

**MINUTES OF A WORK AND REGULAR SESSION
OF THE VINEYARD CITY COUNCIL MEETING
240 East Gammon Road, Vineyard, Utah
January 10, 2018 at 6:00 PM**

Present

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Nate Riley

Absent

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/Engineer Don Overson, City Attorney David Church, Sergeant Holden Rockwell with the Utah County Sheriff's Department, Community Development Director Morgan Brim, Water/Parks Manager Sullivan Love, Storm Water Manager Sam Bell, Building Official George Reid, Records Management Assistant Kelly Kloepfer, Planning Commission Chair Cristy Welsh

Others Present: Planning Commissioner and resident Anthony Jenkins, other residents Darren Smith and David Lauret

6:00 PM WORK SESSION

CALL TO ORDER

Mayor Fullmer called the meeting to order at 6:00 PM. Councilmember Judd gave the invocation.

OPEN SESSION – Citizens' Comments

Mayor Fullmer called for public comment.

Resident and Planning Commissioner Anthony Jenkins living in the LeCheminant subdivision congratulated and welcomed the new mayor and councilmembers. He felt that it would be appropriate that the city honor Mayor Farnworth for his service. He reminded the council that they serve the needs of the entire city not just one neighborhood. He felt that it was too easy to create divisions in the city and that their leadership would set the tone. He wanted to encourage the council to continue to prioritize the core services. He also wanted them to continue to make Vineyard a safe and prosperous place for everyone.

Resident David Lauret living on Holdaway Road asked the council to include the Center Street overpass in their priorities. He stated that he was concerned with the traffic and safety on Holdaway Road.

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

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Cristy Welsh

Chair Welsh reported that the Planning Commission's top priority was appointing two more commission members. She added that another top priority would be working on the General Plan.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Flake noted that the Utah State Legislature would be back in session on January 22. He said he would keep the council updated.

Councilmember Judd disclosed that he works for Central Bank, which lends money throughout many communities, and said that he would not let it sway his votes in the council. He reported on the "Newly Elected Officials Training" presented by the Utah League of Cities and Towns.

Councilmember Earnest felt that the "Newly Elected Officials Training" was a good introduction to local government.

Mayor Fullmer reported that she was scheduling meetings with different entities, mayors, and representatives around the state. She mentioned that she had sent the council her report on those meetings. She reported that she had updated some of the legislators on the Redevelopment Agency. She reported that she had given a mini State of the City address at the Utah Valley Chamber of Commerce. She mentioned that there were several meetings coming up and wanted to know if any of the councilmembers wanted to attend. She added that they could only have one councilmember each of these meetings.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that there were three members from Vineyard on the Legislative Policy Committee (LPC). He explained how the committee worked. He reported that he had met with Utah Transit Authority (UTA) to discuss potential bus routes in the city, and their FrontRunner plans. He reported that staff would be meeting with Alpine School District (ASD) to move the curb in front of Vineyard Elementary and modify the intersection to add additional parking in front of the school. He added that the city would be submitting a site plan to Orem for their review. Staff would like to complete the project this Spring.

Public Works Director/Engineer – Don Overson – Mr. Overson reported that the irrigation pond and pump house were under construction in the 6-acre park and should be ready to go by Spring. He reported that the tank location plan had come up with three options. He said that they were refining the cost estimates and would present them to council soon. He reported that they were still waiting to hear from Union Pacific (UP) on the spur relocation. He mentioned that he had the property descriptions for the land purchase for the rail spur in the Eastlake Subdivision if council decided to go ahead with the project. He reported that on the Town Center grading plan Anderson Geneva had asked for the well houses to be moved. He said that he would be meeting with Central Utah Water Project next week to discuss it. He reported that the Main Street extension was at a 40 percent design. He said that the concept plan for the grading was delaying the project. He reported that they had a 90 percent design for the Center Street Overpass. He

explained that once UP issued a permit, it was only good for a year so he wanted to hold off on the completion of the design and permitting until the council voted on how they would be spending the bond money. Councilmember Judd asked how long the permitting process would take. Mr. Overson replied that it would take about four weeks. Mr. McHargue mentioned that applying for the permit would be expensive. Councilmember Riley asked if the city would have problems with UP issuing them a permit if they do not approve the rail spur removal. Mr. Overson replied that it was possible because they would be working with the same person for both projects.

Mr. Overson reported that the lights on Mill Road should be completed by Spring. He mentioned that they would be interviewing for a new Public Works Technician. Councilmember Judd asked if they city was on par for hiring and retaining employees. Mr. McHargue replied that the city's retention was well above average. He said that getting the employees was the hard part. There was further discussion about staffing.

Mr. Overson reported they would be purchasing a new vehicle and retrofitting the Public Works vehicles with safety lighting. He added that they would be purchasing a salt spreader to apply salt to the icy roads, etc. He said that they were also looking at an Kubota RTV utility vehicle to help push snow off of the sidewalks.

Mr. Overson reported that they were upgrading Sewer Lift Station 1. Mayor Fullmer asked if they had heard back from UDOT about the congestion on the Vineyard Road near Geneva Road. Mr. Overson replied that he had reached out to them but had not heard back. Mayor Fullmer mentioned that there was an intersection coming off of 400 South into the Sleepy Ridge subdivision that had a wide turn and people were turning into the wrong lane. She asked if they could paint a line. Mr. Overson replied that they could paint a dividing line in the spring. He mentioned that he was asked why they were not extending the road to The Meadows. He said that he would be reaching out to the Clegg family to discuss it.

City Attorney – David Church – Mr. Church reported that staff and the mayor would be meeting UP on January 22.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell reported that Deputy Stilson would be starting the NOVA program at Vineyard Elementary in February. He added that they were looking at options to include Freedom Preparatory Academy. He reported that he was looking to establish a Neighborhood Watch Program in Vineyard and would be working with Eagle Mountain on developing it. He said that they had three DUI's in the last week in the city. He mentioned that the Sheriff's department opens locked vehicles.

Community Development Director – Morgan Brim - Mr. Brim reported that the Utah Economic Development Forum breakfast would held tomorrow. He commented on the Geneva Nitrogen site redevelopment. Councilmember Judd asked why Union Pacific was willing to talk with the city. Mr. Church replied that UP wanted to make some amendments to the original agreement.

Mr. Brim reported that they were in the process of updating the General Plan. He said that they were getting the structure in place and had an intern who was focusing primarily on it. He stated that he had a Request for Proposal (RFP) drafted that he would be sharing at the retreat. He added that there would be a request for funding to hire a consultant to assist with the General Plan.

Mr. Brim reported that staff was developing an RFP for an economic development plan, to do a market study, and look at target industries. Councilmember Judd mentioned how EDCUtah worked. There was a discussion about economic grants, etc.

Mr. Brim reported that at the Planning Commission meeting they would be reviewing the Hearing Officer ordinance, amendments to the drive-thru and Subdivision Ordinance. He explained the issues with drive-thrus.

Mr. Brim reported that they had a site plan for a dog park in the Edgewater development. He added that they would changing some of their amenities.

Mr. Brim reported that in the Subdivision Ordinance, they would be amending who signs the plats.

Mr. Brim reported that they had updated the Demographic Report to be in line with Building Department numbers.

Mr. Brim reported that they had made application to work with Orem and Lindon on Vineyard's portion of the Utah Lake Trail.

Councilmember Judd noted that the Maverik had started towing vehicles. He asked if it had pushed people to park in other places. Mr. Brim replied had he had received calls from upset residents from the Alloy and Concord Apartment Complexes. He felt that they would continue to get complaints but there was not much they could do about it at the city level. Sergeant Rockwell mentioned that people were parking in red curb areas inside the Alloy Apartments. He said that they were working with management on new solutions at the Alloy Apartments. He said that the deputies do not go into the apartment complexes looking for problems, but would respond to complaints.

Mr. Brim reported that staff met with the Concord Apartments and requested that they start enforcing the garage parking. He said that the Concord and Edgewater developments were addressing these problems.

City Recorder – Pamela Spencer – Ms. Spencer – Ms. Spencer was excused. Mayor Fullmer mentioned that people were asking the city to livestream their events. She said that she was working with Ms. Spencer on that.

Building Official – George Reid – Mr. Reid presented the December 2017 Monthly Building Report and the 2017 Annual Building Report. Highlight of the December Monthly Building Report were:

- Total revenue for December \$200,596
- Estimated revenue \$ 87,446
- Fiscal year to date \$974,115
- Units issued permits 296
- Total units occupied 3,055
- Population estimate (conservative) 11,902
- Building applications received 41
- Applications in review 81
- Plans approved 58
- Active construction sites 635

- Total inspections 809

Highlights of the 2017 Annual Report were:

2017 as the highest revenue year for building permits in the history of Vineyard with a reported revenue of \$2,439,498. The second highest year was 2016 with a total revenue of \$1,690,276 for building permit fees.

- Total Revenue for Residential Permits \$1,998,077
- Total Revenue for Commercial Permits \$ 441,422
- Total Building Permits Issued 867

The building department permitted construction for 192,960 square feet of new commercial space in 2017.

- Single Family Dwelling Units 419
- Townhome Units 607
- Multi-Family Dwelling Units 384
- Total Dwelling Units 1,410
- Certificates of Occupancy issued 547
- Population increase for Single Family Dwellings 1,706
- Population increase for Townhome Units 1,743
- Population increase for Multi-Family Dwelling Units 1,651
- Estimated Population Growth in Vineyard in 2017 5,100

Residential Occupancy Breakdown:

- Single Family Dwelling Units 3,612
- Multi-Family Dwelling Units 3,376
- Townhome Units 4,915
- Total Units Occupied 3,055
- Total Estimated Population 11,902

Mr. Reid gave a brief audit report. Of the 3,765 platted lots, they had issued 2,323 Certificates of Occupancy, 1,100 were under construction, and 377 were in review, which gave them a remaining balance of 1,141 remaining lots to be built on. He mentioned that this did not include any land that had not been platted for development.

Councilmember Judd felt that it was important for residents to know what the revenue goes to pay for. Mr. Mchargue explained that the revenue paid for the Building Department for reviews, inspections, etc. He added that the Planning and Engineering Departments review the plans as well. He said the Orem Fire Department also does a review. Mr. Reid mentioned that they had a department of nine full-time employees. He said that they kept close track of revenues and expenditures to make sure they were not over charging the developers. He mentioned that the State Legislature was looking at bringing down fees. Councilmember Riley asked if there was a maximum amount of funds that the city could have in excess. Mr. Church responded that there were laws that did not allow the city to use the Building Department as a profit center for other departments or projects. He said that the fees are front-end loaded and inspections were done over time.

Mr. Reid reported on the Public Safety Building remodel, and that the Council Chambers were almost completely framed.

Mr. Reid reported that the State Legislature was looking at building fees. He stated that he had weekly meetings at the State Capitol starting next week.

Water/Parks Manger – Sullivan Love – Mr. Love mentioned that he sat on the Utah Lake Commission Technical Committee and they were proceeding with the dredging of the Provo Boat Harbor.

DISCUSSION ITEMS – No items were submitted.

6:57 PM REGULAR SESSION

MAYOR’S APPOINTMENTS – No items were submitted.

CONSENT ITEMS

- a) Approval of the December 13, 2017 City Council Meeting Minutes
- b) Naming of Public Lands and Facilities Policy/Application
- c) Approval of an additional Utah County Sheriff’s Deputy
- d) Approval of Purchases

Mayor Fullmer mentioned that it had been requested that item b) Naming of Public Lands and Facilities Policy/Application be removed for further discussion. She then called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ITEMS A, C, AND D ON THE CONSENT ITEMS. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY WERE IN FAVOR. COUNCILMEMBER JUDD VOTED NAY. MOTION CARRIED FOUR TO ONE.

Mayor Fullmer stated that, in regards to the Naming of Public Lands and Facilities Policy/Application, she wanted to have more public discussion. Mr. Brim suggested that it be put on as a business item at the next meeting.

BUSINESS ITEMS

10.1 DISCUSSION AND ACTION – North Pointe Solid Waste Special Service District (Resolution 2018-01)

Mayor Fullmer will present her recommendations for new appointments to the North Pointe Solid Waste Special Services District. The mayor and City Council may act to approve (or deny) this request by resolution.

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

Mr. McHargue explained that they needed to have a new member to the board appointed before their next meeting. He said that after speaking with Mayor Fullmer they decided that he should be the main board member with Mayor Fullmer as the alternate. Mayor Fullmer explained that the board was requesting the mayor to appoint someone with continuity throughout the years.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO ADOPT RESOLUTION 2018-01 AS DESCRIBED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

10.2 DISCUSSION AND ACTION – Property Realignment

City Manager Jacob McHargue will present a request for a property line adjustment commencing at the most northwest corner of Lot 125, LeCheminant at Vineyard Plat D, thence along the lot line N60°00'00" E 62.10 feet to the true point of beginning; thence along the lot line east 43.76 feet to the common corner of Lot 128, and Parcel B, Bridgeport at Waters Edge Plat "B", thence along the east line of parcel B, N30°03'13" W 21.88 feet, thence S60°00'00" W 37.88 feet to the point of beginning. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to Public Works Director/Engineer Don Overson.

Mr. Overson explained that the LeCheminant subdivision had a portion of land that was to be added to the Bridgeport property. He stated that when the Bridgeport subdivision was platted, the triangle corner had been deeded to the City instead of to the property owner as originally planned. He explained that the recording fees, etc., from county would be paid by the property owner. Mr. Overson mentioned that there would be other lot-line adjustments. Councilmember Judd stated that he pulled the recorded plats and the north side did not show the corner parcel. He felt that they had been recorded properly but it was not reflected at the county. Mr. McHargue also mentioned that this would come up again for a few more lots. Councilmember Judd stated that he was in favor of making the change. There was further discussion about the adjustment.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER EARNEST MOVED TO ALLOW THE PROPERTY REALIGNMENT TO GO FORWARD. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

10.3 DISCUSSION AND ACTION – The Shores Detention Pond Bid Award

Assistant City Engineer Chris Wilson is recommending that this project be awarded to the low bidder, Sterling Don Excavation, for the amount of \$ 125,170.39. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to Storm Water Manager Sam Bell.

Mr. Bell gave a brief background on the design of the detention basin. He stated that staff had received bids for the project and recommended that council approve the lowest bidder, Sterling Don Excavating (SDX). He explained that the project included excavation and reconstruction of the existing detention basin. He added that they would be also be repairing some existing storm drain piping, adding a ten-foot asphalt access path, and landscaping. He mentioned that he had received input from residents who wanted to see landscaping in the area. He stated that the lowest bid came in at \$125,170.39, which was under the engineers' estimate. He further explained the bids that staff had received.

Councilmember Earnest asked why they were recommending the lowest bid and if they were legally bound to choose the lowest bid. Mr. Bell replied that they were legally bound to go with the lowest bid as long as it is in compliance. He stated that they were a reputable company in the

area. Councilmember Earnest felt that the lowest bid was not always the best and wanted to understand the process. Mr. Overson explained how the process worked, with inviting the contractors that the city had worked with before as well as being required to advertise it, and making sure are contractors were qualified. He added that SDX had done an excellent job in past.

Councilmember Flake asked if the trails were on the property line or south of it. Mr. Bell replied that it was next to the property line. Councilmember Flake asked if there would be a gate to limit access to the pond. Mr. Overson replied that there would be a fence along the back and a trial gate to limit access. He added that no four-wheelers would be able to access it.

Councilmember Riley asked about drawing or conceptual pictures. Mr. Overson replied that he did not have them available at this meeting. He explained that staff went through a design process on the entire project. He said that the residents asked for an area for children to play.

Mr. Bell was able to show council the construction plans. He explained how it would be laid out. There was further discussion about the property and its original plans. Mr. Church gave a background on the property.

Councilmember Judd asked why the city was paying for the detention pond instead of the developer. Mr. Overson replied that it was not a functional detention pond and the pond needed to be repaired. He noted that the city had an easement on the property. He said that the residents in The Shores wanted this fixed and council had agreed. He said that this would give the city a detention pond and small pocket park. He felt that they were creating an amenity for the city.

Resident Darren Smith living in The Shores subdivision stated that when he bought his lot in 2012 the subdivision was platted to have a clubhouse. He said that in 2013 the developer split the lot in half to make another lot and moved the detention basin. He expressed confusion that the city would be responsible for this. He asked if there was not a way to get the developer to fix what they did when they subdivided the lot in 2013.

Councilmember Judd asked why the city had to bear the full burden and not have the developer bear some of it. Mr. Overson replied that the city had an easement and if the council, before they abandoned it, wanted staff to pursue partial reimbursement, then he would do it.

Mayor Fullmer asked if the city had originally approached the landowner about where they stood on the detention basin. Mr. Bell replied that he had spoken with the landowner, who had forgotten that they had the detention basin.

Councilmember Earnest asked if they really wanted the project done. Councilmember Flake replied that the neighborhood wanted it done because it was a mosquito breeding pond and a safety issue. He felt that it could be amended by asking the Engineering Department to pursue the easement issue. Mayor Fullmer asked about the park that was scheduled to be installed along the trail. Mr. Overson stated that they had decided to put the funding into the detention pond.

Councilmember Judd asked if there was a contingency line item. Mr. Overson stated that there was a 30% contingency in the budget.

Mayor Fullmer called for a motion.

Councilmember Judd felt that if they made a motion to move forward with the project it would be easy for the developer to abandon the project and they would lose their leveraging power. He

stated that he was not in a position to vote yes on the motion. He wanted staff to approach the developer first.

Councilmember Riley asked why they would lose their leverage if the city had an easement. He felt that the developer had to come to the table if they wanted to do anything with it.

Councilmember Judd felt that it would make it harder dealing with the easement after the work had been done.

Mr. McHargue asked how long the bids were good for. Mr. Overson replied that they were normally good for 30 days. Mr. Bell reminded them that they had not awarded the bid yet.

Councilmember Judd asked Mr. Church about the easement. Mr. Church replied that it was an easement for the detention pond. Mr. Overson stated that the developer could not build in the easement.

Councilmember Judd wanted staff to have a conversation with the developer first.

Councilmember Riley stated the he did not recall meeting with the developer about this in the past. He felt that they were at a point where they could get this done and have a value to the community.

Councilmember Judd wanted staff to verify the easement and what it entitled the city to do. He felt that this would protect the city. He said that he did not know why they had to bear the full burden. Mr. McHargue reminded council that the bid was only good until January 21. He recommended that they award the bid and not proceed until they work out an agreement with the developer.

Councilmember Judd stated that he was okay with a motion to award the bid but not doing any work contingent upon meeting with the developer.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED THAT THE PROJECT BE AWARDED TO THE LOW BIDDER, STERLING DONN EXCAVATION FOR THE AMOUNT OF \$125,170,39, CONTINGENT UPON THE CITY WORKING WITH THE PROPERTY OWNER TO THE NORTH AND WORKING OUT SOME SORT OF NUMBER THEY WOULD PUT TOWARDS IT. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 7:33 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer reopened the public session at 8:12 PM. She called for a motion to go into a closed session.

Motion: COUNCILMEMBER FLAKE MOVED TO GO INTO A CLOSED SESSION TO DISCUSS STRATEGY FOR THE ACQUISITION OF PROPERTY. COUNCILMEMBER

JUDD SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The regular meeting adjourned at 8:58 PM.

The next regularly scheduled meeting is January 24, 2018.

MINUTES APPROVED ON: January 24, 2018

CERTIFIED CORRECT BY: /s/ Kelly Kloepfer

KELLY KLOEPFER, RECORDS MANAGEMENT ASSISTANT