



**MINUTES OF A VINEYARD  
CITY COUNCIL MEETING**  
City Council Chambers  
125 South Main Street, Vineyard, Utah  
March 24, 2021 at 6:00 PM

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**Present**

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

**Absent**

**Staff Present:** City Manager Jacob McHargue, City Attorney Jayme Blakesley, Assistant Public Works Director Chris Wilson, Parks Manager Preston Jensen, Building Official George Reid, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, City Planner Briam Perez, Planning Technician Cache Hancey, Recreation Coordinator Brian Vawdrey, Special Event Coordinator Anna Nelson, Water Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Bryce Brady

**Others Present:** Planning Commissioners Jessica Welch, Shan Sullivan, Tim Blackburn, Amber Rasmussen, Jeff Knighton, and Anthony Jenkins; residents Tyler Reese, Andrew Hayes, and Dan Stovall, Gina Eady and Garrin Mascarenas with Jive, LLC

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

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

**2.  6:02 PM WORK SESSION**

The City Council and Staff will discuss the future of Gammon Park and the Robins Property.

Mayor Fullmer opened the work session and then turned the time over to City Manager Jacob McHargue.

Mr. McHargue explained that in the last few weeks, staff discussed Gammon Park and the city-owned Robins property, and the things needed to improve it. He mentioned that the playground at Gammon Park was installed in 1990 and no longer met safety standards. He said that they had already approved a budget of \$15,000 for a small tot playground. He said that they could install the playground in a temporary location now and then move it later or use the money towards a more extensive redesign of the entire park. They also needed to remove the sidewalk and replace



it with an all-weather surface until something permanent could be installed, which would cost about \$25,000. If city staff were able to do the work, it would cost around \$10,000. Mr. McHargue said that they had several discussions about the park in the past few years, including a charrette in 2017. He said that the items discussed tonight could be implemented into the General Plan update.

#### **Path/Sidewalk:**

Councilmember Judd felt that if the sidewalk was a hazard that they should remove it now. Mayor Fullmer asked if they could grade it instead of adding an all-weather surface. Mr. Wilson replied that they would need to smooth it out and they did not know what was under the concrete. Councilmember Welsh asked if they could use grass seed for now. Councilmember Judd suggested a wood chip surface. Mr. Wilson explained that the cost to add granular material would be about the same as using an all-weather surface.

Mayor Fullmer asked how long the park plan would take. Park Manager Preston Jensen replied that it would take four to six weeks to order and install the playground.

Mayor Fullmer asked about a concept for the entire park area. Mr. McHargue replied that they would need to hire a designer to design the whole park. He reiterated that if they wanted to install a \$15,000 tot playground now, it could be moved later. He suggested that if they wanted to design the entire park now, they should hold off on installing the playground. Mayor Fullmer felt that if the park's design and build were going to take a while, then they should install the tot playground now and then incorporate it into the new design.

Mr. Brim explained that the General Plan would take about nine months to update. He suggested that if they wanted something immediate that they work with a designer now and then incorporate a long-range plan into the General Plan later. There was a discussion about the General Plan update process. Mr. Brim said that they would engage the public in the design process. The discussion continued.

Councilmember Judd asked about the city's liability if they did not bring the playground and park up to code. Mr. Jensen mentioned that he was a certified playground inspector and then explained the issues with the playground. Councilmember Judd asked if the city needed to close the playground off now for safety. Mr. Jensen recommended that they take it out now. Mr. Blakesley recommended that, knowing the liability, they remove or cordon it off now. He said that the city would have a heightened risk profile once they were aware of the standards. Councilmember Judd agreed to close it off now and remove it as soon as possible. Councilmember Flake said that he voted for replacement immediately because it was used daily. Mayor Fullmer felt that they should remove it now and then come up with something to replace it. Councilmember Flake felt that they should install a new tot playground now and make changes later.

Mayor Fullmer asked how often they reviewed park plans. Mr. McHargue replied that Mr. Jensen was inspecting all of the parks now and would inspect them regularly. He mentioned that most of the people who were using the playground were younger children. Council agreed to have an Assemble poll done immediately to get public feedback on the playground.

#### **Trees:**

Mayor Fullmer asked when they would remove the trees. Mr. McHargue replied that they were removing the trees as they died and would continue to do that until they completed the new design.

Councilmember Judd felt that they should contract with someone who had the knowledge and the skills to design the park. Mr. McHargue said that staff would first like to get feedback from the City Council and residents before contracting with a designer.

#### **Park and Old Town Hall Sinking Issues:**

Mayor Fullmer asked if the sinking issue was a ground issue or a water leak problem. Mr. Jensen's response was inaudible. Water Manager Sullivan Love explained that they replaced the restrooms because of settling in that area. When they dug out the old restrooms, they found peat moss but did not know how far it went. There was a discussion about the sinking issues.

#### **House on the Property:**

Mr. McHargue said that the insurance company had recommended that the house on the property be torn down. He explained that they could move all of the equipment currently stored in the house to the new Public Works building as soon as it was finished. They would then be able to take down the building and possibly turn it into parking and connect the two parking lots.

Councilmember Welsh felt that they should spend the least amount of money on the park as possible until they had a plan for it. She suggested that they tear it down now and replace it with grass. Councilmember Judd asked if they could raze the building and leave it as dirt so that people could park on it. Mr. Wilson replied that they could. Councilmember Judd felt that this would help with immediate needs. Mayor Fullmer asked staff to bring back cost estimates. Mr. McHargue suggested that they could remove the house in the fall. There was a discussion about when they should take down the building.

Recreation Director Brian Vawdrey asked if it would close down parking for fall sports while removing the house. Mr. Wilson replied that it should take less than a week to remove the house. Council agreed that they should take down the house as soon as possible.

#### **Soccer Program:**

Mr. Vawdrey explained that this spring's soccer program had 820 registrants. He said the last fall they had 505, and last spring, before being canceled because of COVID, they were looking at about 450 registrants. Councilmember Welsh asked how many of the registrants were from outside of Vineyard. Mr. Vawdrey replied that about 15 to 20 percent of registrants were not Vineyard residents. Mayor Fullmer asked how much park space he needed in the future. Mr. Vawdrey replied that he could use another six acres of grass for fields. He said that for spring soccer, they would be using all of Gammon and Grove Parks. He mentioned that he had looked into using elementary school fields. Councilmember Judd asked about watering the fields. Mr. Love recommended artificial turf. There was a discussion about the fields.

Mr. McHargue explained that if the city wanted to incorporate the Robins property into the new design, they would have to wait until the farmer was done using it in the fall. He suggested that they could finish the design now and start the changes in the spring. He added that the earliest recreation could begin on the new portion of the park would be in the spring of 2023. Mr. Love suggested that they could extend the season playtime by using artificial turf.

Councilmember Judd asked if staff had asked Utah Valley University (UVU) if the city could use their fields. Mr. Vawdrey replied that he had been turned down because of liability. Councilmember Judd asked about Vineyard paying for the liability. Mr. Blakesley replied that there were several different ways to address the liability issue: they could assign a cost, establish an insurance threshold, or share liability, etc. The staff was willing to reach out to UVU again. There was a discussion about using other locations.

Mr. McHargue mentioned the Youth Council had been working hard to get the Children's Library open. Because of some water leak issues and having to shut the water off to the building, the library would be allowed to be open when the outside restrooms were open. There was a discussion about leaving the restrooms open during the winter months. Mayor Fullmer suggested that staff add the costs to the park plan. Mr. Jensen remarked that the downfall to having the restrooms open in the winter would be having people spending the night in them.

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

## **6:45 PM      REGULAR SESSION**

### **3.    PUBLIC COMMENTS**

Mayor Fullmer opened for public comments.

City Recorder Pamela Spencer read resident Anthony Jenkins' comments. In summary, he felt that adding a guard rail to the Center Street overpass was a good idea but did not like how much it would cost. He felt that because of the previous conversation about the bridge's design, it was safe for people to drive over if they obeyed the traffic laws. He felt that the incident that happened last week was due to reckless driving and evading police. Mayor Fullmer agreed that when driving the speed limit, everything was good. She felt that if there had been a railing last week, it might not have been good for the driver who went off the road, considering how fast he was driving. She expressed concern about children who were walking on the wrong side of the road. She felt that it was worth incorporating a safer mechanism into the design. Councilmember Judd appreciated Mr. Jenkins' comments and felt that they should rely on those who were certified to determine the road's safety. There was also the public perception of public safety, but it should not diminish those who were certified.

Resident Tim Blackburn, living in the Sleepy Ridge subdivision and Chair of the Heritage Commission, mentioned that the commission was putting together a cemetery proposal and hoped to present it to the City Council soon. He explained that the cost to be buried in a cemetery outside of Vineyard was at a premium. Mayor Fullmer felt that a cemetery was a special thing to families and said that the city was discussing the possibilities of locating a cemetery in Vineyard. She suggested that the Heritage Commission work with staff and bring back a proposal. A discussion ensued.

Residents Tyler Reece, Dan Stovall, and Andrew Hayes, living in the Providence subdivision, expressed concerns about parking in their subdivision. They felt that it was taking too long to come up with a solution and that the city was not being transparent with them. They also expressed concern with the safety issues this problem was creating for their children. There was a discussion about the concerns with parking on residential streets and collector roads. There was also a discussion about the ways that parking could be enforced and who could enforce it. Residents were in favor of the Herriman plan presented at a previous meeting, but according to the city cost estimates, it would be cost prohibitive. Residents in the subdivision did not want to ban all overnight parking on their streets. Councilmember Earnest said that he was not opposed to allowing overnight parking on collector streets. Mayor Fullmer noted that they needed to determine if they could implement any of these ideas. Mr. Blakesley summarized the Herriman proposal previously discussed. The discussion continued.

Mayor Fullmer suggested that city staff meet with the residents and work out a solution. She also said that they would have to look at the engineering data before making a decision. Mr. Hayes asked if the city could red-curb areas where it was illegal to park. Mayor Fullmer recommended that he join the meeting.

Mayor Fullmer closed the public session and thanked everyone for their comments.

#### **4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS**

No council reports were given.

#### **5. STAFF, COMMISSION, AND COMMITTEE REPORTS**

**5.1** City Manager Jacob McHargue – Mr. McHargue had no new items to report.

**5.2** Planning Commission Chair Bryce Brady – Chair Brady reported that the Planning Commission had approved another well, an industrial building, and had talked with Edge Homes about the open space in the Lakefront development. The Commission's current focus was working on park space, making sure that the trails were connected and used, and making sure that the Zoning Code met the state standards for affordable housing.

#### **6. CONSENT ITEMS**

**6.1** Approval of the February 10, 2021 City Council Meeting Minutes

**6.2** Approval of Costs to Install a Barrier on the Center Street Overpass

Mayor Fullmer called for a motion.

**Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEMS 6.1 AND 6.2. COUNCILMEMBER EARNEST 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. DISCUSSION/PRESENTATIONS**

No items were submitted.

#### **9. BUSINESS ITEMS**

##### **9.1 DISCUSSION AND ACTION – Special Event Permit – Jive Dance Performance**

City Manager Jacob McHargue will present options for holding a special event at Grove Park. The mayor and City Council will take appropriate action.

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

Mr. McHargue introduced Gina Eady with Jive, LLC. Ms. Eady explained that they had four dance studio locations, and all of them would be performing all 12 days. Mayor Fullmer asked if there was anything that the council needed to know. Ms. Eady replied that after looking at the staff report, they were comfortable using the detention basin in Vineyard Grove Park. She said that her first choice was the west soccer field. She explained that the detention basin presented a few problems because it was not as level as the soccer field. She asked if they had any leeway in the start date to load in earlier if the basin was too uneven. Mr. McHargue replied that they could work out any issues.

Councilmember Judd asked about their parking plan. Mr. McHargue replied that there were two schools available in addition to Vineyard Grove Park. Councilmember Judd asked about parking enforcement. Mr. McHargue replied that it was part of the parking plan. Ms. Eady expressed concerns about the cost to park at Freedom Preparatory Academy. She added that Alpine School District was willing to allow them to use their parking at a reduced cost.

Mayor Fullmer called for a motion.

**Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE THE SPECIAL EVENT PERMIT FOR JIVE, LLC AT VINEYARD GROVE PARK IN THE DETENTION AREA ON JULY 31<sup>ST</sup> THROUGH AUGUST 13<sup>TH</sup>, WITH THE TWO CONDITIONS THAT HAVE BEEN RECOMMENDED BY STAFF, WHICH ARE THE PARKING PLAN AND RENTAL FEE SCHEDULE. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

## **9.2 ► DISCUSSION AND ACTION – ILA with Utah County for Election Services (Resolution 2021-04)**

City Recorder Pamela Spencer is requesting approval to allow the mayor to sign an interlocal agreement with Utah County to help run the city's 2021 Municipal Elections. The mayor and city council will act to adopt (or deny) this request by resolution.

Mayor Fullmer turned the time over to City Recorder Pamela Spencer.

Ms. Spencer explained that because Utah County had done such a great job with Vineyard's last election, she wanted to continue contracting with them. She mentioned that the cost was going up because they had miscalculated what it would cost for the previous election. She reminded everyone to check their voter registration to make sure they were registered to vote in Vineyard. She further explained that the county had purchased new machines to make it easier to count the ballots. She recommended that they approve the contract.

Mayor Fullmer called for questions or comments. Mr. McHargue mentioned that there were concerns with other cities about the cost increase, but where Vineyard was doing ranked-choice voting, it would be more costly to run our own election.

Ms. Spencer mentioned that this year's candidate declaration period was August 10-17. There were two council seats and one mayor seat open.

**Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE RESOLUTION 2021-04 AS PRESENTED AND ALLOW THE MAYOR TO SIGN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND VINEYARD FOR THE ADMINISTRATION OF THE 2021 MUNICIPAL ELECTIONS. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

**9.3 ► DISCUSSION AND ACTION – Water Right Purchase and Exchange Agreement with CUWCD (Resolution 2021-05)**

Water Manager Sullivan Love will present an interlocal agreement with Central Utah Water Conservancy District (CUWCD) for the purchase and exchange of water rights. The mayor and City Council will act to adopt (or deny) this request by resolution.

Mayor Fullmer turned the time over to Water Manager Sullivan Love.

Mr. Love explained that in 1995 there was an agreement to purchase West Smith Ditch Canal Company shares. Part of the purpose was to exchange those shares with Orem City to provide Orem and Vineyard with water. The State Engineer denied the agreement, which left Vineyard with water shares in a ditch they could not access. He said that there were fewer users of the West Smith Ditch Canal Company, and the cost to maintain it had gone up. Hence, CUWCD agreed to purchase all of the rights in the canal and exchange a monetary amount with the shareholders and provide them with incentives for their irrigation, etc. CUWCD had offered to exchange Vineyard's shares with Lake Bottom Canal shares, which runs through the city, and they would have a connection to use it. The city would be getting an exchange of shares with an equal amount of water use. He said that the fiscal impact would be annual dues equal to about 24 shares. He added that they had included the costs in the current fiscal year budget.

Councilmember Judd felt this was a great agreement but wanted to know if they were exchanging their actual shares. Mr. Love replied that they were exchanging the West Smith Ditch Canal Company shares for an equal amount of water for shares in Lake Bottom Canal, making Vineyard a shareholder in the company. Mr. McHargue clarified that it was an equal amount of water. Mr. Love said that approval tonight would allow CUWCD to take this agreement to their board for approval in April, and then it would be ready for signatures.

**Motion:** COUNCILMEMBER EARNEST MOVED TO APPROVE THE PROPOSAL FROM CENTRAL UTAH WATER CONSERVANCY DISTRICT FOR THE EXCHANGE OF VINEYARD'S WEST SMITH DITCH WATER SHARES FOR SHARES IN THE LAKE BOTTOM CANAL AND ALLOW THE MAYOR TO SIGN THE WATER RIGHT PURCHASE AND EXCHANGE AGREEMENT. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.



## 10. TRAINING

### **Open and Public Meetings Act and Municipal Officers' and Employees' Ethics Act Training**

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

Mayor Fullmer turned the time over to City Attorney Jayme Blakesley.

#### **Open and Public Meetings Act**

Mr. Blakesley explained that the Open and Public Meetings Act's crux was that public bodies had to take their actions openly. He reviewed the law. If a quorum of the public body was together, it became a meeting, which must be properly noticed, and anything that they act upon must be included in that notice. He reviewed the list of reasons why a public body would close a meeting. The most frequent reasons were real estate transactions and discussing personnel issues. He said that the best test when considering what they should do or say in a public meeting would be, "if I did this would it end up on the front page of the paper?" He gave examples of inappropriate conversations in public meetings.

Mr. Blakesley explained that electronic communications were not prohibited one to another unless they were done during a public meeting with other members of the public body or even with a member of the public. He gave an example of this happening in a school board meeting.

Mr. Blakesley explained the ability to hold electronic meetings due to the pandemic would be going away because of the State law that would be going into effect on April 10. He felt that it was difficult for a city to make a public order that contravened the state statute.

#### **Municipal Officers' and Employees' Ethics Act**

Mr. Blakesley gave an example of Bill Buckner, an excellent baseball player who made an error on a crucial play, which helped his team lose the World Series. His name was now synonymous with a mistake. An Ethics Act violation could be a "Bill Buckner moment" because it would get your name in the paper in a negative way. He reviewed the Employees' Ethics Act and gave examples of people violating the act. He mentioned that the public body could not disclose things that were discussed in a closed session. He suggested that they not do or accept something that would give the appearance of impropriety. He provided examples. He said that a disclosure statement must be filed and mentioned during the open meeting if there were a conflict of interest. He added that the timing of the disclosure mattered. It was improper to have any interest in a business regulated by the city, and it was improper to have a conflict of interest with your public duties. He suggested that if they had any questions about a possible conflict, they should reach out to him for advice. He added that they should not induce anyone else to violate the act because it would be considered that you violated the act. There were also criminal penalties for employees and elected officials who violate the act.

## 11. CLOSED SESSION

No closed session was held.

**12. ► ADJOURNMENT**

Mayor Fuller called for a motion to adjourn the meeting.

**Motion:** COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 8:09 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

MINUTES APPROVED ON: April 14, 2021

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