MINUTES OF A VINEYARD
CITY COUNCIL MEETING
This meeting was held electronically through
Zoom with an anchor location at
125 South Main Street, Vineyard, Utah
in the City Council Chambers

October 14, 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, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, City Planner II Briam Amaya Perez, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Human Resource Consultant Albert Foster, Planning Commission Chair Anthony Jenkins, Planning Commissioners Bryce Brady, Jessica Welch, and Amber Rasmussen

Others Speaking: Youth Councilmembers Janelle Dadson, Holland Welch, Claire Inouye, and Harrison Welch; Eric Rasband with UDOT, Mary DeLaMare-Schaefer with UTA, Shane Marshall with Horrocks Engineering, and Claire Woodman with Parametrix; Jeff Hartley with Sage Government Solutions

6:00 PM REGULAR SESSION

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

Mayor Fullmer opened the meeting at 6:00 PM and gave the invocation. City Manager Jacob McHargue led the Pledge of Allegiance.

2. PUBLIC COMMENTS

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

3. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

No reports were given.

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

City Manager Jacob McHargue – Mr. McHargue gave clarification on the Consent Item 5.2 consent item. He reported that the Vineyard's Boo-A-Palooza would be on October 26th. He mentioned that it would be a drive-through event at Vineyard Grove Park and explained how it would work.

5. CONSENT ITEMS

5.1 Approval of the September 23, 2020 City Council Meeting Minutes
5.2 Approval of the Utah County Recreation Grant

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEMS 5.1 AND 5.2. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

6. MAYOR'S APPOINTMENTS

6.1 Youth Council Appointments………… .... 7 vacancies
Mayor Fullmer, with the advice and consent of the City Council will appoint seven members to the Youth Council Executive Board.

Mayor Fullmer stated that she enjoyed meeting with the appointees and turned the time over to Youth Council Advisor Jessica Welch.

Ms. Welch turned the time over to Youth Council Mayor Janelle Dadson who introduced the Youth Council Executive Board. They are: Youth Manager: William Welsh; Youth Recorder: Harrison Welch; Activities Chair: Alexa Dadson; Beautification Chair: Claire Inouye; Meetings and Elections Chair: Jake Golightly; and Service Chair: Holland Welch. They will be sworn in at a later date.

Councilmember Judd congratulated the youth and thanked them for their service on the Youth Council.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE YOUTH COUNCIL APPOINTMENTS AS PRESENTED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

7. DISCUSSION/PRESENTATIONS

7.1 Central Corridor Transit Study
The Central Corridor Transit Study Team will present their progress and findings.

Mayor Fullmer turned the time over to Eric Rasband with the Utah Department of Transportation.

Mr. Rasband introduced three team members: Mary DeLaMare-Schaefer with Utah Transit Authority, Shane Marshall with Horrocks Engineering, and Claire Woodman with Parametrix.

Mr. Rasband stated that the team's goal was to evaluate high-capacity transit (bus) system from Lehi to Provo, select a preferred alternate for transit, and provide a transparent and collaborative process between all project partners. He explained where the bus would run. He said that there would be a branch that would tie Vineyard into the transit system. He added that they were looking at tying the Utah Valley Express (UVX) bus system into Vineyard as well. He said that they would anticipate the bus system having their own travel lane to help reduce congestion. He said that they were looking at implementing a quarter percent sales tax to help fund the project.

Ms. DeLaMare-Schaefer said that this project was one of the highlights of her career. She felt that this project would be a highly functional system which would serve a high-need area. She asked if anyone had questions. She mentioned that they were currently serving Vineyard for bus service to Utah Valley University.

Mr. Brim asked if the line coming into the Vineyard station was a spur line requiring a transfer. Mr. Rasband replied that it was anticipated that it would be a transfer at 800 N and State Street going into the Vineyard Station. Ms. DeLaMare-Schaefer explained that it would be a Bus Rapid Transit (BRT) line to BRT line. There was a discussion about seamless ridership.

Councilmember Judd asked about land use policies recommendations mentioned in the presentation. Mr. Rasband replied that they would be looking at density and mixed-use, transit supportive land use policies and zoning changes to help with ridership. He said that he had been working with the developer for Downtown Vineyard. There was a discussion about the BRT in the Downtown Vineyard area.

Mr. McHargue asked Ms. DeLaMare-Schaefer how much bike capacity the transit options had. Ms. DeLaMare-Schaefer replied that they all had different types of capacity.

Mayor Fullmer thanked the team for their time.

8. BUSINESS ITEMS

8.1 DISCUSSION AND ACTION – Amending the Zoning Code - Medical Cannabis (Ordinance 2020-13) *(this item was continued from the September 23, 2020 City Council meeting where a public hearing was held.)*

Community Development Director Morgan Brim will present an amendment to the Zoning Code to add Medical Cannabis and Pharmacy provisions: Section 15.12.050 District Use Table to add new zoning uses for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies; New Section 15.34.210 Cannabis Production Establishments and Medical Cannabis Pharmacies to add development standards for associated uses; and Section 15.60.020 Definitions for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies. The mayor and city council will act to adopt (or deny) this request by Ordinance.

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

Mr. Brim explained that he had been asked by the council to research the impact of medical cannabis pharmacies near residential neighborhoods. He said that what he found was that if the pharmacy was being regulated at a high-level then there was not a lot of impact on the community. He said that one study did not find an increase in youth use of cannabis, especially if there was not a lot of signage. He explained the difference in issues with a non-licensed and a licensed pharmacy and mentioned that the State of Utah required a license.

Jeff Hartley with Sage Government Solutions explained the licensing in the state. He said that licenses for the growing and selling of cannabis were limited but the licenses for processing the product were unlimited. He said that there were 1,000-linear-foot proximity restrictions, no odors could be coming from the production facility, and the facility should look nondescript with no signage and no retail foot traffic. He said that because of these restrictions the state allowed the cities to add them to the light industrial or commercial mixed-use zones.

Mr. Brim asked how the production facilities disposed of the byproducts. Mr. Hartley explained that any by product had to be destroyed in a designated facility. He mentioned that the state would be amending the medical cannabis law every year.

Councilmember Judd asked what ability the city would have if the state made a change that they were not in favor of. Mr. Hartley replied that the cities would have some input on the recommended changes. There was a discussion about the possibility of changes at the state level. City Attorney David Church remarked that the city would have input but that the state would be the primary regulators.

Councilmember Welsh commented that she had spoken with a lot of residents about this issue and received positive feedback.

Motion: COUNCILMEMBER WELSH MOVED TO ADOPT ORDINANCE 2020-13 AMENDING THE ZONING CODE – MEDICAL CANNABIS AS PRESENTED. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.2 ▶ DISCUSSION AND ACTION – Vineyard Tree Manual Amendment (Resolution 2020-17)

City Planner II Briam Amaya Perez and Councilmember Flake will present an amendment to the Vineyard Tree Manual. The mayor and city council will act to adopt (or deny) this request by resolution.

Mayor Fullmer turned the time over to City Planner II Briam Amaya Perez,

Mr. Amaya Perez introduced the Tree Manual and felt that it was user friendly. He asked for questions.

Councilmember Welsh thanked Planning Commissioner Amber Rasmussen and Councilmember Flake for all their hard work. She stated that she was excited about the Tree Manual and expressed gratitude that it was more robust and something she had used in the past.

Motion: COUNCILMEMBER JUDD MOVED TO ADOPT RESOLUTION 2020-13 VINEYARD TREE AND LANDSCAPE MANUAL. COUNCILMEMBER WELSH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.3 ▶ DISCUSSION AND ACTION – **Utah County Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act Grant Agreement (Resolution 2020-18)**

City Manager Jacob McHargue will present the agreement for the – Utah County Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act Grant. The mayor and city council will act to adopt (or deny) this request by resolution.

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

Mr. McHargue explained that he and the mayor presented plans for the downtown waterfront area to the Utah County Commission and received a $2.9 million matching grant. He said that this grant will help enhance the beach area, adding piers, etc. He said that the council needed to approve the resolution allowing the mayor to sign the agreement.

There was a discussion about the timing of the grant. Mr. McHargue stated that he was confident that they could get the project done by the deadline.

There was a discussion about the matching funds.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO ADOPT UTAH COUNTY TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT GRANT AGREEMENT (RESOLUTION 2020-18) AND ALLOW THE MAYOR TO SIGN THE AGREEMENT. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.4 ▶ DISCUSSION AND ACTION – Municipal Code Amendment Section 2.08 City Manager (Ordinance 2020-14)

The mayor and City Council will discuss proposed amendments to the city manager's duties. They will act to adopt (or deny) these amendments by Ordinance.

Mayor Fullmer explained that the council had discussed changing the policy manual to talk about the hiring process for the city engineer and department heads. They needed to add these changes to the municipal code.

Councilmember Judd asked what the key changes were being proposed. Mr. McHargue read the changes.

Councilmember Judd asked about the pros and cons to each change. He said he was okay with the change in 2.08.020(A)(14). He said that his main concern was with 8.02.020(A)(8)(a). He liked the panel interviews but felt the final hiring decision should stay with the city manager.

Councilmember Earnest said that he liked participating on the interview panel but felt that there should be less red tape in the hiring process.

Councilmember Flake asked about the time between the interview and approval of the department head.

Councilmember Welsh agreed that that the timing could be difficult. She said that she liked the change in 2.08.020 (A)(14). She agreed that the council should be involved in the hiring of the department heads and that it should not just the city manager making the decision.

Mayor Fullmer said that she liked having a reliable codifying process. She said that she liked adding the closed session. She felt that the timing was not important to her and felt that they could either hold a closed or special session to make the determination, and send out the an acceptance offer before the council ratified the appointment. She said that her focus was codifying the process and making sure the council was involved.

Councilmember Welsh felt that it was a good solution to add that extra step to the firing process. There was a discussion about the hiring process a few years ago.

Councilmember Judd asked what additional information they would glean from a ratifying session that they would not have gotten from the interview process. Mayor Fullmer replied that it would be codifying final approval and providing a reliable system. She expressed concern that if it was not in the code, they would not follow it.

Councilmember Judd felt that being involved in the interview process was key. He was not in favor of ratifying.

Mayor Fullmer asked council for further thoughts on the recommended changes.

Councilmember Welsh expressed concern over communication in the future hires. She was OK with the delay to have it ratified. She said that she wanted to see it written down.

Councilmember Judd said that they had given duties to the city manager and now they wanted to take it back. He felt that the previously-referenced past hiring problem had happened before they had a city manager. There was a discussion about processes. Mayor Fullmer wanted to the see the process in writing and codified.

Motion: COUNCILMEMBER JUDD MOVED TO ADOPT ORDINANCE 2020-14 WITH THE AMENDMENT TO STRIKE OUT IN 8.02.020(A)(8)(A) “AND FINAL HIRING DECISION WILL BE RATIFIED BY THE CITY COUNCIL.” COUNCILMEMBER EARNEST SECONDED THE MOTION.

Councilmember Welsh explained that she wanted to adopt the ordinance as proposed. She felt that there was not a relationship with the city staff and council as there should be.

Motion to amend the motion: COUNCILMEMBER WELSH MOVED TO AMEND THE MOTION TO ADOPT MUNICIPAL CODE AMENDMENT SECTION 2.08 CITY MANAGER (ORDINANCE 2020-14) AS PRESENTED.

Mayor Fullmer called for a second on the motion to amend the motion. Hearing none, she called for a roll call on the first motion.

ROLL CALL WENT AS FOLLOWS: COUNCILMEMBERS EARNEST, FLAKE, AND JUDD VOTED AYE. MAYOR FULLMER AND COUNCILMEMBER WELSH VOTED NAY. THE MOTION CARRIED WITH TWO OPPOSED.

8.5 DISCUSSION – <u>Amendments to the Personnel Policies and Procedures Manual</u>

The mayor and city council will discuss amendments to the City's Personnel Policies and Procedures Manual.

Mayor Fullmer asked Human Resources Consultant Albert Foster if he had anything to add to the policy manual. Mr. Foster replied that he would write up the changes as adopted.

City Attorney David Church mentioned that this could be his last meeting and thanked the council and city for the work and good relationships.

Mr. McHargue said that Mr. Church had been a part of the city since 2002. Mr. McHargue said that at the time Mr. Church was hired he already had over 20 years of municipal experience. He had done incredible work for the city and Mr. McHargue wanted to thank him publicly. The mayor, City Council, and staff thanked Mr. Church for his work with the city.

9. CLOSED SESSION

Mayor Fullmer called for a motion to go to a closed session.

Motion: COUNCILMEMBER JUDD MOVED TO GO INTO A CLOSED SESSION TO DISCUSS OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL AND TO DISCUSS THE SALE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

10. ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 7:24 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is October 28, 2020.

MINUTES APPROVED ON: <u>October 28, 2020</u>

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