

MINUTES OF A REGULAR SESSION
OF THE VINEYARD CITY COUNCIL MEETING
August 8, 2018 at 6:00 PM
125 South Main Street, Vineyard Utah

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, Community Development Director Morgan Brim, Planning Commission Chair Cristy Welsh, City Recorder Pamela Spencer, Plans Examiner Patricia Abdullah, Water/Parks Manager Sullivan Love, Treasurer Mariah Hill, Finance Intern Karuva Kaseke, Planning Technician Joshua Smith

Others Speaking: Resident Anthony Jenkins

6:00 PM **REGULAR SESSION**

OPEN SESSION – Citizens’ Comments

Mayor Fullmer opened the public session.

Resident Anthony Jenkins living in the LeCheminant subdivision expressed concern about people using their cell phone while driving. He asked if there could be a social media campaign, tickets given, etc. Mayor Fullmer responded that the city could create an awareness campaign.

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

MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

No reports were given

STAFF AND COMMISSION REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue presented his quarterly budget report. Highlights were:

- Revenues came in higher than what was anticipated
- Expenditures were below the allotted amount.
- Each of the utilities had an increase to their fund balance except the sewer fund, which took a small subsidy.

Councilmember Judd asked Mr. McHargue to explain why they were reviewing the budget. Mr. McHargue explained that each year the city was required to keep a general fund balance within 25 percent and that the utilities funds were running revenue neutral.

He reported on the parking issues in Tucker Row, The Lochs, and The Preserve. He said there was an area north of Tucker Row where staff was proposing that the developer create a surface parking lot. Councilmember Judd asked if it was required as open space in the original agreement. Mr. Brim explained that there was a trail and open space and they could make the trail wrap around the parking area. Mr. McHargue stated that taking out the green space would not put them below the developer's required green space. He said that in The Lochs development they could consolidate the dumpsters, which would create another 30 parking spaces. Mr. Brim said that between the buildings and the dumpster areas in The Lochs they could add two extra stalls and the area behind the parking garages where they could add additional stalls which would get them to about 28 additional stalls. There was further discussion about parking stalls. Mr. Brim said there was a public utility easement for Rocky Mountain Power. He explained that the site plan required parking that had not been implemented because of the utility placements. He added that they had met the two-per-unit requirement but the site plan included more parking and the staff was trying to get the development back to what had originally been approved. Councilmember Flake asked how many spaces would be in the area near the rail road tracks. Mr. Brim replied that it would be slightly larger than the 18-acre park's parking. He added that he had heard that the developers were trying to force parking in the garages. Councilmember Judd asked if consolidating the dumpsters would create concerns. Mr. Brim replied that the developments were changing to individual cans which would help stop the dumping of large items in the dumpsters. City Planner Elizabeth Hart stated that The Lochs development had the individual cans and Tucker Row had the dumpsters. Mr. Brim stated that Tucker Row would also be going to individual cans.

Councilmember Judd asked if they could tie the parking with the installation of the trails. Mr. Brim explained that the developer and original landowner were in discussion about who would be installing the park. Mr. Church stated that Flagship Homes owed the city the obligation. He felt the city had leverage with the reimbursement agreements.

Councilmember Judd asked about parking issues in The Preserve development. Mr. Brim replied they had been discussing parking in Edge Homes' new development and would add The Preserve in the conversation. Mr. McHargue said that they could add parking on the dead-end road until the new development went in. Mr. Brim felt that parking issues usually solved themselves with people moving out.

Councilmember Judd clarified that there might not be the open available land in The Preserve to do what was being done in the other two developments.

Mr. McHargue reported that they had hired a recreation coordinator who would be starting a fall recreation program open for ages 3 to 11. It would be a six-week program running from September 5 to October 13. Councilmember Riley asked if they anticipated that the city would need to subsidize any of the cost. Mr. McHargue replied no. He said that all of the models

showed that soccer leagues would be self-sustaining. Councilmember Earnest asked about having a flag football program. Mr. McHargue replied that soccer was the number one response from the survey. He added that this was just to test the program and that they would expand next year.

Mr. McHargue reported on the Book Mobile numbers for last year. He said that by June they had 64 percent growth in usage. He explained the different library uses with the Book Mobile contract. Mayor Fullmer suggested that they could do a social media post about the Book Mobile and how to get a library card. Councilmember Judd felt that the numbers could have been better but the Book Mobile was breaking down a lot. Mr. McHargue stated that as the usage grows they could have it come on a weekly basis. Councilmember Judd asked if they paid the same price if the Book Mobile did not show up. Mr. McHargue replied that they did. Mayor Fullmer thought there was an agreement that if it did not show up the city would not be charged. Mr. McHargue replied that residents still had access to the libraries' other services. Mayor Fullmer said that they had a discussion with the county and they agreed to the city not paying them for time the Book Mobile was not there. Mr. McHargue replied that it was not in the contract and he would look at getting it updated. Mr. Brim suggested that they look at moving the Book Mobile to the 18-acre park.

Mr. McHargue reported that he had been working with Ms. Hart to apply to become a bike friendly city. He said that there was a lot of things the city could do to become a bike friendly city such as a bike safety training through the NOVA program, etc.

Mr. McHargue reported that they were negotiating with UTA and UDOT on the design of the FrontRunner Station. He said that there would be follow-up meetings held at the Vineyard City offices.

Public Works Director/Engineer – Don Overson – Mr. Overson was excused.

City Attorney – David Church – Mr. Church explained that Vineyard was one of the cities that had adopted a transportation fee that the residents and businesses pay to help with maintenance of the roads. He said that Pleasant Grove was being challenged by some of their citizens about the constitutionality of those types of fees. He said he would be meeting with cities to cooperate on how best to defend the lawsuit and said that it could be brought up in the legislature. He added that if Pleasant Grove lost the case it would affect Vineyard. He said that it was a small amount of money each year. Mr. McHargue said that they collected \$56,000 last year at a charge of \$3.50 per equivalent residential unit (ERU). Mr. Church said the legal issue was whether or not it was a fee or a tax. He added that roads will need to be repaired and they would need to find another source to pay for them. Mayor Fullmer explained that in 2015 the city sent out a survey to the residents and they were in favor of the fee. Mr. Church said that all cities received a portion of the gas tax which did not cover the total costs of the maintenance. Councilmember Judd further explained that by collecting a transportation fee it could only be used for transportation, where a property tax increase could be used for other uses. Mayor Fullmer commented that the fee allowed the city to work with UVU on their fees.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell replied to the resident's comment from the public session. He explained that there was a police presence to do periodic "distracted driving" blitzes. Councilmember Earnest asked what the fee was for a distracted driving charge. Sergeant Rockwell replied that it was more expensive than a speeding ticket.

Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh – Chair Welsh reported that the Planning Commission had done a site visit to the pressurized irrigation pond on the corner of Loop Road and Main Street. Councilmember Riley felt that, long range, they needed to fence it off. Chair Welsh thought that it would help keep children out of the pond now that there were ducks in it. She felt that the grate where the water came out was safe. Mayor Fullmer asked when the split rail fence was being installed. There was a discussion about fencing the pond. Chair Welsh asked what a split rail fence would do for safety. Mayor Fullmer explained that the fence was different from a decorative split rail in the 18-acre park. Mr. Brim suggested that staff look at all the options. Councilmember Earnest felt that a fence could make it more appealing for teenagers to get into. Mayor Fullmer stated that they needed to review the minutes and revisit the issue.

Mr. Brim introduced Joshua Smith the new Planning Technician. He explained that Mr. Smith would focus on planning, economic development, and code enforcement.

Mr. Brim reported that the Planning Commission would be looking at the Hadsworth property on 1750 North. He explained that it would be a 16,000 square foot warehouse with 6,000 square feet of office space. He reported that the LDS Church had purchased property in the Hamptons subdivision and would be submitting a conditional use permit application and site plan required for the development. He reported that The Vineyard Shores development would include single family homes, townhomes, and condominiums. He explained how the development would be laid out. Councilmember Judd expressed concern with parking in the new development. Mr. Brim explained that the developers were anticipating regional use and would be building street parking that would be restricted at night. He stated that they would be meeting the parking code. Ms. Hart explained that it was two spaces for residential and 130 public parking spaces along the road. Mr. Brim added that they would be exceeding the parking code.

Mr. Brim reported that he had been working with two hotels and a grocery store who were interested in coming into Vineyard.

Building Official – George Reid – Mr. Reid was excused. Plans Examiner Patricia Abdullah reported that they had just finished their annual 4-way competition. She said that there were three winners, two of which were new. The winners were Woodside Homes, Flagship Home, and Home Center Construction.

City Recorder – Pamela Spencer – Ms. Spencer reported that the new recording equipment would be installed on Friday.

Water/Parks Manager Sullivan Love – Mr. Love reported on the Utah Lake Technical Committee meeting. He said that they had a grand opening of the Utah Lake State Park. He gave a brief description of the improvements done to the park. He said that there had been good attendance at the Utah Lake Festival and that they had received good feedback from the attendees. He mentioned that the commission had a website accessible for those who liked to sail and boat, which gave updates on current weather conditions. He said that there was an official advisory for algal bloom on the whole lake. He gave an update on carp removal and the studies on northern pike and June suckers.

Mr. Love reported that Timpanogos Special Service District (TSSD) had a new general manager. He said that he was still working on the splash pad report. He added that the splash pad and park were being well used. He gave an update on how the splash pad worked. He said that the nozzles worked on a timer. Mr. McHargue mentioned that they would only shut off if there were no activity. Mr. Love mentioned that there was a concern about lights in the park. He said that he had set timers. He said that they were still looking for additional help to run the splash pad. He explained that there was certification required, which would allow it to open the park on more days. There was a discussion about what it took to maintain the park.

Mr. Love reported that the tree inventory was almost complete and he would present a report to council when it was.

Mayor Fullmer asked Mr. Love to update the council on the dry grass issues. Mr. Love explained that Loop Road and 400 North had been under construction and they were waiting for the contractor to meet the city's conditions. He stated that there had been some problems with the subcontractors and equipment.

PRESENTATION – OUTRAGE SURVEY (postponed from earlier in the meeting)

Teens from the OUTRAGE program will give a short presentation about their program and a survey they would like the mayor and City Council to fill out.

Mayor Fullmer turned the time over the OUTRAGE representatives.

Delaney Maughan from the Outrage Program read the following statement.

“Hello, my name is Delaney Maughan. I live in Provo and I'm a youth leader representing OUTRAGE! We are a youth-led organization whose purpose is to try and reduce substance abuse among children and youth. We do this through advocacy and education. As we have talked as an organization and with our adult leaders, we realized that while a lot of work has been done to get to know the state legislators, not a lot has been done to get to know the local leaders. We want to get to know you better and we would like to give you a brief survey to find out what your feelings are about various substance abuse issues.” Ms. Delaney noted that the survey had been emailed to them earlier in the day. She continued, “With this information, we can better understand if there are certain issues that you as the city council care about more than others or see as a problem in your city. We can hopefully work with you in the future to find ways to address those problems.

The survey is primarily multiple choice with one short open-ended question. All responses are anonymous. Background and demographic questions will only be used to describe the general characteristics of survey participants and cannot be used to trace answers back to the respondent. If you do not want to answer a particular question, feel free to skip it. If your answer does not exactly align with any response, please either select a response that is closest to your answer or skip the question.”

Ms. Maughan thanked the council for allowing her to speak to them and for their willingness to take the survey.

Mayor Fullmer thanked them for their presentation.

DISCUSSION ITEMS

No items were submitted.

CONSENT ITEMS

- a) Approval of the July 11, 2018 City Council Meeting Minutes

Mayor Fullmer called for a motion.

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

MAYOR’S APPOINTMENTS

No items were submitted.

BUSINESS ITEMS

9.1 PUBLIC HEARING – Amending the Consolidated Fee Schedule Resolution 2018-11

City Treasurer Mariah Hill will present an amendment to the Consolidated Fee Schedule. The mayor and City Council may act to approve (or deny) this request by resolution.

Mayor Fullmer turned the time over to City Treasurer Mariah Hill.

Ms. Hill explained that Orem’s impact fees were incorrect so staff was requesting to change the wording so that it reflected what Orem’s fees were. She said that they needed to add the Recreation Program fees. She explained that they were going to start taking credit cards for pavilion reservations, building permits, etc., so they were adding a 3 percent convenience fee to cover the cost of the transaction fees. She added that they needed to add a field rental fee and to remove the “90 day” wording under the Solicitor’s license.

Councilmember Riley expressed concern about not listing the fees owed to Orem. Ms. Hill explained that they were a pass-through fee. She said that the issue was that Orem would change their fees without notifying the city. Councilmember Riley asked if staff could put it on a calendar to see if the fees had changed. He felt that anyone who came in to pay those fees had to

go to Orem City to find the information from Vineyard. Mr. McHargue stated that Vineyard would still have the fees available to those who would need to pay them. This information would be available on the Vineyard website or from staff. He said that Orem's adoption schedule was at the same time in June as Vineyard's so they did not always have their updated fees. There was a discussion about fee schedules. Councilmember Riley said that he did not want to send residents to Orem to get the impact fee amounts. Mr. McHargue replied that there might be a month from where Orem adopted their schedule until they send the information to Vineyard. There was further discussion about the fee schedules.

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE UPDATED CONSOLIDATED FEE SCHEDULE AS PRESENTED, AND THAT STAFF WILL UPDATE THE WATER FEES AS SOON AS THEY GET THEM FROM OREM (RESOLUTION 2018-11). COUNCILMEMBER RILEY SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

9.2 DISCUSSION AND ACTION – Amending the Municipal Code - Park Regulations Ordinance 2018-08

City Staff will present an amendment to the park regulations. The mayor and City Council may act to approve (or deny) this request by ordinance.

Mayor Fullmer turned the time over to City Treasurer Mariah Hill.

Ms. Hill explained that this was a general update adding the new pavilions and fields and amending the wording. She said that they were adding general expectations for those renting the pavilions. Councilmember Riley felt that they needed to be strict with the cleaning deposit. Ms. Hill explained that there would be a cleaning list that they would give out with the reservation. She added that they had increased the cleaning deposit amounts. Mr. Love explained the process his staff went through after each pavilion rental and what staff's feedback was. There was a discussion about the pavilions and cleaning fees.

Motion: COUNCILMEMBER RILEY MOVED TO APPROVE AMENDING THE MUNICIPAL CODE – PARK REGULATIONS ORDINANCE 2018-08. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

9.3 DISCUSSION AND ACTION – Adopting the Vineyard Retention Schedule (Ordinance 2018-09)

City Recorder Pamela Spencer will present the Vineyard Records Retention Schedule. The mayor and City Council may act to approve (or deny) this request by ordinance.

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

Ms. Spencer gave a brief explanation as to why she chose to have the council adopt a municipal retention schedule specific to Vineyard. She added that they had included a table of contents. She said that they were also adding code to clarify the roles of staff and the appeals process for records requests. Mayor Fullmer asked if most of the records were digitized. Ms. Spencer replied that they did have a lot of documents that were digitized and with the Laserfiche software, staff would

be able to add the retention schedule to the document. Mayor Fullmer asked how the retention would affect the Redevelopment Agency (RDA) and if they should keep the documents permanent because the RDA might be sued. Ms. Spencer responded that they should not keep documents because they might be sued. Mr. Church explained the under the Government Records and Management Act (GRAMA) the local governments were allowed to adopt an ordinance which included a retention schedule. He mentioned that there were records that were permanent and some that should be destroyed or sent to the Utah State Archives. He said that the purpose of the retention schedule was to inform staff as to how long they are to keep certain records. There was a discussion about the retention schedule. Ms. Spencer stated she wanted to simplify the retention schedule and make it easier for staff and citizens to find out what records might be available. She mentioned that records were subject to GRAMA requests. She added that she would never destroy a record without first speaking with the department that generated the record. Mr. Church explained the records act. There was further discussion about the retention schedule and the process staff went through. Ms. Spencer mentioned that she had sent the proposed retention schedule to the Utah State Archives for their feedback. She took that feedback, made the appropriate changes and was now presenting the final draft.

Mayor Fullmer called for further questions. Hearing none, she called for a motion.

MOTION: COUNCILMEMBER FLAKE MOVED TO ADOPT THE RETENTION SCHEDULE, ORDINANCE 2018-09. COUNCILMEMBER RILEY SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

CLOSED SESSION

No closed session was held.

ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 7:36 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is August 22, 2018.

MINUTES APPROVED ON: August 22, 2018

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