West so that it tied into 400 North and the area near the Vineyard Connector.

Councilmember Judd asked where they were in the process of delineation and if they would have the roads installed before the determination happened. Mr. Watson replied that there was a federal ruling that was approved in December 2019 eliminating wetlands but if the wetlands stayed, there was a nationwide permit which would allow them to disturb up to 10 percent of the wetlands. He said once the permit was approved it would take 30 to 90 days to get the road completed. Councilmember Judd expressed concern with approving the plat not knowing if the permit would be approved. Mr. Church explained that this was a preliminary plat and that once it was approved the developer could take it to the Army Corps.

Councilmember Judd asked if they could move the open space against the current park that was being installed, if the wetlands went away. Mr. Watson replied no, because there was still water there.

Mayor Fullmer asked if they should add timelines for the delineation study, clearing the area, and maintaining it. Mr. Church replied that it would be difficult to add it now without knowing whether or not they were going to be wetlands. Mr. Brim said that if it were delineated as non-wetlands, they would have to maintain the open space according to the Landscaping Code.

Mayor Fullmer called for further questions or a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE PROPOSED LAKE FRONT AT TOWN CENTER PRELIMINARY PLAT AMENDMENT DATED JULY 2, 2020, PRESENTED AT THE JULY, 8, 2020 CITY COUNCIL MEETING WITH THE FOLLOWING CONDITIONS:

- THE AREA DELINEATED AS WETLANDS IN THE JULY 2, 2020 PRELIMINARY PLAT BE NOTED ON THE FINAL PLAT AS COMMON AREA OPEN SPACE AND PRIOR TO APPROVAL OF A FINAL PLAT, A CONTRACT ENSURING THIS WETLAND AREA BE PRESERVED AS OPEN SPACE AND RECREATIONAL AMENITIES, RESTRICTING RESIDENTIAL UNITS, BE APPROVED BETWEEN THE CITY AND PROPERTY OWNER.

COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

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.

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

Mr. McHargue explained that the building would be located on the site purchased from Lindon a few years ago. He said that they had done some improvements to the property. They added a fence and an access road, and were storing equipment there. He mentioned that it needed to be a building that was temperature controlled. He said that staff had hired Fink Architecture to do the design and then they put the project out for bids. Staff was recommending approval of the low bid which was Patriot Construction.

Mr. Wilson showed a rendering of the building. He said that it was a simple design and structure to get the basic amenities, with storage and employee space. He mentioned that there would be no office space at this time. He reviewed the design. There were three (3) bays, two (2) of which

were pull-through bays, a basic bathroom, utility room, locker room, and work station areas. There was also a small upstairs mezzanine to provide storage space and a breakroom, electrical, I.T., SCADA system, and a mechanical room. He said that there would be room to add onto the south side of the building in the future. He showed where the building would be located on the site.

Mayor Fullmer called for questions.

Councilmember Judd asked about the existing \$500,000 budget and how they were getting to the \$1.5 million. Mr. Wilson replied that the original budget was approved two (2) years ago because the original quotes were for a shell building. Adding the additional amenities and with the passage of time it had driven the cost up. He said that there were 16 bidders and the bids were very competitive and he felt that they could not get a better bid amount. Councilmember Judd asked if there was a requirement for the bidders to add a contingency amount. Mr. Wilson replied that there were a couple of allowances which were not as necessary as others. They were the removal of any material encountered while working such as large rocks, the other was the removal of any contamination. Those allowance came to about \$100,000 and according to the Geotech report there was a 99 percent chance that they would not use those allowances. Councilmember Judd asked if it was a fixed price or a cost-plus contract. Mr. Wilson replied that it was a turnkey contract. He said the other two allowances were a \$20,000 line item for special testing and inspections and a \$40,000 contingency for any owner modifications. He suggested that it had about \$150,000 contingency built in. There was a discussion about the contracts.

Councilmember Judd asked if the most they would pay was \$1,493,250. Mr. Wilson replied yes.

Mayor Fullmer called for further questions or a motion.

Councilmember Judd asked where the funds would be coming from. Mr. McHargue replied that the initial funding would come from the Capital Projects Fund as a loan and be paid back, over time, from the Enterprise Funds. Councilmember Judd asked how long it would take to repay the loan. Mr. McHargue replied that there was not a set time and each year they would do a calculation to see how much the funds could pay on the loan.

Motion: COUNCILMEMBER JUDD MOVED TO ALLOW STAFF TO PROCEED WITH THE CONSTRUCTION OF THE PUBLIC WORKS FACILITY PROJECT AND CONTRACT WITH PATRIOT CONSTRUCTION AS PRESENTED, WITH THE TOTAL AMOUNT OF \$1.5 MILLION. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

PUBLIC COMMENT

Mayor Fullmer read a statement from resident Dan Stoval living in the Providence subdivision. Mr. Stoval expressed concern about how the HOA had amended their regulations to restrict parking on the street. As the streets are public the HOA cannot enforce the regulations and have cars towed. He requested that the city change their ordinance to allow the HOA to enforce the rules. Mr. McHargue stated that he would follow up with Mr. Stoval.

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

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). The mayor and City Council will act to adopt (or deny) this request by resolution.

Mayor Fullmer asked if the council had had the opportunity to read the resolution and the agreement.

Mayor Fullmer turned the time over City Manager Jacob McHargue.

Mr. McHargue explained that the CARES Act money was distributed to the states and to local governments over 500,000 residents. Utah County received a direct disbursement. They chose to distribute some of their funding to the municipalities, based on population. The money could be used for expenses related to coronavirus. He said that they approving the agreement with the county to have the fund disbursed to them. They would have a discussion at another council meeting about what items they could use the money for.

Councilmember Judd said that he liked the idea of being able to discuss items they feel were important, at the next council meeting. Mr. McHargue said that he would be meeting with Peter Brown with Utah County to present a list of items. He would then distribute the approved list to the council.

Mr. Church explained that the county was responsible for how the funds were to be used and were under no obligation to share the funds. This agreement obligated the city to use the funds in accordance with the county’s regulations. The city would be accountable for the misuse of the funds. Councilmember Judd ask if the money could not be used for economic recovery. Mr. McHargue replied yes, but on the county was disbursing those funds.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE RESOLUTION 2020-08 AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT WITH THE COUNTY. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

9. CLOSED SESSION

No closed session was held.

10. ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:02 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, JUDD, AND WELSH VOTED AYE. COUNCILMEMBER EARNEST WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is July 22, 2020.

MINUTES APPROVED ON: July 22, 2020

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