

MINUTES OF THE VINEYARD
CITY COUNCIL MEETING
125 South Main Street, Vineyard, Utah
September 26, 2018 at 6:01 PM

Present

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

Absent

Councilmember Chris Judd

Staff Present: City Manager/Finance Director Jacob McHargue, Public Works Director/City Engineer Don Overson, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, City Planner Elizabeth Hart, Planning Commission Chair Cristy Welsh, Records Management Assistant Kelly Kloepper, Water/Parks Manager Sullivan Love

Others Speaking: Provo Police Captain Brian Wolken

6:01 PM REGULAR SESSION

Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Earnest gave the Pledge of Allegiance and invocation.

WORK SESSION – Capital Projects – Postponed to later in the meeting
City Council and Staff will discuss the Capital Projects for the city. No action will be taken at this time.

OPEN SESSION – Citizens' Comments

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

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Mayor Fullmer reported that she recently attended a conference in Washington, D.C. with five other Utah mayors to discuss the most pressing issues for the country and for the state of Utah. Some of the concerns for Utah were infrastructure and the housing crisis because of so many people moving into the state. She explained that because the economy was so strong in the country and especially in Utah, infrastructure was becoming a big issue and was one of the growing pains the city would have. She also said another topic of discussion at the conference was the opioid crisis. She commented that our Sheriff's Office was doing a great job informing the city and citizens of what people could do. She invited residents to email her with any questions, and added that more information was available in her biweekly Mayor Report, which she posted online.

STAFF AND COMMISSION REPORTS

City Manager/Finance Director – Jacob McHargue – Postponed to later in the meeting

Public Works Director/Engineer – Don Overson Mr. Overson reported that the city had finalized its prequalification packet review for the Center Street Overpass. He said that they would give the contractors a three-week period to bid the project, so he hoped to be able to present a recommendation to City Council on October 24th.

City Attorney – David Church – Mr. Church was excused.

Utah County Sheriff's Office – Sergeant Holden Rockwell – Sergeant Rockwell explained that he and the Sheriff's deputies were currently growing beards for the annual Shop with a Cop program.

Community Development Director – Morgan Brim & Planning Commission Chair – Cristy Welsh Mr. Brim reported on the three General Plan meetings that they recently held, including the meeting for business owners held the previous week. He said that they had poll questions that they would email to all Vineyard business owners, including home-based businesses, which he emphasized were the future of the city's economic development. The city wanted to facilitate the growth of small businesses. He gave a report of the recent General Plan Open House. He added that the General Plan survey questions that were asked were posted online, and that they really wanted the citizens' input.

Mayor Fullmer remarked that the General Plan Open House was very good and that those who attended were able to vote by electronic voting and get answers to their questions. She said that the city would continue having such meetings in the future, so there would be more opportunities for those who missed the last one.

Mr. Brim agreed, adding that even after they were done with the General Plan, similar open-format meetings, held periodically, would help to keep a dialogue going with the citizens.

Planning Commission Chair Cristy Welsh – Ms. Welsh reported on last week's Planning Commission meeting and on working with the Community Development Department to resolve code compliance problems. She also reported that they were working on the 3- and 6-acre parks. Councilmember Riley asked when the parks would be completed. Ms. Welsh replied that they were trying to complete both parks this fall, but if the grass could not be seeded before it got cold, that might delay it until the spring.

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

Building Official – George Reid – Mr. Reid was excused.

Water/Parks Manager Sullivan Love – Mr. Love reported on the recent Utah Lake Commission meeting. He said that the current level of the lake was five feet below full. There was an acquisition of property by Lincoln Beach area, which the county would like to develop. He

asked that those interested in helping to obtain funding for the Utah Lake Shoreline Trail contact the Mountainland Association of Governments. He also reported that the Utah Lake Commission was looking into algae bloom treatments. He gave an update on phragmites removal, and there was a discussion about it. He also reported that the Commission was planning another lakefront cleanup day. He also discussed how the Commission had installed signage at eight public access points to educate the public about algae blooms. He directed those interested to the Division of Water Quality website for algae bloom updates.

<https://deq.utah.gov/division-water-quality>

Mayor Fullmer addressed concerns she had heard from residents about an apparent increase in mosquitoes. She explained that the County had a policy to only spray until the second week of September, partly because of funding and partly because the pesticide did not work at temperatures below 55 degrees. She added that Vineyard City sprayed three times per week, and emphasized that the city was still spraying.

CONSENT ITEMS

7.1 Approval of the September 12, 2018 City Council Meeting Minutes

Mayor Fullmer called for a motion.

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

MAYOR'S APPOINTMENTS

No appointments were submitted.

DISCUSSION ITEMS

6.1 Amend the Municipal Code to add towing regulations

The City Council and staff will discussion possible regulations for towing within city limits. No action will be taken at this time.

Mayor Fullmer explained that there had been parking concerns and people's cars being towed. She introduced Orem resident and Provo Police Captain Brian Wolken, and turned the time over to Sergeant Rockwell to begin the discussion.

Sergeant Rockwell explained that one of the solutions they were looking at was adopting an ordinance similar to what Provo had adopted to limit predatory towing and to set maximum fees to protect the citizens as much as possible.

Mr. Wolken introduced himself and stated that he had two adult children who lived in Vineyard. One of them lived at The Lochs, and had their car towed with what Mr. Wolken would call predatory towing. Provo had this problem for many years until they passed an ordinance in 2013. He described how predatory towing worked: The tow truck companies would prey on high-density housing, and would use a scout vehicle to find cars and then call the truck to tow several cars. He said that misleading signage was also a problem. He gave an example at The Lochs where they did have No Parking signs, but the signs were on corners and were diagonal, so it was confusing where people could and could not park. The Provo ordinance also required

clear signage for visitor parking. He explained that another problem, one that he experienced when his child's car was towed, was that no one was available to release the towed car until 11 hours later at noon the next day. The Provo ordinance required that the tow company be available within one hour to release the vehicle.

Mr. Wolken discussed another problem, which was when the tow truck company had no photos, no time stamps, and no proof. The Provo ordinance required that the tow truck companies take photos with time stamps, and to prove if there was any damage to the vehicle during the tow. Mr. Wolken explained that there currently was no due process if a vehicle were towed, since there was no appeal process. He added that the state maximum tow fee was \$221, which was a lot of money, especially for college students. He stated that the Provo ordinance had a lower maximum fee to \$175, which included the first day of storage. The maximum fee for a booted vehicle was \$60. The Provo ordinance also prohibited tow companies from giving kickbacks to property owners. He asked the council if they had questions about the ordinance.

Councilmember Riley asked about the impact once this ordinance was implemented. Mr. Wolken replied that he supervised the sergeant who oversaw the towing and booting. He reported that the number of tows and the number of complaints about wrongful tows went down immediately. Councilmember Riley asked about the backlash from the towing companies towards the city. Mr. Wolken replied that they were initially upset. He acknowledged that tow companies were doing business, and that the property owners had a right to have vehicles towed, and he felt that the ordinance they passed in Provo struck a balance. He added that the ordinance was backed by case law.

Mayor Fullmer asked if property owners felt that parking got worse because of the ordinance. Mr. Wolken replied that he had not received any negative feedback from property owners.

Councilmember Earnest asked how the adoption of the ordinance was communicated to the towing companies. Sergeant Rockwell responded, saying that there was public notice when any law went into effect and that citizens and businesses are held to the laws, whether or not they knew about them. He recommended that if the council adopted an ordinance similar to Provo's, that the Sheriff's Office communicate this with the HOAs and property owners. He explained that most of the towing companies were under contract with the property owners. This ordinance would specify what that contract would need to look like.

Councilmember Earnest asked about how much say the city would have with the fee amounts. He commented that the amount Mr. Wolken mentioned still sounded high for college students. Mr. Wolken replying that they put the maximum fee at what they thought was fair to both sides, but that he could not remember how they came up with that amount. Mayor Fullmer stated that it would be at the discretion of the council to calculate the maximum fees. Sergeant Rockwell clarified the state maximum fees, and added that council could discuss it and consult with the city attorney.

Councilmember Earnest asked what Vineyard could learn from Provo's experience and if there was anything that they wished they had done differently. Sergeant Rockwell replied that if the council wanted to adopt a similar ordinance, meeting with Provo to ask those kinds of questions would be part of the process. Mr. Wolken remarked that it took Provo over 2 years to write the ordinance and that it was adopted five years ago. He added that Lehi has also adopted a similar ordinance. He summarized by saying that he had watched Vineyard grow over the years and he could see there was a problem and wanted to share what Provo had done to address these same problems that would be developing in Vineyard. Mayor Fullmer agreed that Vineyard was

experiencing growing pains and thanked Mr. Wolken for reaching out to the city and presenting this information.

Mayor Fullmer and the councilmembers agreed to add this as a business item on the next agenda.

STAFF AND COMMISSION REPORTS, CONT'D

City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that at the recent Utah League of Cities and Towns (ULCT) conference, there was a lot of discussion about affordable housing. He said that he anticipated more pressure from the state legislature on this issue.

Mayor Fullmer commented that the state and federal governments were acting more aggressively on affordable and high-density housing. Part of this discussion was the suggestion that cities should not determine zoning. ULCT was working to maintain cities' and towns' ability to zone their own areas and to keep that in the discussion. She added that this was one of the topics she discussed at the conference in D.C. She felt that the government that was closest to the people was the best equipped to represent the people. She commented that the city council, staff, and the League were working to push back on the pressure. She emphasized that not only Vineyard, but the whole state was feeling the pressure, especially with the strong economy and population growth here in Utah. She explained that they are working to get the government to look at this regionally instead of demanding that cities incorporate this. She added that Vineyard was working to push back against state and federal governments to manage our own growth.

Councilmember Earnest acknowledged that high density housing was unpopular. He asked Mr. McHargue if the city was on the right track with high density housing as far as the state is concerned. Mr. McHargue replied that the discussions were more focused on affordability. They were looking at the cities and all of the impacts on affordability such as zoning, impact fees, and development fees, and that they were not looking at high density. He felt that they may not understand fully why cities charge such fees and the services the cities provide.

Mayor Fullmer remarked that defining "affordable housing" was important. She said that Vineyard had a lot of affordable housing but because the market was so good, prices were high and therefore affordability was a problem and didn't meet the standards. Also, because the economy here was so good in Utah, people didn't have to move away so they stayed and got jobs here. She concluded that high demand was a big part of the problem. She cited statistics that 40% of the people were migratory, or talent that moved in from out of state, and 60% were those raised in Utah who also attended university here and then stayed.

Mr. Brim indicated that density helped with affordability, and that well over 60% of housing in Vineyard was townhomes, condominiums, and apartments. He felt that Vineyard's residential neighborhoods were probably one of the densest in Utah County.

Mayor Fullmer remarked that one of the presenters she heard used Vineyard as a model for other cities to follow. Morgan added that a lot of other cities did not allow for accessory dwelling units, and Vineyard did. He felt that Vineyard would fare pretty well when the state requirements came out, since Vineyard was accommodating affordable housing.

Councilmember Flake stated that the dilemma was that there was a group in the state legislature within the last few years that wanted to take away cities' ability to zone, since they thought that cities zoned maliciously. This group also thought that cities imposed impact fees and building permit fees as a hindrance to building affordable housing. He conceded that this may be true

with some cities, but that Vineyard charged the minimum amount. He expressed concern that developers in the legislature would override cities to get what they wanted, even those who were models of providing affordable housing, such as Vineyard. He emphasized the importance of working closely with ULCT to put an end to the notion that cities such as Vineyard were causing this problem. He observed that part of the dilemma was the strong economy and high demand, which caused housing costs to rise, and the city was caught in the middle. He concluded that the city needed to speak up and not let itself be defined as not providing affordable housing.

Mayor Fullmer agreed, adding that city leaders were working hard to represent Vineyard by attending meetings, speaking to state and federal representatives, working with the National League of Cities, etc., to communicate that Vineyard had already begun to take these steps. She concluded that state and federal agencies imposing new regulations in a one-size-fits-all approach would not work since Vineyard was a city that was already working on affordable housing.

WORK SESSION – Capital Projects

City Council and Staff will discuss the Capital Projects for the city. No action will be taken at this time.

Mr. McHargue gave a brief overview of projects in the queue for the RDA. He identified the RDA Projects and Requests, RDA Funding, and Debt Obligations. He explained that since there were more requests than there was funding, he sought guidance from council in prioritizing the projects.

He mentioned that the agenda item in tonight’s RDA meeting was that the RDA Board was applying for a Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant, which required matching funds. He described how the rail spur project along Geneva Road was a perfect candidate for the CRISI grant. He said that it was a \$16-18 million project, and that they applied for \$8 million and set aside \$10 million match since the U.S. Department of Transportation was looking for a 60% match.

Mr. McHargue then addressed the UDOT bond. He reviewed the different amounts:

	<u>UDOT bond</u>	<u>Roadway Impact Fee Fund</u>	<u>State Grant</u>
Center Street Overpass	\$4,800,000	\$3,200,000	
FrontRunner Station	\$5,000,000		\$4,000,000
Rail Spur	\$10,000,000		
Vineyard Connector Extension	<u>\$3,000,000</u>		
Total	\$22,800,000		

He explained that the Center Street Overpass was projected to cost \$8,000,000. He also detailed how the \$4,000,000 state grant for the FrontRunner Station would build a platform and a parking lot, but if the city wanted to upgrade with a parking structure or other elements, that is what the \$5,000,000 would do. He pointed out that with the \$16,603,000 currently in the UDOT bond, the city was about \$6,000,000 short. He sought direction from the council on how to proceed. They discussed funding and grants.

Councilmember Earnest asked what the order had been up until this point. Mr. McHargue replied that the top priorities had been the Center Street Overpass and the FrontRunner Station, with the others below those. He added that the city was waiting on air rights for Center Street

Overpass. He said that there was a panel with UDOT, UTA, and others working on a design for the FrontRunner Station.

Mayor Fullmer observed that putting in \$10,000,000 and asking for the \$8,000,000 grant was the best approach for the rail spur. She added that when the city made those priorities, Union Pacific (UP) was not even signing a contract for the rail spur. They had since signed an agreement, and so now the city was working on funding. They were also working on funding for the Connector Extension, but there were already two projects in motion.

Councilmember Earnest gave his order of priority as of now, even though funding may change things: Center Street Overpass, Rail Spur, Connector Extension, then the FrontRunner Station. A discussion about the FrontRunner funding and construction timeline ensued. Mayor Fullmer concluded that by March after the legislative session, the city would know if they had received funding, so the priorities might change again at that time.

Councilmember Flake asked about the Connector Extension. Mr. Overson explained the logistics of the Connector Extension and building access to the FrontRunner Station.

Councilmember Riley asked about the state's loan to the city, and Mr. McHargue indicated that the \$16,603,000 was the amount the city had. Councilmember Riley clarified that the state had given the city permission to use that money on other transportation projects.

Councilmember Riley said that his top priority was the Center Street Overpass. He acknowledged that the city was limited to one lane each way, but he emphasized that they needed to do whatever they could to maximize the capacity of the overpass in the event of an emergency. His second priority was the FrontRunner Station. He mentioned the rail spur and sought clarification on where that stood. Mayor Fullmer explained that UP had signed the agreement and now it was a matter of getting the funding, which the city was seeking from several sources. She added that commercial businesses along Geneva Road were coming in because the city had signed the rail spur agreement with UP and also because people were finding out that the FrontRunner Station was going to be built.

Councilmember Riley asked what the other options were for getting more funding. Mr. McHargue explained that it would be tight for the next three years, because everything would trigger in three years. At that point the funding available for RDA projects would increase significantly, estimated at \$1-4 million, depending on the development occurring in the next three years.

Mayor Fullmer explained how, even if the city got the CRISI grant money, the city would need to work on the phasing of the rail spur removal. For example, they could start by the Forge and then move up. She talked to Nathan Anderson with UP and he said that they could discuss that, since it's not in the agreement. About the Connector extension, she felt that since the Edge Homes project (Vineyard Shores) was coming in, the traffic needs would be increasing. She lamented that the city needed the money for all four projects at the same time. She added that at the legislative session next year the city would be applying for money for the Connector, so she could not say that one was better than the other. She stated that we could match the \$10 million.

Mr. McHargue asked if the council agreed that they could match the \$10 million for the rail spur removal, and if they could use \$4.8 million for the Center Street Overpass. The council agreed.

Mayor Fullmer stated that the FrontRunner Station was already underway and that the city would hope to get funding for the Connector extension. The discussion continued.

Mr. McHargue commented that there were ways to get all of the projects done, but that it would take time. Councilmember Flake summarized, saying that the timing of the funding would dictate the order in which the projects would be done. They continued the discussion about seeking funding and grants.

Councilmember Flake remarked that as Vineyard progressed, it would put pressure on other state entities to allocate funding. Mayor Fullmer pointed out that that included UDOT, and mentioned that in a discussion with the UDOT Region 3 director, she told them that the city had developed up to 800 North, and the FrontRunner Station was underway, and that these things would spur more development. State and federal entities were demanding a lot of development of high-density and affordable housing, but they were not meeting the infrastructure, and it was becoming critical. She said that that was the discussion the city was pushing, that the priorities of these other entities needed to change so that the city could get the funding needed for the infrastructure. The discussion continued.

Councilmember Riley asked about where UVU was with the funding. Mr. McHargue replied that they had been willing to write letters of support, but as far as funding, they were absent. They currently had their own funding concerns, and that up until now this had not been not a priority for them. Mayor Fullmer stated that she had a meeting planned with the new president of UVU soon.

BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – Naming of Parks

The Parks and Trails committee will present names for the 3-acre and 6-acre parks, and the pocket park in the Le Cheminant subdivision. The mayor and City Council will take appropriate action.

Mayor Fullmer turned the time over to City Planner Elizabeth Hart.

Ms. Hart explained that the Parks and Trails Committee held a meeting on August 29 to discuss names for three parks.

1. Waters Edge 3-acre beach park – This park would be located north of the James Bay subdivision, off of 400 North and 300 West. The park name proposed by the committee was Sunset Beach Park, since it had access to the beach from lakeshore trail. An alternate name was Sunset View Park.

Councilmember Earnest commented that it was not a beach yet. Ms. Hart mentioned that Ms. Welsh said that there was a Sunset View Elementary school off of Geneva Road in Provo. Mayor Fullmer clarified that eventually that area would have beach access. Councilmember Earnest was comfortable with either name.

Motion: COUNCILMEMBER FLAKE MOVED TO ACCEPT THE NAME SUNSET BEACH PARK. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

2. Waters Edge 6-acre park – This park would be located at Main street and Vineyard Loop Road. The park name proposed by the committee was Penny Springs Park.

Ms. Hart gave the history behind the name, telling the council that Penny was a Holdaway family horse. She was well-trained and loved by everyone in the community. As a girl Sherrie-Kaye Miller (née Holdaway) would ride her all over Utah County. Eventually Penny became the unofficial horse of Vineyard. Penny loved the water and Sherrie-Kaye and her friends would ride her down to a local pond and jump off of her into the water.

Councilmember Earnest liked the name Penny Springs Park because it had meaning, and emphasized that the city needed to commemorate Penny's story somewhere in the park, since it was such a great story.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE THE NAME PENNY SPRINGS PARK FOR THE WATERS EDGE 6-ACRE PARK. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

3. LeCheminant pocket park – This park was located at the southeast corner of the LeCheminant subdivision. The park name proposed by the committee was Rendezvous Park to keep with French theme, and to recognize the park as a place for people to get together.

Motion: COUNCILMEMBER FLAKE MOVED TO ACCEPT THE NAME RENDEZVOUS PARK FOR THE LECHEMINANT POCKET PARK. COUNCILMEMBER RILEY SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

9.2 DISCUSSION AND ACTION – Resolution Approving an Interlocal Agreement

City Manager/Finance Director Jacob McHargue will present a resolution for approval of an interlocal agreement for joint and cooperative action creating Central Utah 911. The mayor and City Council will act to approve (or deny) this request by resolution.

Mayor Fullmer introduced the discussion and turned the time over to Mr. McHargue.

Mr. McHargue explained that he and Councilmember Earnest sat on the Utah Valley Dispatch Special Service District. He explained they were working to allow Nephi City and Juab County to join. He said the problem was that when you crossed county boundaries, they were not allowed to be a special service district any more. This interlocal agreement would amend the special service district, allowing Nephi City and Juab County to buy in, creating Central Utah 911. It would be a different entity with a smaller board. In addition to this, the dispatch board would still meet. Vineyard would still have a seat on the dispatch board. He explained further about the two boards, and stated that it would lower the costs for everyone. He also said that there was capacity in the system to accommodate the new entities and the growth.

Motion: COUNCILMEMBER EARNEST MOVED TO APPROVE AND ALLOW THE MAYOR TO SIGN RESOLUTION 2018-14. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

CLOSED SESSION

No closed session was held.

ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE MEETING AT 7:27 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND RILEY VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is October 10, 2018.

MINUTES APPROVED ON: October 10, 2018

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