

**MINUTES OF THE WORK AND REGULAR SESSION
OF THE VINEYARD CITY COUNCIL MEETING
March 28, 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, Sergeant Holden Rockwell with the Utah County Sheriff's Department, Community Development Director Morgan Brim, Water/Parks Manager Sullivan Love, City Attorney David Church, Building Official George Reid, Deputy Building Official Brad Hardman, Plans Examiner Patricia Abdullah, Records Management Assistant Kelly Kloepfer, Planning Commission Chair Christy Welsh

Others Present: Planning Commissioners Anthony Jenkins and Stan Jenne, Residents Erick Schork, Christian Suchanski, Marlon Lindsay, Kyle Stucki, and David Lauret; BYU student Karuva Kaseke; Bronson Tatton with Flagship Homes

6:01 PM WORK SESSION

Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Judd offered the invocation.

OPEN SESSION – Citizens' Comments

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

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported on the recent meeting that the mayor and councilmembers had all attended, where they discussed the forecasted transportation needs of Utah County up to 2050. He felt that the ideas about public transportation were good but given the statistic of 97-98% of people wanting to drive their cars, the plans would need to address that fact. Mayor Fullmer reported that Vineyard had good representation at the meeting, and everyone sat in different groups to discuss the plan. Councilmember Judd reported that in the future they would need to work with other cities on transportation needs. He noted that a lot of Vineyard's ideas align with those of other cities. He added that even though people were not using it right now, with the high density that would be in the Town Center, there would be a need to have a light rail connection because of the FrontRunner station. Councilmember Flake stated that the Utah Department of Transportation (UDOT) and Mountainland Association of Governments (MAG) would put together a plan on May 13th, at which point they would meet again with the municipalities. He added that everyone agreed that there was a desperate need for east-to-west access in the valley, and a way to go across the lake.

Councilmember Flake reported that he attended the Utah Lake Commission meeting. The Commission was continuing with the removal of phragmites, and he reported that there was enough water for this year.

STAFF AND COMMISSION REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that he attended the North Pointe Solid Waste Special Service District conference, where they discussed recycling and the issues the industry was facing. China was no longer buying recycled material, which could impact the cost to residents. Contamination was the biggest issue affecting recycling programs. People were not sure what they could recycle and then would throw everything into the recycling bin, which contaminated not only their bin, but the whole truck. He was working on ways to educate Vineyard residents about recycling to reduce that impact. He also reported that at the latest North Pointe board meeting, he was appointed finance committee chair. By November 2018, which was 13 months before the contract expiration date of December 2019, the city would need to decide if Vineyard would want to renew its contract with North Pointe.

Mr. McHargue reported that they had completed the Request for Proposal (RFP) process for the lease of the 11-acre parcel west of Gammon Park, and that he would have a lease agreement for council shortly. He briefly explained the property realignment request which was on the Consent Agenda.

Public Works Director/Engineer – Don Overson – Mr. Overson gave council an update on the Center Street Overpass project. The Union Pacific (UP) engineer was reviewing the overpass plan. He asked UP for a projected date for when that review would be completed but had not gotten a date. Mr. Overson wanted to get the design finalized. He added that today he met with Gerber Construction who had done some quality engineering on the project for no charge. Their review identified some ways to improve the project and help reduce the cost.

Mr. Overson reported on the progress of other projects such as the grading for the Town Center, and smaller projects such as the 400 South curb inlet project. They were going to push the curb out to match the west side so it would be a safer intersection at Vineyard Elementary.

Mr. Overson reported that Public Works employees were working as hard as they could to keep up with the workload. Mayor Fullmer asked for an update on problems that Public Works had been mitigating recently. Mr. Overson replied that in the Bridgeport subdivision there was one cul-de-sac with a drainage issue. He reported that he had notified the developer that they would have to rebuild the cul-de-sac curb and gutter so it drained better. This was bonded for and still in the warranty period, so it would be paid for by the developer. He also mentioned that there was ponding in front of the house of a resident, and that Public Works was working to resolve it.

Mayor Fullmer asked for an update on the Rocky Mountain Power (RMP) lighting situation. Mr. McHargue replied that the city had applied for a permit for the light poles on 400 North. Mr. Overson added that the city did this about 6 or 7 months ago, asking RMP to install the meter and connect the power. Mr. Overson expressed frustration at the delays. Councilmember Judd remarked that the industry as a whole, including Dominion Energy, are behind on projects. Mr. McHargue explained that the reason for this was that there was a set fee for street lights, but now the city was metering them and paying for usage, so it would be a much lower cost overall. So while the city would save a lot of money in the future, it did slow down the construction. Mr. Overson added that there were lights installed on Mill Road but the city was still waiting for the meters to get set.

Mr. Overson reported that there have been complaints about basketball stands being placed in the right-of-way. Councilmember Judd asked if residents could just call and report this to the Sheriff's Department. Mr. Church clarified that if basketball stands were in the travel lane, the residents could contact either the Sheriff's Department or the Public Works Department, who could then move them. Mr. Overson emphasized that the city did not want children playing in the streets.

City Attorney – David Church - Mr. Church had no items to report.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell reported that Deputy Sean Peterson had been selected to be a member of the Utah County Sheriff's traffic team, so he would no longer be serving in Vineyard. Sergeant Rockwell said that he was working on selecting another deputy.

Community Development Director – Morgan Brim & Planning Commission – Chair Cristy Welsh - Chair Welsh reported on the last Planning Commission meeting where they discussed The Vine Apartments. The Vine was working to consolidate the smaller pocket parks to make a bigger, nicer facility in the middle, and would submit their plan to Vineyard staff. Those areas would still be open space but without playground equipment. She added that they would have them add a fence around the dog park.

Ms. Welsh invited council to the General Plan Open House to be held April 12 at Franklin Discovery Academy. She explained that Planning Commission was seeking input on the General Plan, so she invited council to be a part of the General Plan interviews taking place in the next two weeks.

Mayor Fullmer asked Mr. McHargue to discuss the upcoming Easter event. Mr. McHargue said that the Bunny Hop Egg Drop would be taking place at 9:30 AM sharp this Saturday March 31. He mentioned that the Vineyard Youth Council had done a lot of great work on this event.

Mr. Brim further explained the topics the General Plan interviews would cover, such as transportation, land use, sustainability, how to celebrate Vineyard heritage, trails, parks, and open space. He explained that the reason for the one-on-one interviews was they wanted to get individual thoughts and focused comments, instead of interviewing the council as a whole.

Mr. Brim told the council about the O'Reilly Auto Parts and Starbucks site plans, which were both under review. He reported that there was another developer working to consolidate the Parish Chemical and R2R properties on Geneva Road for a large retail center.

Councilmember Riley asked about the Parish Chemical site. There was a discussion about the site and the EPA.

City Recorder – Pamela Spencer – Ms. Spencer was excused.

Building Official – George Reid Mr. Reid introduced Deputy Building Official Brad Hardman and Plans Examiner Patricia Abdullah. Mr. Reid indicated that Ms. Abdullah had written the Administrative Code Enforcement Draft Chapter 2.26 that he would be presenting later in the meeting. Mayor Fullmer mentioned that yesterday she spoke with the mayor of American Fork who told her that five or six developers had told him that they did not like American Fork's building department process and that they requested that American Fork mimic the process that Mr. Reid had implemented in Vineyard. American Fork officials were going to contact Mr. Reid to learn what he had been doing. She thanked Mr. Reid for the great job he was doing.

Water/Parks Manager Sullivan Love - Timpanogos Special Service District - Board Member –
Mr. Love gave council an update on the Central Utah Water Project’s well and pipeline project. Councilmember Judd commented that there was a live camera on the project’s website, www.thewellsatvineyard.com.

DISCUSSION ITEMS

No items were submitted.

6:30 PM REGULAR SESSION

Mayor Fullmer opened the regular session at 6:30 PM.

MAYOR’S APPOINTMENTS

No names were submitted.

CONSENT ITEMS

- a) Approval of the February 28, 2018 City Council Meeting Minutes
- b) Approval of the March 14, 2018 City Council Meeting Minutes
- c) Approval of the Waters Edge Willows Final Plat D
- d) Approval of the Waters Edge Parkside Final Plat D
- e) Approval of Property Realignment Requests

Mayor Fullmer called for a motion.

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

BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Waters Edge Hamptons Preliminary Plat and Hamptons Final Plat B

The applicant is proposing an amended preliminary subdivision plat to accommodate the proposed church parcel of the Water’s Edge Hamptons development. The proposed development consists of a total 93 SFD lots and 1 parcel for a church, located at 300 West and 200 North and the final approval for Hamptons Plat B. The mayor and City Council will take appropriate action.

Mr. Brim explained that the reason for the amendment to the previously approved preliminary plat was that the LDS Church was requesting to purchase 3.84 acres, which was 7 lots. He showed council the previous and the current preliminary plats, both of which he had on-screen. To stay in compliance with the Memorandum of Understanding (MOU) that was approved on July 31, 2014, the applicant provided a lot reallocation plan. The MOU required that the number of the larger lots (8,000, 10,000, and 15,000 square feet) be maintained. If the plat had less of those lots, the applicant needed to make those up elsewhere. He showed on the map that seven lots were being taken out for the church and being reallocated to be 10,000 square foot lots. The seven displaced 10,000 square foot lots were being reallocated to the 8,000 square foot lot district, and then the 8,000 square foot lots were being reallocated in the 6,500 square foot lot

district. He referred council to the Lot Displacement Exhibit, which identified the different lots affected.

Mr. Brim further explained that the past preliminary plat had 81 lots, and the current one had 77 lots, including the seven for the church lot. This made for a net loss in density of four units in this plat. He said that staff could do a deeper analysis if council wanted them to. He introduced Bronson Tatton with Flagship Homes and asked council if they had questions for him or for Mr. Tatton.

Councilmember Judd asked Mr. Tatton to explain the process of platting lots and how inefficiencies occur. Mr. Tatton explained how some lots may be larger than what the subdivision is zoned for because of the shape of the land, cul-de-sacs, and corners. Councilmember Judd questioned Mr. Tatton, stating that since there were natural inefficiencies, those lots were going to be the larger size anyway, but that it seemed that Flagship Homes wanted credit for making them larger. Mr. Tatton replied that they knew that the overall density would never be achieved because of inefficiencies, and that was why they felt comfortable moving forward even knowing they might sell land to a school or a church. Councilmember Judd asked if that was the council's understanding at the time of the MOU. Mayor Fullmer, who was a councilmember at the time, replied that they were very concerned that if a church or school came in to a subdivision with larger lots, they would take the larger lots. She added that they felt confident after working with Pete Evans of Flagship Homes that there would be a displacement of those lots. Councilmember Riley, who was also a councilmember at the time, felt that what they were more worried about in 2014 was if they lost a 15,000 square foot lot, that it be relocated and that they not allow the developer to essentially double dip and make it denser in another area. He acknowledged that council did not analyze it on as deep of a level as they were now doing but stated that in 2014 council was absolutely adamant about that point.

Mr. Brim commented that the original ordinance had stated that, but that the MOU sought to "clarify and augment." He pointed out that the church lot counted as seven lots, and that there were now 77 instead of the previously approved 81 lots. The discussion continued.

Councilmember Judd commented that he wasn't sure if Flagship's interpretation of the MOU was what his would be, and therefore if they were to do this in the future, they would need to look at it at that deeper level. If the developer were to sell another lot to a church or school, they would need to displace lots again, or, if they had already used up the inefficiencies, they would have to pay the \$100,000 penalty fee per lot, as outlined in the MOU. His concern was that if there were a need for more churches or schools, that Flagship would just not sell the property because they had already used up the inefficiencies.

Mayor Fullmer reiterated that the MOU meant to clarify. In some areas, she felt that Flagship Homes met the needs, but in the corner lots, she felt that what Flagship Homes was doing did not meet the intent of the MOU.

Mr. Brim remarked that the intent of MOU seemed to be that if a 15,000 square foot lot was displaced, that they would combine smaller lots into larger lots. But it wasn't written in a way to do that, and so staff felt that Flagship Homes was meeting the requirements of the MOU.

Mr. Tatton reminded them that Waters Edge had been approved at 2100 units, but were now only at 1850 units, so they were far below the approved density. He further explained that they came up with the 2100 number even after considering inefficiencies, so in the overall scope, there was much less density than what Flagship Homes was entitled to.

Mayor Fullmer asked for public comments.

Resident Erick Schork, living in The Maples subdivision, asked if the church building would border The Maples. Councilmember Judd and Mr. Brim indicated on the map where the church lot was in relation to The Maples.

Mr. Brim further explained the location of the LDS Church site plan.

Councilmember Judd asked Mr. Brim about the deeper analysis that he had previously mentioned. Mr. Brim explained that the other subdivisions had larger lots because of inefficiencies, but that in the Hamptons they had significant changes, which resulted in a net loss of 3-4 lots. He offered to do that research if council wanted to see the total net loss. They continued the discussion.

Councilmember Judd asked Mr. Church to explain the difference between the MOU and council's intent. Mr. Church replied that the words of the MOU were what counted.

Mr. Brim commented that if it was the intent, then the MOU should have said that.

Mr. Church said that the MOU reflected what council intended, that if churches or schools bought the larger lots, that there would still be a minimum number of the larger lots and that there would never be more than 2100 maximum lots. Councilmember Riley said that council's concern at the time was that because the original proposal had 3 church sites and a school site, when those came in, they wanted to keep those lots from being reallocated into smaller spaces. Mr. Church summarized by saying that the concern of the council at the time was the total number of units, and the residents were requesting larger lots. He added that the city was getting the same number or more of the larger lots with the amended plat. The discussion continued.

Mr. Brim offered to research what was previously approved compared to this plat and give those numbers to council so they could explain this to residents.

Mr. Church observed that had this been the first plat built, city would have worked with the developer to ensure the lot sizes on the plats that followed, and everyone would have thought it was great. It simply happened in a different order and ultimately did not make a difference.

Mr. McHargue sought to address Councilmember Judd's concern about future lots being sold to churches or schools. He offered to have staff work with the developer on the actual lots that would be displaced, and apply a preference to non-corner lots, etc. That way there would be a mutual understanding. Mayor Fullmer and council agreed.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO ACCEPT THE WATERS EDGE HAMPTONS PRELIMINARY PLAT WITH THE ADDITION THAT THE CITY WILL COME UP WITH THE ACTUAL NUMBER OF LOTS FOR THE WATERS EDGE DEVELOPMENT AND THE APPROVAL OF THE HAMPTONS FINAL PLAT B AS STATED. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED.

9.2 DISCUSSION AND ACTION - Municipal Code Amendment Ordinance 2018-03

City Building Official George Reid will present a request for an amendment to Title 2 formerly Chapter 10 of the Municipal Code to create an Administrative Code Enforcement (ACE) program. The mayor and City Council may act to approve (or deny) this request by ordinance.

Mr. Reid presented the Municipal Code Amendment Ordinance, which addressed code enforcement. He explained that the current enforcement procedure had a lot of bark but not a lot of bite and gave an example of how the current procedure would work in the case of an illegal shed. He described how there often would be no consequences until the owner wanted to sell the property, which could take many years.

He discussed how code enforcement was an important public service provided by the City and presented to council the proposed Title 2.26 Administrative Code Enforcement. He then explained the proposed citation process. He gave examples such as parking, vacation rentals, and a food vendor doing business without a business license.

Mayor Fullmer asked how it would work at night and on weekends when the Sheriff's deputies handle code enforcement. Mr. Reid responded that if the deputies document and report it to code enforcement, then the code enforcement officer would cite the offender.

Mr. Brim clarified that on vacation rentals, that council had requested staff to handle those on a case-by-case basis, since some of them were grandfathered in and therefore not out of compliance.

Mr. Reid explained how abatement would work, using the example of the illegal shed. The resident would receive a Notice of Violation and would have a minimum of ten days to remove the shed. They would also receive an explanation of the consequences if they did not correct it, which in many cases would be \$25 per day per violation. This might be accompanied by a citation. If there were numerous violations and the resident could not clean it up in one day, they could give them 10 or 30 days, depending on the situation.

Mr. Reid then detailed the civil penalties, fines, and fees.

Councilmember Judd asked how this compared with other local cities.

Ms. Abdullah replied that this was fairly standard and that she had researched the code enforcement in about seven cities while preparing this program.

Mr. Reid continued explaining the fees, stating that the city had to follow state law and could not exceed the maximum fee for a Class B Misdemeanor, which was \$1,000. He also explained how this program would establish an Administrative Law Judge (ALJ).

Mr. Brim asked Mr. Reid if the zoning hearing officer could be the same person as the ALJ. Mr. Church replied yes. Councilmember Judd asked if there was a reason not to have it be the same person. Mr. Church responded that it depended on the person, since some people might not have the expertise to do both. He added that the city manager could not be the ALJ since that would deny the resident due process because a city manager would not be an impartial hearing officer.

Mayor Fullmer asked Mr. Brim about the hearing officer position. Mr. Brim explained that the hearing officer position was not in the code yet but was in the process to come before Planning Commission next month. He explained why it was better to have a hearing officer rather than a

board of adjustments. He emphasized that it would be more efficient to have the ALJ and the hearing officer be the same person.

Mr. Church explained that in most small cities the hearing officer was a citizen who volunteered, or they had a list of individuals who could do it, either voluntarily or for pay. Mayor Fullmer asked for clarification on the wording. Mr. Church stated that the current wording that the city manager “will appoint” would be fine. He suggested finding someone with legal training.

Mr. Reid recommended that since the ALJ would establish the policies and procedures, that the city manager could do that part so they are in place when the appointed person began. He then discussed appeals and hearings.

Mayor Fullmer asked for questions.

Councilmember Judd asked about code enforcement officers’ authority to inspect, and if they were authorized to enter a resident’s home.

Mr. Reid replied that no, the city still had to follow state law. He explained that the code enforcement officer could ask to enter but if the resident refused, the city would have to get a warrant, etc.

Mr. Church explained that this proposal was an alternative to what we had now under state law and code. This way the city would be using an administrative citation instead of a criminal citation. He listed the advantages of this approach and recommended that council approve the proposal. He added that the city would still be able to decide if they wanted to pursue the administrative pathway or the criminal pathway, depending on the situation. Councilmember Earnest remarked that code enforcement was something that residents wanted. Mr. Reid and councilmembers continued the discussion.

Mr. Church explained that the key to success was using this as a way to get abatement of the problem. Then if the resident refused to abate, the administrative citation process brings them to a resolution more quickly. He added that the court system was too slow for these kinds of issues, and the fines were too low. He used the example of the illegal shed, which the justice court would assign a \$50 fine, and still the shed would not go away. In contrast, the administrative code enforcement helped to bring the resident into compliance. An added benefit of this process was that it gave residents the ability to challenge the code enforcement officer in front of a neutral hearing officer, without getting charged with a crime and without going to court, because sometimes cities were wrong.

Councilmember Judd asked Mr. Reid if the city already had the technology and staffing in place to implement this. Mr. Reid replied yes. Mr. Reid emphasized that sending out a city inspector was a friendlier approach than sending out the sheriff.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE MUNICIPAL CODE AMENDMENT ORDINANCE 2018-03 AS PRESENTED AND PROPOSED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED.

CLOSED SESSION

Mayor Fullmer called for a motion to go into closed session for a strategy session to discuss the purchase, exchange, or lease of real property.

Motion: COUNCILMEMBER JUDD MOVED TO GO INTO A CLOSED SESSION FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY AT 7:30 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY WERE IN FAVOR. MOTION CARRIED.

ADJOURNMENT

The meeting was adjourned at 8:31 PM.

The next regularly scheduled meeting is April 11, 2018.

MINUTES APPROVED ON: April 11, 2018

CERTIFIED CORRECT BY: /s/ Kelly Kloepfer
KELLY KLOEPFER, RECORDS MANAGEMENT ASSISTANT