



**NOTICE OF A REGULAR
CITY COUNCIL MEETING
January 10, 2024, at 5:35 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold a regularly scheduled City Council meeting on Wednesday, January 10, 2024, at 5:35 PM in the City Council Chambers at City Hall, 125 South Main Street, Vineyard, Utah. This meeting can also be viewed on our [live stream page](#).

AGENDA

Presiding Mayor Julie Fullmer

1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE – *to be announced*.

2. WORK SESSION

2.1 Training

City Attorney, Jayme Blakesley will train on the Open and Public Meetings Act, Ethics Act, Roberts Rules of Order, and GRAMA.

2.2 Municipal Code Amendment

Public Works Director, Naseem Ghandour will present a code amendment for the Prohibition of Exclusive Public Utilities Services within a Public Utilities Easement.

2.3 Subdivision Ordinance Amendments

Economic Development Director, Morgan Brim, will present code amendments for the Subdivision Code.

3. PUBLIC COMMENTS

(15 minutes)

“**Public Comments**” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.

Please submit written public comments by noon of meeting date to heidij@vineyardutah.org.

4. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

5.1 City Manager Eric Ellis

6. CONSENT ITEMS

6.1 [Approval of the December 13, 2023, City Council Meeting Minutes](#)

6.2 [Approval of an Amendment to the ILA with Utah County for CTC \(Resolution 2024-02\)](#)

7. BUSINESS ITEMS

7.1 PUBLIC HEARING Budget Amendment Resolution 2024-01

City Manager, Eric Ellis, will present proposed amendments to the Fiscal Year 2023-2024 Budget. The mayor and city council will act to adopt (or deny) this request by resolution.

8. CLOSED SESSION

The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed session for the purpose of (these are just a few of the items listed, see Utah Code 52-4-205 for the entire list):

- (a) discussion of the character, professional competence, or physical or mental health of an individual
- (b) strategy sessions to discuss collective bargaining
- (c) strategy sessions to discuss pending or reasonably imminent litigation
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) the purpose of considering information that is designated as a trade secret, as defined in Section [13-24-2](#), if the public body's consideration of the information is necessary in order to properly conduct a procurement under [Title 63G, Chapter 6a, Utah Procurement Code](#);

9. ADJOURNMENT

The next meeting is on Wednesday, January 24, 2024.

This meeting may be held in a way that will allow a council member to participate electronically.

The Public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder's Office at least 24 hours prior to the meeting by calling (385) 338-5183 or (385) 326-2123.

I the undersigned City Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Offices, the Vineyard website, the Utah Public Notice website, and delivered electronically to city staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: January 9, 2024

CERTIFIED (NOTICED) BY: /s/ Heidi Jackman
HEIDI JACKMAN, DEPUTY RECORDER



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: January 10, 2024

Agenda Item: 2.2 Proposal for Amendment on the Exclusion of Retaining Private Dedication of Public

Utility Easements

Department: Public Works

Presenter: Naseem Ghandour, P.E., Public Works Director/City Engineer

Background/Discussion:

A Public Utility Easement is a defined area on private property designated for the installation and maintenance of public utility facilities such as electricity, gas, water, and telecommunications. Property owners grant easement rights to utility companies, enabling efficient service provision to the community. Legally, utility companies have the right to access their infrastructure on private property through these easement rights. Easements specify portions of private land, allowing utilities access to enhance community services. This framework ensures effective management and maintenance of infrastructure, emphasizing the importance of such access for the overall well-being of the public.

Utah Code: Utah Code Title 54 encompasses regulations related to public utilities. The code defines terms, outlines rights and responsibilities associated with public utility easements, and addresses issues like installation, maintenance, and property owner responsibilities. It emphasizes the non-exclusivity of easements, subdivision approval requirements, and protections against adverse acquisition of rights. The code ensures compliance with state laws and clarifies condemnation or rights concerning public utility easements.

For detailed information, refer to <https://le.utah.gov/xcode/Title54/54.html>

Example: In Waters Edge development in Vineyard, public utility easements were excluded from communications facility use during plating. The developer retained control, allowing private agreements with telecom companies and restricting others, like Comcast. Currently, only one telecom utility is permitted. Plat language details the conditions shown in **Figure 1**.

4- DEVELOPER SHALL EXCEPT FROM ANY PUBLIC UTILITY EASEMENT SHOWN THEREON, AND RESERVE TO ITSELF AND ITS DESIGNEE, THE RIGHT TO DESIGN, ENGINEER, CONSTRUCT, INSTALL, TEST, OPERATE, MAINTAIN, REPAIR, REPLACE, RELOCATE, REMOVE AND MANAGE COMMUNICATIONS FACILITIES.

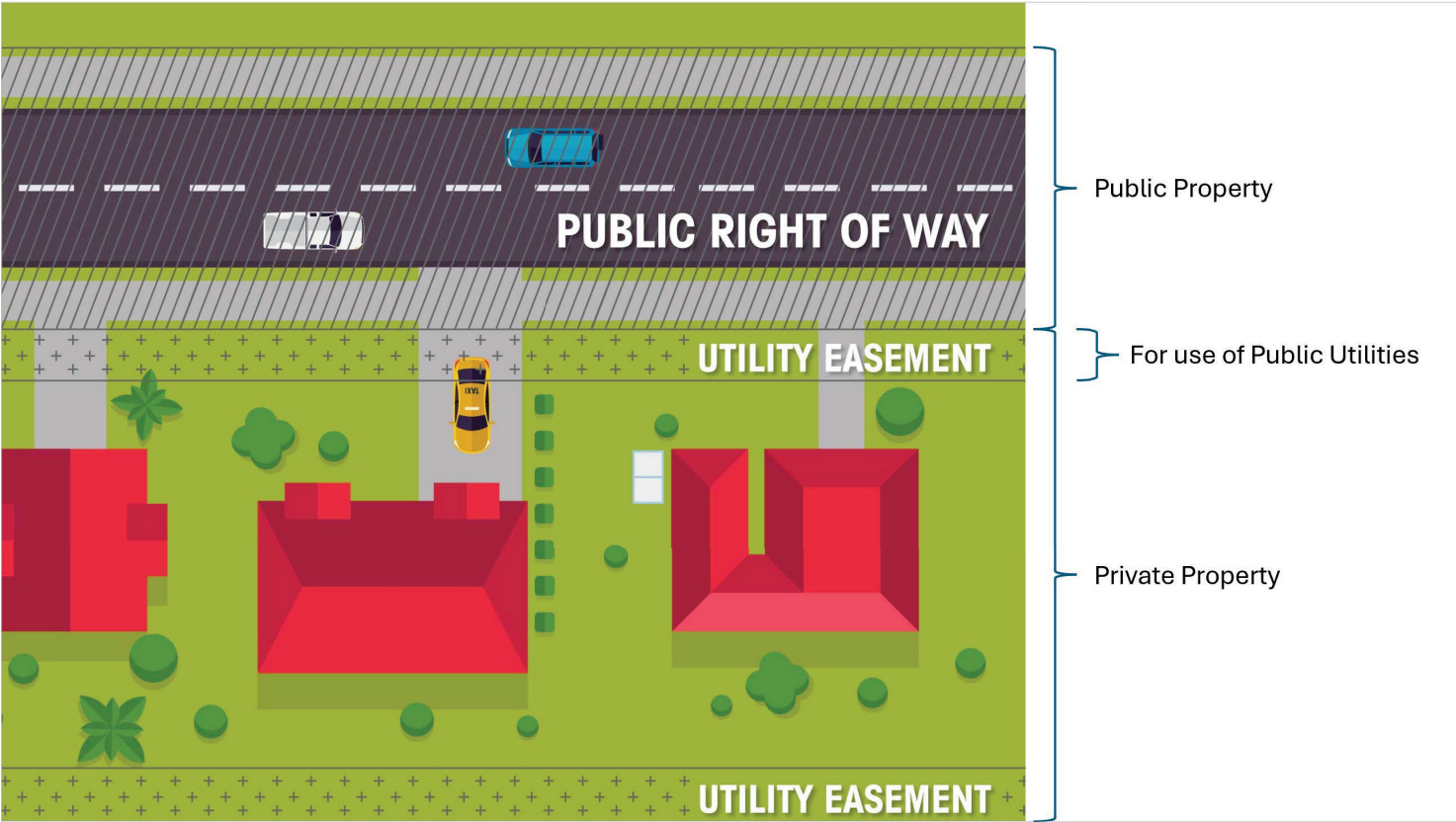
Figure 1: Excerpt from Waters Edge Plat showing the Developer removing the dedication of the Telecommunications use from the Public Utility Easement.

Recommendation: Vineyard City Staff recommends that an ordinance be enacted to prohibit private developers from exempting public utilities from utilizing public utility easements.

Attachments:

1. Public Right of Way - Utility Easement Diagram
2. Waters Edge Plat Example
3. Waters Edge Communications Easement Agreement

Attachment 1
Public Right of Way - Utility Easement Diagram



PREPARED BY AND WHEN
RECORDED PLEASE RETURN TO:

Barton L. Gertsch, Esq.
Parr Brown Gee & Loveless
101 South 200 East, Suite 700
Salt Lake City, Utah 84111-1537

ENT 5432:2016 PG 1 of 11
Jeffery Smith
Utah County Recorder
2016 Jan 21 10:55 AM FEE 99.00 BY SS
RECORDED FOR Cottonwood Title Insurance Ag
ELECTRONICALLY RECORDED

COMMUNICATIONS EASEMENT AGREEMENT

THIS COMMUNICATIONS EASEMENT AGREEMENT (the "**Agreement**") is entered into as of the 14th day of January, 2016, between **Flagship Development, Inc.**, a Utah corporation ("**Grantor**"), whose address for purposes hereof is 170 S. 1200 E. #250, Lehi, UT 84043, and **FIRSTDIGITAL TELECOM, LLC**, a Utah limited liability company ("**FirstDigital**"), whose address is 90 South 400 West, Suite M-100, Salt Lake City, Utah 84101. (Grantor and FirstDigital are referred to in this instrument collectively as the "**Parties**," and individually as a "**Party**.")

RECITALS

A. Grantor is the owner of the residential real estate development generally known as Water's Edge, located in Vineyard, Utah (such development together with related grounds, improvements, and facilities is referred to in this Agreement as the "**Project**"). The Project is depicted on the Site Plan attached hereto as Exhibit A (the "**Site Plan**"). The legal description of the property on which the Project is located (the "**Property**") is more particularly described on Exhibit B attached hereto.

B. FirstDigital is a certified competitive local exchange carrier authorized to provide communications services including voice, video, and high-speed data access in the state of Utah.

C. Due to the lack of any telecommunications facilities in the Project and the costs associated with providing high speed residential broadband services, Grantor has agreed to contract with FirstDigital to provide at FirstDigital's cost and expense the communications infrastructure to the Project as set forth below.

D. Grantor desires to have FirstDigital provide ongoing management and maintenance of such communications infrastructure in order to assist in accommodating the needs of the residents in the Project, maintaining the integrity of the Project's infrastructure during construction and the build out of the Project and providing maximum uptime for users.

E. Grantor desires to have FirstDigital's communications infrastructure available for use by other Communications Service Providers who interconnect with the communications network at the designated "Minimum Points of Entry," all in accordance with the terms of this Agreement, in order to help eliminate the duplication of facilities, prevent unnecessary trenching and the cutting of sidewalks and streets, and maintain the overall earth friendly, consistent and efficient use of resources within and throughout the Project.

AGREEMENT

NOW, THEREFORE, FOR THE SUM OF TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor hereby agrees as follows:

1. Definitions. As used in this Agreement, each of the following terms shall have the indicated meaning:

“Communications Facilities” means the facilities (e.g. fiber, copper and coaxial cables, towers, satellites, other broadcasting and receiving devices, conduits, junction boxes), beginning at the demarcation point or points at the boundary or boundaries of the Project and ending at the entry Demarcation Point at each residence in the Project, as applicable, by means of which the Communications Services are provided to the Resident, as such systems and facilities are updated, supplemented or replaced from time to time.

“Communications Services” means voice, video, telecommunications and high speed data access services and any other services as may be offered to Residents via Communications Facilities.

“Communications Service Provider” means any telecommunications company that is certified to provide Communications Services to customers in Utah.

“Communications Services Agreement” shall mean that Agreement executed of even date herewith, between Grantor and Grantee.

“Demarcation Point” means the physical and electrical boundary between a Resident’s voice, video, telecommunications and high-speed data equipment and the Communications Facilities installed and owned by FirstDigital.

“Owner” means each person, who, at any given time, holds fee title to the Property or any portion thereof.

“Resident” means each Owner and any resident or occupant of all or any portion of the Property.

2. Grant of Easement. Grantor conveys and grants to FirstDigital and its successors and assigns an exclusive easement and right-of-way to design, engineer, construct, install, test, operate, maintain, repair, replace, relocate, remove and manage Communications Facilities on, under over and across the Property up to a Resident’s Demarcation Point(s). In addition, Grantor hereby grants to FirstDigital the sole and exclusive right and easement to design, engineer, construct, install, test, operate, maintain, repair, replace, relocate, and remove Communications Facilities in the Project up to a Resident’s Demarcation Point(s) and to manage the way by which other Communications Service Providers shall gain access to such Demarcation Point(s). FirstDigital and its employees, agents, contractors, invitees, licensees shall have the right to access its Communications Facilities in the Project on a 24-hour-per-day 7-day-per-week basis.

3. Infrastructure. Each Owner will coordinate with FirstDigital to designate a mutually agreeable Demarcation Point(s) on its property and FirstDigital at its costs and expense will design, engineer, extend and install the Communications Facilities to such designated Demarcation Point(s).

4. Failure to Perform by First Digital. An Owner shall have the right to secure its own Communications Facilities and Services at its own cost and expense and to elect to terminate this Easement with respect to its property if FirstDigital breaches or fails to perform any obligation under this Easement and fails to cure such breach or failure within thirty (30) days after receipt of written notice from an Owner

describing such breach or failure; provided, however, that (a) if the nature of the breach or failure is such that more than 30 days are reasonably required to cure, prior to such Owner having the right to terminate this Easement with respect to its property, FirstDigital shall have such period as is reasonably necessary to cure so long as it commences the cure of such breach within the 30-day period and after such commencement diligently prosecutes the same to completion; and (b) in no event shall an Owner have the right to terminate this Easement with respect to any property that is needed or is being used to provide Communications Facilities and Communications Services to other Residents in the Project.

5. Repair of Damage. FirstDigital shall promptly repair any damage to the Project that is caused by FirstDigital's installation, use, maintenance, repair, or removal of Communications Facilities; provided that FirstDigital shall not be responsible for damage caused by Owner or other persons.

6. Ownership of Communications Facilities. FirstDigital will retain ownership of and title to all Communications Facilities installed at the Project by or on behalf of FirstDigital. The Communications Facilities will retain their character as personal property following their installation. In no event will the Communications Facilities installed at the Project by or on behalf of FirstDigital be deemed to be a fixture of the Project or of any Resident. Without limiting the generality of the foregoing, Owner shall not have the right to create any security interest in such Communications Facilities. FirstDigital shall have the right to grant a security interest in such Communications Facilities to one or more lenders and to assign its rights and obligations under this Agreement.

7. Other Communications Service Providers. FirstDigital recognizes and agrees that Residents in the Project are not obligated to select FirstDigital as their Communications Service Provider. In the event any such Resident selects another Communications Service Provider, such Resident shall not be obligated hereunder to compensate FirstDigital for Communications Services obtained by Resident from another Communications Service Provider and FirstDigital shall reasonably cooperate with such other Communications Service Provider and allow such Communications Service Provider access to the requesting Resident in accordance with the terms of an interconnection agreement between FirstDigital and such other Communications Service Provider which contains terms and conditions acceptable to FirstDigital. No such interconnection shall adversely impact FirstDigital's Communications Facilities or FirstDigital's ability to provide Communications Services to the Project. Notwithstanding anything to the contrary in this Section 7, FirstDigital shall be entitled to reasonable compensation from the interconnecting Communications Service Provider or the Resident for the reasonable costs and fees associated with an interconnection of the other provider's Equipment with FirstDigital's Communications Facilities.

8. Interconnection. All Communications Service Providers desiring to provide Communications Services to Residents will do so by interconnecting to FirstDigital's Communications Facilities. Other than FirstDigital, no Owner nor FirstDigital shall permit any other Communications Service Provider to disrupt, dig, or excavate any streets, common areas or other property, or install any Equipment within the Project without the prior written consent of the applicable Owner and FirstDigital, which consent shall not be unreasonably withheld, conditioned or delayed. FirstDigital will have the authority to interconnect a Communications Service Provider's communications facilities to FirstDigital's Communications Facilities and need not obtain permission from an Owner to do so.

9. Quality of Service. FirstDigital will provide and maintain a quality of service with respect to its Communications Facilities equal to or greater than Bellcore standards.

10. Nature of Provisions. The Parties expressly intend that the rights and easements granted to FirstDigital shall be easements in gross and shall: (a) constitute a covenant running with the Property; (b) bind every person and Owner having any fee, leasehold, mortgage lien or other interest in any portion of the

Property concerned; (c) bind any person and Owner whose title to the Property or any portion thereof is acquired by judicial foreclosure, trustee's sale, deed in lieu of foreclosure or other means.

11. Term of Agreement. Except as set forth in Section 4 above, this Agreement and the rights and easements granted to FirstDigital hereunder shall continue until (a) this Agreement is terminated by Grantor and FirstDigital or (b) the Communications Services Agreement expires or is terminated.

12. General Provisions. This instrument shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the State of Utah. This instrument shall inure to the benefit of, and be binding on, the Parties and their respective successors and assigns. Whenever possible, each provision of this instrument shall be interpreted in such manner as to be valid under applicable law; but, if any provision of this instrument shall be invalid or prohibited under applicable law, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remainder of such provision or the remaining provisions of this instrument.

The parties have executed this Agreement to be effective on the Effective Date.

GRANTOR:

Flagship Development, Inc.,
a Utah corporation

By: 

Name: Peter Evans

Title: Authorized Signor

FIRSTDIGITAL:

FirstDigital Telecom, LLC,
a Utah limited liability company

By: _____

Name: _____

Title: _____

State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this 19th day of January, 2018^{SO}, by Peter Evans the Authorized Sign of Flagship Development, Inc.

(Seal)

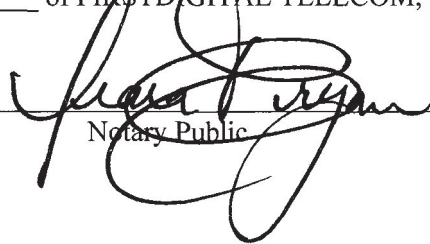
Summermauloa F. Doyle
Notary Public



State of Utah)
) ss.
County of Salt Lake)

The foregoing instrument was acknowledged before me this 19th day of January, 2018⁶, by Wesley McDougal the President of FIRSTDIGITAL TELECOM, LLC.

(Seal)



Notary Public



stevemplan 6120 South 1 Mo East Suite
Commenced Heights, UT 84
Stephen G. MacLellan (801) 581-4905
Lan@stevemplan.com stevemplan@gmail.com

EXHIBIT B

to

COMMUNICATIONS EASEMENT AGREEMENT

Legal Description of the Property

PARCEL 1:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 26.02 CHAINS, THENCE WEST 36.05 CHAINS TO THE MEANDER LINE OF UTAH LAKE THENCE ALONG SAID LINE AS FOLLOWS NORTH 14° EAST 2.17 CHAINS; THENCE NORTH 5° WEST 24.07 CHAINS; THENCE LEAVING SAID LINE EAST 37.5 CHAINS TO BEGINNING.

EXCEPTING THEREFROM THAT PORTION WITHIN THE COUNTY ROAD.

ALSO LESS THAT PORTION OF THE NORTH END OF THE NORTHEAST QUARTER OF SECTION LYING NORTH OF THE COUNTY ROAD.

ALSO THE BOUNDARY LINE OF PARCEL 1 IS ALSO MADE SUBJECT TO THE PARTICULARS AS SET FORTH BY STIPULATION FOR SETTLEMENT OF UTAH LAKE BOUNDARY BETWEEN THE STATE OF UTAH AND THE CORPORATION OF THE PRESIDING BISHOPRIC OF THE CHUCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, RECORDED DECEMBER 14, 1999 AS ENTRY NO. 128739 IN BOOK 5298 AT PAGE 627 OF OFFICIAL RECORDS; STIPULATION FOR PARTIAL SETTLEMENT OF UTAH LAKE BOUNDARY BETWEEN THE STATE OF UTAH AND THE UNITED STATES OF AMERICA RECORDED SEPTEMBER 18, 2001 AS ENTRY NO. 94662:2001 OF OFFICIAL RECORDS; AFFIDAVIT OF A. JOEL FRANDSEN RECORDED MARCH 27, 2003 AS ENTRY NO. 46094:2003 OF OFFICIAL RECORDS.

PARCEL 2:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°25.03. WEST 2,052.30 FEET ALONG THE SECTION LINE TO A POINT WHICH IS 662.64 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 17; THENCE SOUTH 28°49.57. EAST 465.96 FEET; THENCE SOUTH 89°55.03. WEST 876.46 FEET TO THE SECTION LINE; THENCE SOUTH 01°32.22. EAST 1,433.06 FEET ALONG THE SECTION LINE TO A POINT WHICH IS 804.25 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE SOUTH 89°52.00. EAST 1,012.70 FEET; THENCE SOUTH 42°43.00. EAST 295.50 FEET; THENCE SOUTH 26°03.00. EAST 552.37 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PROPOSED GAMMON ROAD (PER THE HOMESTEADS AT VINEYARD PROJECT NO. AND.011.06 PREPARED BY GILSON ENGINEERING); THENCE NORTH 89°38.03. EAST 432.39 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY 177.10 FEET ALONG THE ARC OF A 2,051.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 00°21.57. EAST AND THE CHORD BEARS SOUTH 87°53.32. EAST 177.05 FEET WITH A CENTRAL ANGLE OF 04°56.51.) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE SOUTH 85°25.06. EAST 151.78 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY 168.30 FEET ALONG THE ARC OF A 1,949.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 04°34.54. EAST AND THE CHORD BEARS SOUTH 87°53.32. EAST 168.24 FEET WITH A CENTRAL ANGLE OF 04°56.51.) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE NORTH 89°37.52. EAST 308.49 FEET ALONG

SAID NORTHERLY RIGHT-OF-WAY LINE TO THE QUARTER SECTION LINE; THENCE NORTH 00°36.23. WEST 878.70 FEET ALONG THE QUARTER SECTION LINE; THENCE EAST 858.00 FEET TO THE WESTERLY RIGHT- OF-WAY LINE OF THE RIO GRANDE WESTERN RAILROAD; THENCE NORTH 29°16.47. WEST 1,788.09 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE QUARTER SECTION LINE; THENCE NORTH 00°36.23. WEST 160.38 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

PARCEL 3:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 6.10 CHAINS; THENCE SOUTH 89-1/2° EAST 13.38 CHAINS; THENCE NORTH 28-1/4° WEST 7.06 CHAINS; THENCE WEST 10.04 CHAINS TO BEGINNING.

ADDITIONAL PARCELS:

LOTS 1-29, inclusive of the WATER'S EDGE PHASE 1 PLAT "A", located in the northwest quarter of section 17, township 6 south, range 2 east, Salt Lake base and meridian.

LOTS 1-17, inclusive, of the WATER'S EDGE PHASE 2 PLAT "A", located in the northwest quarter of section 17, township 6 south, range 2 east, Salt Lake base and meridian.

7D – Condominium Lot

Beginning at a point which is North 89°25'01" East 821.94 feet along the section line and North 1384.53 feet from the Southwest Corner of Section 8, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°26'00" West 226.42 feet; thence Westerly 49.60 feet along the arc of a 1040.50 foot radius curve to the left, through a central angle of 02°43'52", the chord of which bears South 88°04'04" West 49.59 feet; thence Northwesterly 15.44 feet along the arc of a 10.00 foot radius curve to the right, through a central angle of 88°28'31", the chord of which bears North 49°03'36" West 13.95 feet; thence South 84°26'00" West 56.00 feet; thence Southwesterly 15.25 feet along the arc of a non-tangent 10.00 foot radius curve to the right, through a central angle of 87°22'43", the chord of which bears South 38°52'01" West 13.81 feet; thence Southwesterly 152.03 feet along the arc of a 1040.50 foot radius curve to the left, through a central angle of 08°22'18", the chord of which bears South 78°22'13" West 151.90 feet; thence South 74°11'04" West 34.65 feet; thence Southwesterly 73.88 feet along the arc of a 959.50 foot radius curve to the right, through a central angle of 04°24'43", the chord of which bears South 76°23'26" West 73.87 feet; thence Westerly 15.59 feet along the arc of a 81.50 foot radius curve to the right, through a central angle of 10°57'39", the chord of which bears South 84°04'37" West 15.57 feet; thence South 89°33'27" West 74.48 feet; thence Westerly 10.29 feet along the arc of a 118.50 foot radius curve to the left, through a central angle of 04°58'33", the chord of which bears South 87°04'10" West 10.29 feet; thence Westerly 1.07 feet along the arc of a 947.50 foot radius curve to the right, through a central angle of 00°03'52", the chord of which bears South 84°36'50" West 1.07 feet; thence South 84°38'46" West 84.68 feet; thence Northwesterly 11.81 feet along the arc of a 7.50 foot radius curve to the right, through a central angle of 90°14'23", the chord of which bears North 50°14'03" West 10.63 feet; thence Northerly 154.28 feet along the arc of a 1553.00 foot radius curve to the left, through a central angle of 05°41'31", the chord of which bears North 07°57'37" West 154.22 feet; thence North 10°48'16" West 237.99 feet; thence Northerly 9.67 feet along the arc of a 79.50 foot radius curve to the right, through a central angle of 06°58'15", the chord of which bears North 07°19'09" West 9.67 feet; thence North 03°50'01" West 78.45 feet; thence Northerly 14.66 feet along the arc of a 120.50 foot radius curve to the left, through a central angle of 06°58'15", the chord of which bears North 07°19'09" West 14.65

feet; thence North $10^{\circ}48'16''$ West 102.06 feet; thence North $45^{\circ}19'22''$ East 35.55 feet; thence North $79^{\circ}07'23''$ East 864.90 feet; thence South $01^{\circ}45'44''$ East 576.47 feet; thence South $00^{\circ}08'18''$ West 128.85 feet to the point of beginning.



Community Development

Date: January 10, 2024
From: Rachel Stevens, Planner
To: 2.3 City Council
Item: Work Session regarding amendments to the Preliminary and Final Subdivision Application Process
Applicant: City-initiated

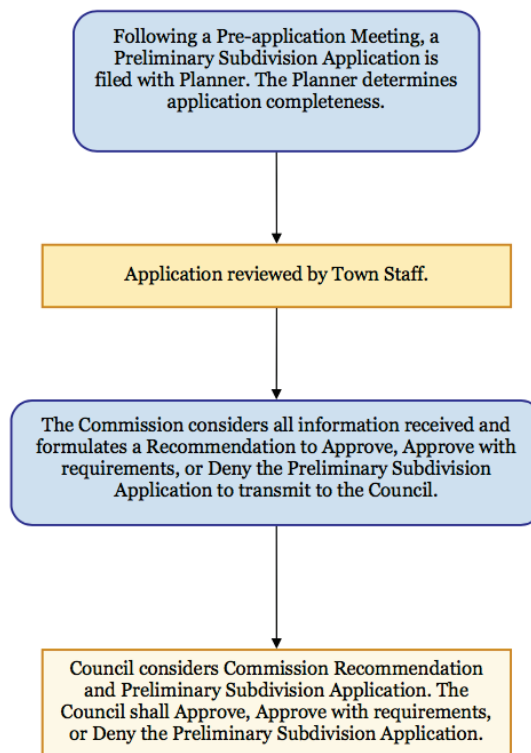
SUMMARY

During the 2023 Utah State Legislature session, Senate Bill 174 introduced a new process for subdivision review and approval, made amendments to requirements for accessory dwelling units (ADUs), and made several technical changes. The bill was signed by the governor and went into effect on May 3, 2023. The changes must be adopted by cities with a population of over 5,000 by February 1, 2024.

In addition, to the changes required by Utah State Code, City Staff reviewed the preliminary and final subdivision application process and is requesting several changes to provide clarity to applicants, fix technical errors, and update outdated requirements.

Preliminary Subdivision Process:

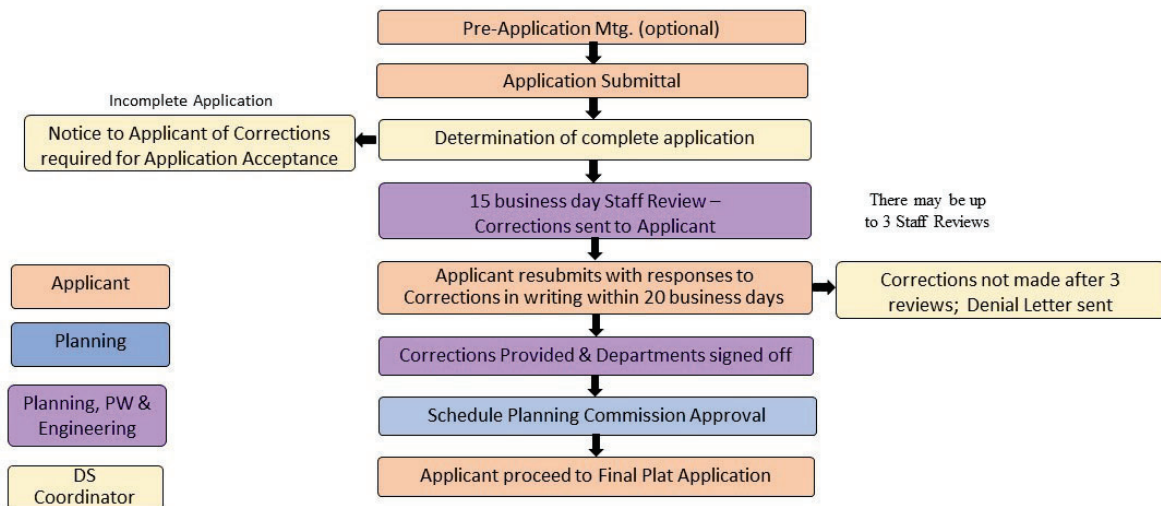
The following figure shows the current Preliminary Subdivision Application process.



The next figure shows the updated Preliminary Subdivision Application Process. A pre-application meeting is now optional. A Planner will determine if an application is complete. If the application is complete, staff will complete a review within 15 business days of the application date. The applicant must resubmit the application within 20 business days and respond to each correction in writing. The application may be reviewed up to 3 times by Staff. If corrections have not been properly addressed by the applicant at the third, the application will be denied. After all corrections by staff have been addressed, the preliminary subdivision application will be scheduled for Planning Commission approval. The Planning Commission may then approve, approve with conditions, or deny the application.

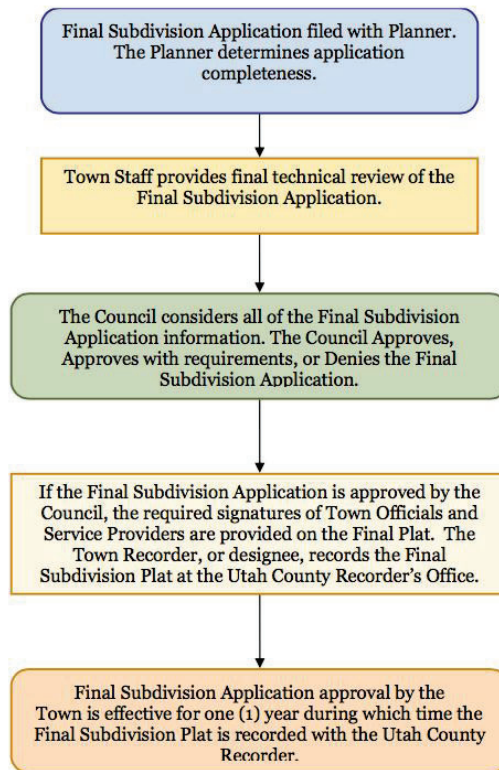
In addition to updating the process of a preliminary plat application, several changes have been made to provide clarity and fix technical requirements. A copy of the full ordinance is attached for your review.

Preliminary Plat Application Process



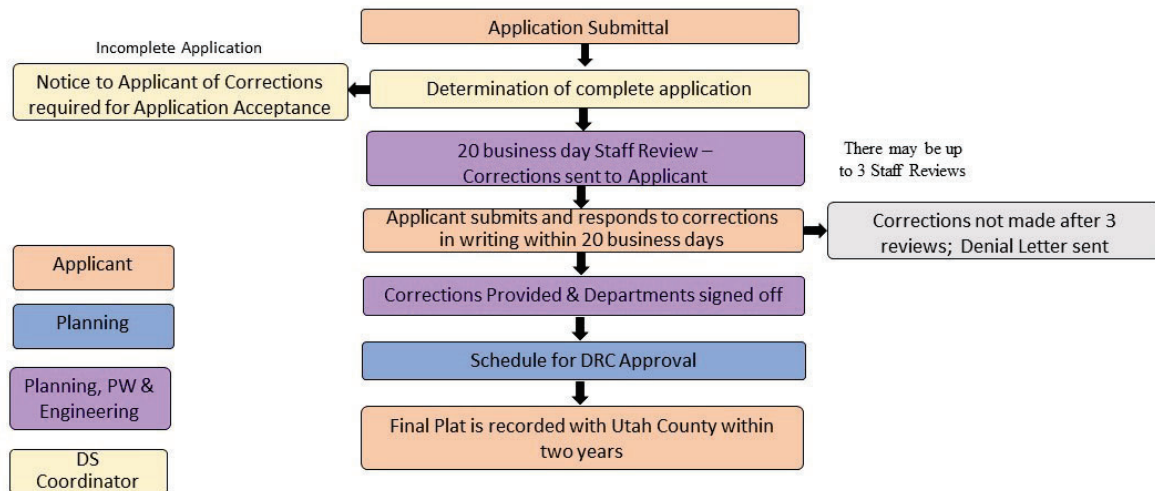
Final Subdivision Process:

The following figure shows the current Final Subdivision Application process.



The next figure shows the updated Final Subdivision Application Process. A Planner will determine if an application is complete. If the application is complete, staff will complete a review within 20 business days of the application date. The applicant must resubmit the application within 20 business days and respond to each correction in writing. The application may be reviewed up to 3 times by Staff. If corrections have not been properly addressed by the applicant at the third review, the application will be denied. After all corrections by staff have been addressed, the final subdivision application will be scheduled for Development Review Committee (DRC) approval. The DRC may then approve, approve with conditions, or deny the application.

Final Plat Application Process



In addition to updating the process of a final plat application, several changes have been made to provide clarity and fix technical requirements. A new process for disputes relating to public improvement or engineering standards was also established, as outlined by Utah State Code. A copy of the full ordinance is attached for your review.

Miscellaneous Text Amendment Changes relating to Senate Bill 174:

The following changes are being proposed to come into compliance with miscellaneous changes made in Senate Bill 174.

- VZC (Vineyard Zoning Code) Section 15.06.060 *Vineyard Development Review Committee*. The proposed change will allow the DRC to act as a Land Use Authority and review Final Subdivision Applications.
- VZC Section 15.34.060 *Accessory Dwelling Units*. The proposed change alters the minimum number of parking spaces for an ADU from 5 to 4.
- VZC Section 15.04.080 *Design Standards and Requirements*. The proposed change removes the ability for the City to require a bond for landscaping on private property.

ATTACHMENTS:

Ordinance 2024-01
Ordinance 2024-02
Ordinance 2024-03

**VINEYARD
ORDINANCE 2024-01**

SECTION 1: **AMENDMENT** “14.04.010 Pre-Application Meeting” of the Vineyard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.04.010 Pre-Application Meeting

A property owner proposing to subdivide any lands located within the municipal boundaries of the city ~~may shall~~ schedule a pre-application meeting with the City Planner (hereinafter “Planner”) and City Engineer (hereinafter "Engineer"). The purpose of the pre-application meeting is to create an opportunity for the applicant to gain an understanding of the city’s subdivision requirements and to obtain Ordinance and application processing and review information.

The pre-application conference stage of subdivision review is an investigatory and informational exchange period preceding the preparation and submittal of a preliminary plat application by the subdivider. Pre-application review shall proceed in the following manner:

1. The subdivider and ~~their his~~ engineer shall initially present their proposal and meet with the ~~City~~ Planner and Engineer on an ~~in~~formal basis. The subdivider shall present a general outline of ~~their his~~ proposal which shall include sketch plans and ideas regarding land use, street and lot arrangement, lot sizes, and tentative proposals regarding water supply, sewage disposal, grading and drainage, stormwater, retention, and street improvement. ~~C~~ity staff shall advise the subdivider of specific city objectives, standards, and regulations related to the subject property; the subdivision design expectation details and suggestions regarding subdivision platting procedures and requirements; and related issues. If appropriate, ~~City~~ the Planner may require a subdivider to revise ~~their his~~ initial proposal and present the revised proposal to the ~~City~~ Planner for additional review.
2. Following the pre-application conference with the project team, the subdivider shall have a preliminary plat prepared which contains that information and data required for preliminary plats as identified herein.

The Request for Pre-Application Meeting form can be found [here](#). The City shall meet with the applicant within fifteen (15) business days of the request for a Pre-Application Meeting.

SECTION 2: **AMENDMENT** “14.06.020 Requirements For Preliminary Subdivision Applications” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.020 Requirements For Preliminary Subdivision Applications

All Preliminary Subdivision Applications, filed with the city, shall provide the following application information:

1. Application Form. A Preliminary Subdivision Application Form completed and signed by the owner(s) of the Subject Property, as identified on the property assessment rolls of Utah County, or authorized agent of the owner(s), of the lands proposed to be subdivided. If the Application Form is signed by an agent of the owner(s), the Application Form shall be accompanied by an affidavit identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Preliminary Subdivision Application. All persons with a fee interest in the Subject Property shall be required to join in and sign the Preliminary Subdivision Application.
2. Preliminary Subdivision Application Fees. The Preliminary Subdivision Application shall include the payment of all Preliminary Subdivision Application fees, as established by the Council, ~~and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required by VSC 14.06.030.~~
3. Legal Description. A complete and accurate legal description of the entire Subject Property proposed to be subdivided.
4. Preliminary Subdivision Plat. A Preliminary Subdivision Plat shall be prepared by a licensed land surveyor, or engineer, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Engineer. ~~The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A minimum of fifteen (15) 11-inch x 17-inch size and two (2) 24-inch x 36-inch size paper copies shall be included and accompany the Preliminary Subdivision Application Form. A digital copy of the Preliminary Plat, in a format acceptable to the City's Geographic Information System standards shall also be provided.~~ The Preliminary Subdivision Plat shall show the following:
 - a. A vicinity map, at a minimum scale of one inch (1") = one-thousand feet (1000'), clearly identifying the boundaries of the entire Subject Property, accesses, adjoining subdivision outlines and names, as applicable, and other relevant information within one-half (1/2) mile of the boundary of the Subject Property. The location of the Subject Property with respect to surrounding property and roads, and the names of all adjoining property owners of record shall be shown.
 - b. A map of the boundary of the Subject Property; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. The map shall have an error of closure of not greater than 1:10,000. Survey tie to the State grid or other permanent marker established by the Utah County surveyor is required, if practical.
 - c. Located at the top-center and lower right-hand corner of the Preliminary Plat, the proposed name of the subdivision that is distinct from any other plat

already recorded in the Utah County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the Subject Property shall be shown.

- d. Proposed lot and street layout. All existing and proposed street names shall be shown. Addressing of plats shall be completed by the City Engineer.
- e. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, boundaries, course, and dimensions, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots proposed to be created. All parcels, units, lots, or blocks created shall be numbered consecutively.
- f. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- g. The location of any common space or open space areas, including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
- h. All existing and proposed right-of-way and easement grants of record for underground utility facilities, as defined by U.C.A. ~~54-8a-2~~54-3-27 "Public utility easement", and for all other utility facilities within the proposed rights-of-way.
- i. Each proposed lot shall identify required setback lines identifying the required front, side, and rear yard areas, as required by the Zoning District in which the Subject Property is located.
- j. A title block, placed on the lower right hand corner of the Plat showing:
 - i. Proposed name or designation of the subdivision that is distinct from any other plat already recorded in the Office of the Utah County Recorder.
 - ii. Name and address of the owner of record and the name, address and license number of the licensed surveyor or engineer responsible for preparing the Preliminary Plat.
 - iii. Date of preparation of the Preliminary Plat, and all revision dates, as applicable.
 - iv. Signature blocks for the dated signatures of the City Planner, City Engineer, City Manager (representing the will of the Mayor and legislative body), and the City Attorney. City Recorder attests city signatures.
- k. Home Owner Association (HOA) ownership and maintenance responsibilities:
 - i. Must add as a general note on the plat: "Maintenance of open space must be in compliance with VZC 15.40.060 Required Landscape

Maintenance.

- ii. Must designate HOA maintained common area
 - iii. Add note to the plat: "All open areas shall be maintained by the HOA unless specified otherwise."
 - iv. A maintenance plan must be submitted as a separate sheet with the preliminary plat.
 - l. Preliminary utility and preliminary landscaping elements shall be provided on the same sheet. Information shall be clearly depicted for convenience of review.
 - i. A preliminary landscaping plan showing the location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.
 - ii. A preliminary utility plan shall be at least fifty (50) percent complete and show connectivity to adjacent properties.
5. Required Subject Property Information. The following information is required and shall be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:
- a. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the United States Army Corps of Engineers, flood plains and flood channels as identified by a Federal or State Agency, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, drainage ways, and any other natural features, as required by the City Planner or City Engineer for the Subject Property, including the total area of each.
 - b. All trees over six (6) inches in diameter, measured four (4) feet above the ground. In cases of heavily wooded areas, indication of the outline of wooded area and location of trees which are to remain.
 - c. Existing site contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey sea level data. In cases of predominately-level topography one (1) foot interval contours may be required.
 - d. The location of any known man-made features on, or contiguous to the Subject Property, including existing platted lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication lines and facilities, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas. Indicate which features will remain and which will be removed.
 - e. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.
 - f. The layout of existing power lines including the source and connection to the existing power supply.
 - g. All existing and proposed roadway locations and dimensions, with cross sections and profiles of all new streets and roads, proposed to be dedicated to

- the city, showing the grades of all proposed streets and roads, including direction of slope, and all proposed cuts and fills exceeding three (3) feet. The proposed radius of all centerline curves shall be shown.
- h. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all secondary water locations, as required by the City Engineer, as applicable, overlaid with the proposed subdivision layout plan. Indicate the direction of slope for all gravity pipelines.
 - i. Proposed storm drainage and flood control systems including proposed pipe sizes, inlets, detention areas, and drainage arrows.
 - j. The location of all existing and proposed curb, gutter and sidewalk within and adjacent to the proposed development with an indication of grades and flow arrows showing direction of storm water surface flows.
 - k. Existing land drain locations and proposed new land drainage system including proposed pipe sizes, inlets, outlets, and drainage arrows.
 - l. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
 - m. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed street lights.
 - n. ~~The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.~~
6. Geotechnical Report. A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the national Cooperative Soils Survey, United States Department of Agriculture, and Soil Conservation Service. Other investigation reports regarding the suitability of the Subject Property for the proposed subdivision shall be provided. The location and height of all subsurface ground water areas shall be shown.
- ~~Preliminary Grading and Drainage Plan. For all Subject Property of one (1) acre or larger, a preliminary grading plan shall be provided indicated by solid line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately level, topography one (1) foot contour intervals may be required by the City Engineer. Preliminary Erosion Control Plan. When required by the City Engineer, a Preliminary Erosion Control Plan shall be provided and included with the Preliminary Subdivision Application.~~
7. Preliminary Civil Drawings. Preliminary Civil Drawings shall include a preliminary site plan and preliminary utility plan. The preliminary civil drawings shall be at least fifty (50) percent complete and show connectivity to adjacent properties.
8. Preliminary Easement Plan. A preliminary easement plan, identifying the location, size, and use of all existing and proposed easements.
9. Title Report. A Title Report for the Subject Property, provided by a Title Company and no older than thirty (30) calendar days from the date of the filing of the Preliminary Subdivision Application. At a minimum, Title Reports shall contain the following information:
- a. Name

- b. Date
- c. Quality of estate
- d. Legal description
- e. Easements burdening the property
- f. Covenants, Conditions, and Restrictions (CC&R's)
- g. Encumbrances
- h. Court actions
- i. Tax clearance [see 14.06.020(11) below]
- j. Liens
- k. Any other matter that would burden or interfere with the use or improvement of the property

10. Tax Clearance. A tax clearance from the Utah County Treasurer shall be provided as part of the Preliminary Subdivision Application.
11. Evidence of Availability of Necessary Services. The following information is required to be presented, necessary to establish the availability of required services to the Subject Property.
 - a. Culinary Water Requirements. As required and provided by the Act, the Vineyard City Engineer is hereby designated as the Culinary Water Authority for the city. It shall be the responsibility of the Applicant to provide all information and materials, as required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed culinary water system and culinary water sources.
 - b. Sanitary Sewer Requirements. As required and provided by the Act, the Vineyard City Engineer is hereby designated as the Sanitary Sewer Authority for the city. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.
 - c. Subdivision Roads and Streets. The Preliminary Subdivision Application shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets. All subdivision streets shall be designed as required by the Vineyard Development Standards and Design Specifications. If the proposed subdivision will be accessed directly from a State Highway, an appropriate access permit approval, as required by the State of Utah Department of Transportation, shall be provided with the application materials. If the subdivision will be accessed directly from a County Road, authorization from Utah County to allow subdivision access from a County Road shall be provided with the application materials. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer, necessary to review and provide a written recommendation of the proposed road and street system.
 - d. Storm Drainage and Flood Control Facilities. The Preliminary Subdivision Application shall identify the storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make

provision for the continuation of existing facilities. All subdivision storm drainage and flood control system facilities shall be designed as required by the Vineyard Development Standards and Design Specifications. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer, necessary to review and provide a written recommendation of the proposed storm drainage and flood control system.

- e. Fire Protection, Suppression, and Access Facilities. The Preliminary Subdivision Application shall identify the proposed fire protection, fire suppression, and fire access facilities and shall make provisions for the continuation of existing facilities, as required by the Commission and Council. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Vineyard Development Standards and Design Specifications. The ~~Vineyard~~Orem Fire Marshall is hereby designated as the Fire Protection Authority, and shall review all proposed fire protection, fire suppression, and fire access facilities. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Fire Marshall, necessary to review and provide a written approval of the feasibility of the proposed fire protection, suppression, and access facilities.
- 12. Additional Information and Materials. When the city staff, ~~or Commission, or Council~~ deem necessary, the Applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the Subject Property for the proposed subdivision, including, but not limited to, compliance with the City's Transportation Plan(s) including access management plans, adequacy of utilities, public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other infrastructure, physical, environmental, or cultural matters.
- 13. Phasing Schedule. If the Applicant is proposing phasing the development into two or more sections for purposes of recording final plats, such information must be included as a part of the Preliminary Subdivision Application submission.
 - a. A phasing plan describing each phase, the approximate size in area of each phase, the order of phasing and the projected time for recording and development of each phase shall be submitted.
 - ~~b. The requirements of the Concept Plan as described in VSC 14.04.010 shall be submitted for all phases not being proposed for preliminary approval.~~
 - c. The Planning Commission may impose conditions upon the filing of each section proposed as may be necessary to ensure orderly development of the overall subdivision and the area in which it is located.
 - d. Application for subsequent phases must be submitted within one year of recordation of the previous phase.
 - e. The submittal of a Concept Plan, as described in VSC 14.04.010 is strongly encouraged for all phases not being proposed for the preliminary approval.
- 14. Parking Management and Master Plan. The applicant shall provide a narrative describing the parking management strategy to be used within the subdivision. A Parking Master Plan shall be provided on a separate sheet and shall identify all private,

- public, and guest parking.
15. The City reserves the right to request additional mapping elements on a separate sheet
- 16.

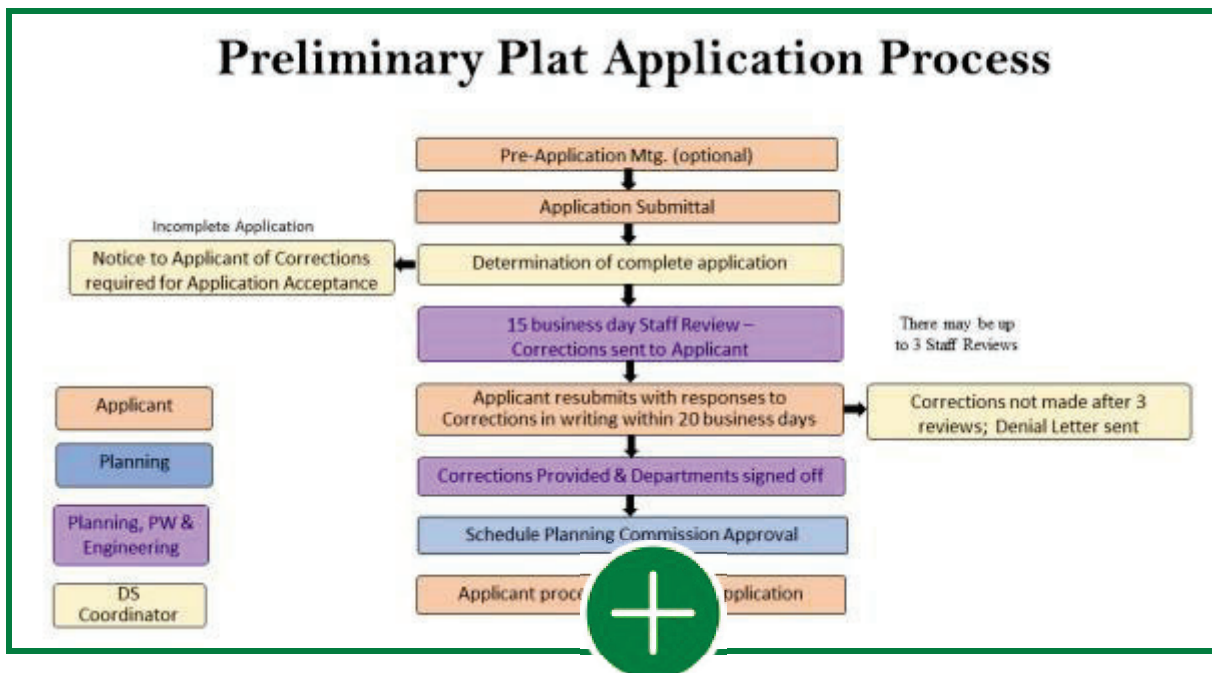
SECTION 3: **AMENDMENT** “14.06.040 Planner To Determine A Complete Application” of the Vineyard Subdivision Code is hereby *amended* as follows:

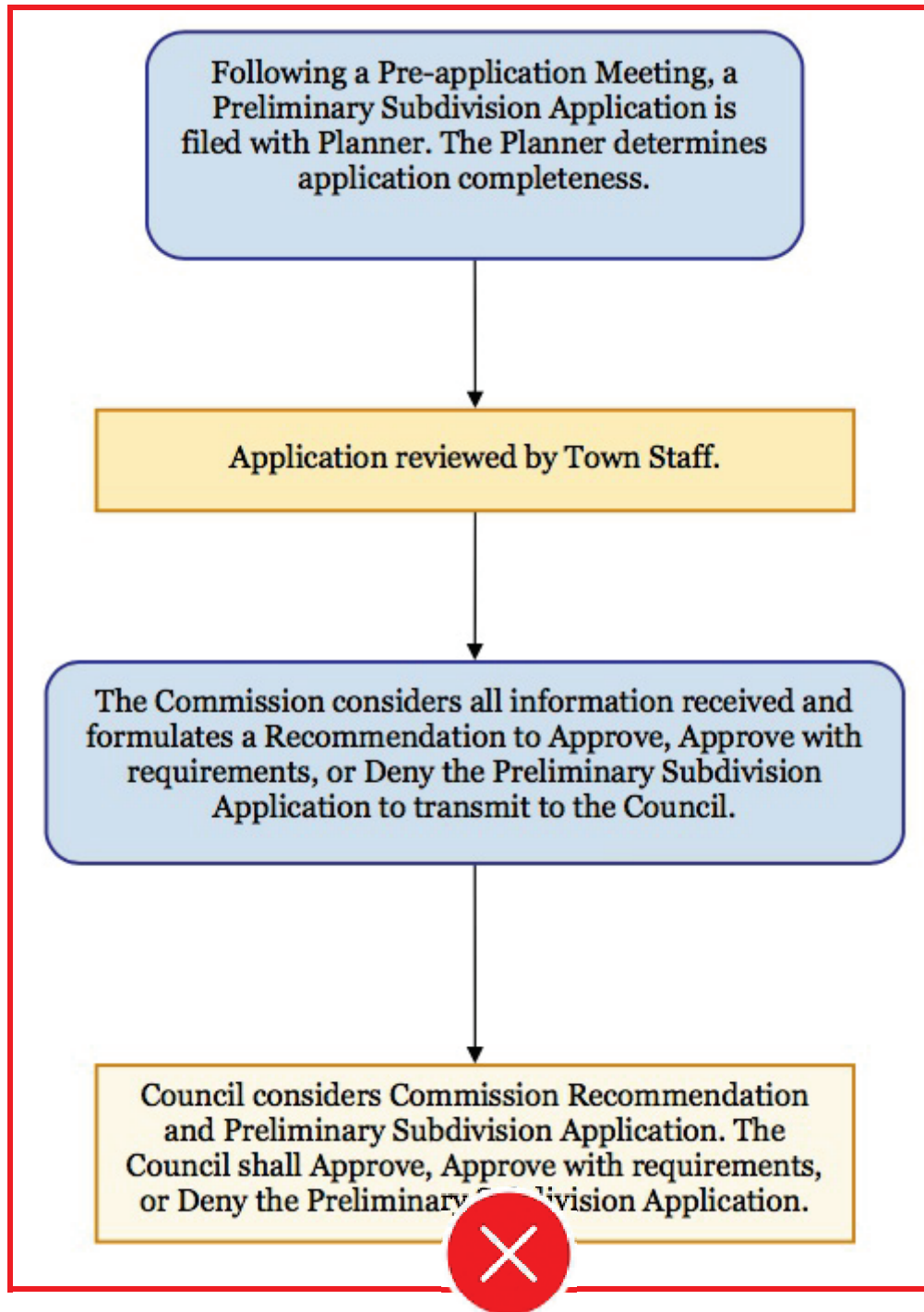
AMENDMENT

14.06.040 Planner To Determine A Complete Application

Prior to considering a Preliminary Subdivision Application, the Planner shall determine and find that the Preliminary Subdivision Application is complete and contains all the Preliminary Subdivision Application materials as required by VSC 14.06.020. (See Figure 1)

FIGURE 1 PRELIMINARY SUBDIVISION APPLICATION REVIEW PROCEDURES





SECTION 4: **AMENDMENT** “14.06.070 Preliminary Subdivision Application Review Procedures” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.070 Preliminary Subdivision Application Review Procedures

The ~~Council~~Planning Commission is identified and authorized as the Land Use Authority to approve Preliminary Subdivision Applications, ~~following a recommendation by the Commission, assuring compliance with all applicable requirements of this Ordinance.~~ The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 1.

1. Determination of a Complete Application and City Staff Review.
 - a. A determination of a complete Preliminary Subdivision Application shall be made by the Planner as identified in Figure 1 and VSC 14.06.040 and VSC 14.06.050. If incomplete as to the requirements set forth in this ordinance, the submittal will be rejected and returned to the applicant for revision and resubmittal.
 - b. City Planner will send copies of the preliminary plat to applicable city staff members for review and comment. As a prerequisite of preliminary plat review by the planning and commission, the City Planner shall inform the appropriate public utility companies, school districts, adjacent municipalities, if the proposed subdivision abuts city limits, and other entities as determined by the City Planner, of the tentative plans and learn the general requirements for sewage disposal, water supply, and public dedications applicable to their needs. Written recommendations from the review agencies shall be transmitted to the City Planner.
2. Commission Public Hearing and Review. Following the review by city staff, the Commission shall consider the Preliminary Subdivision Application at a scheduled meeting. The Commission shall consider all information and input received. The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 1. The city staff, or employee, or any State and County Agency, as applicable, any affected Special Service District, Special Service Area, may present information and materials to the Commission for review in considering the Preliminary Subdivision Application.
3. ~~Commission Recommendation.~~ Commission Approval, Approval with conditions, or Denial of the Preliminary Subdivision Application. Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, the Commission shall formulate and ~~transmit a recommendation to the Council for~~ approval approve of the Preliminary Subdivision Application, as presented, ~~recommend approval approve~~ of the Preliminary Subdivision Application with requirements, or ~~deny recommend denial of~~ deny of the Preliminary Subdivision Application, with findings of compliance or non-compliance with this Ordinance and all other applicable City, County, State, and Federal requirements.

Prior to the Commission ~~transmitting a recommendation to the~~ rendering a decision, ~~Council~~, the Commission shall require the following information, necessary to establish the availability of required services to the Subject Property.

- a. Culinary Water. The City Engineer, acting as the Culinary Water Authority,

- shall review the proposed culinary water system, and shall provide a written approval to the feasibility of the proposed culinary water system and all culinary water sources for the proposed subdivision.
- b. Sanitary Sewer. The City Engineer, acting as the Sanitary Sewer Authority, shall review the proposed sanitary sewer system and shall provide a written approval to the feasibility of the proposed sanitary sewer system for the proposed subdivision.
 - c. Subdivision Roads and Streets. The City Engineer and Planner shall review the proposed street and road design for compliance with the requirements of the City and shall provide a written recommendation for the proposed street and road layout and design.
 - d. Storm Drainage and Flood Control Facilities. The City Engineer shall review the proposed storm drainage and flood control system for compliance with the requirements of the City and shall provide a written recommendation for the proposed storm drainage and flood control facilities.
 - e. Fire Protection, Suppression, and Access Facilities. The ~~Vineyard~~OremFire Marshall is hereby designated as the Fire Protection Authority, and shall review all proposed fire protection, fire suppression, and fire access facilities, and shall provide a written approval of the proposed fire protection, suppression, and access facilities for the proposed subdivision.
 - f. Special Service District or Special Service Area. If the Subject Property is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation from the governing board of such District or Area shall be provided with the Preliminary Subdivision Application materials, which recommendation may identify any potential impacts resulting from the proposed subdivision.

The Commission may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for preliminary subdivision approval, and determined necessary by the Commission to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the city, including but not limited to:

- i. Road and street improvements, including layout, design, grading and surfacing.
- ii. Flood control facilities.
- iii. Culinary Water facilities.
- iv. Sanitary Sewer facilities.
- v. Storm Drainage facilities.
- vi. Erosion Control facilities.
- vii. Traffic Circulation and Access Management facilities.
- viii. Land Drainage facilities.
- ix. Lot and/or Site drainage.
- x. Park and open space areas and facilities.
- xi. Fire protection and suppression facilities, including fire hydrants and

- water storage facilities.
- xii. Electrical power, telecommunication, gas, and other utility facilities.
- xiii. Fencing and buffering treatments.
- xiv. Street lighting and streetscape enhancements including street trees and park strip improvements.

~~g.~~

~~4.~~

- ~~1. Council Review. Following the receipt of the Commission recommendation, the Council shall consider the Preliminary Subdivision Application at a regularly scheduled meeting.~~

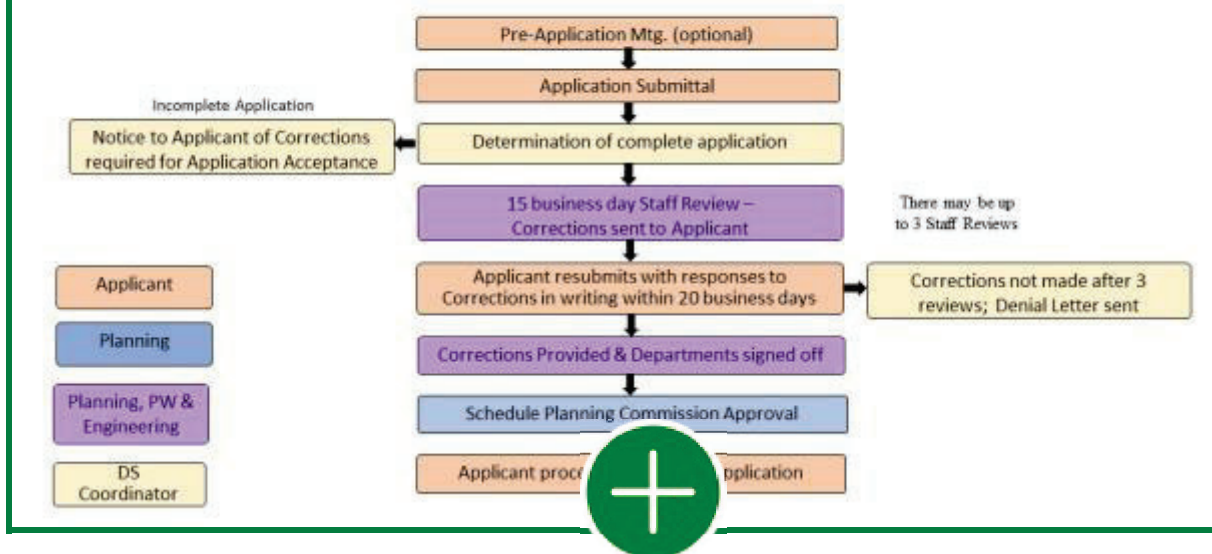
~~The review procedures for the consideration of a Preliminary Subdivision Application are identified in Figure 1. The city staff or employee, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Commission for review in considering the Preliminary Subdivision Application.~~

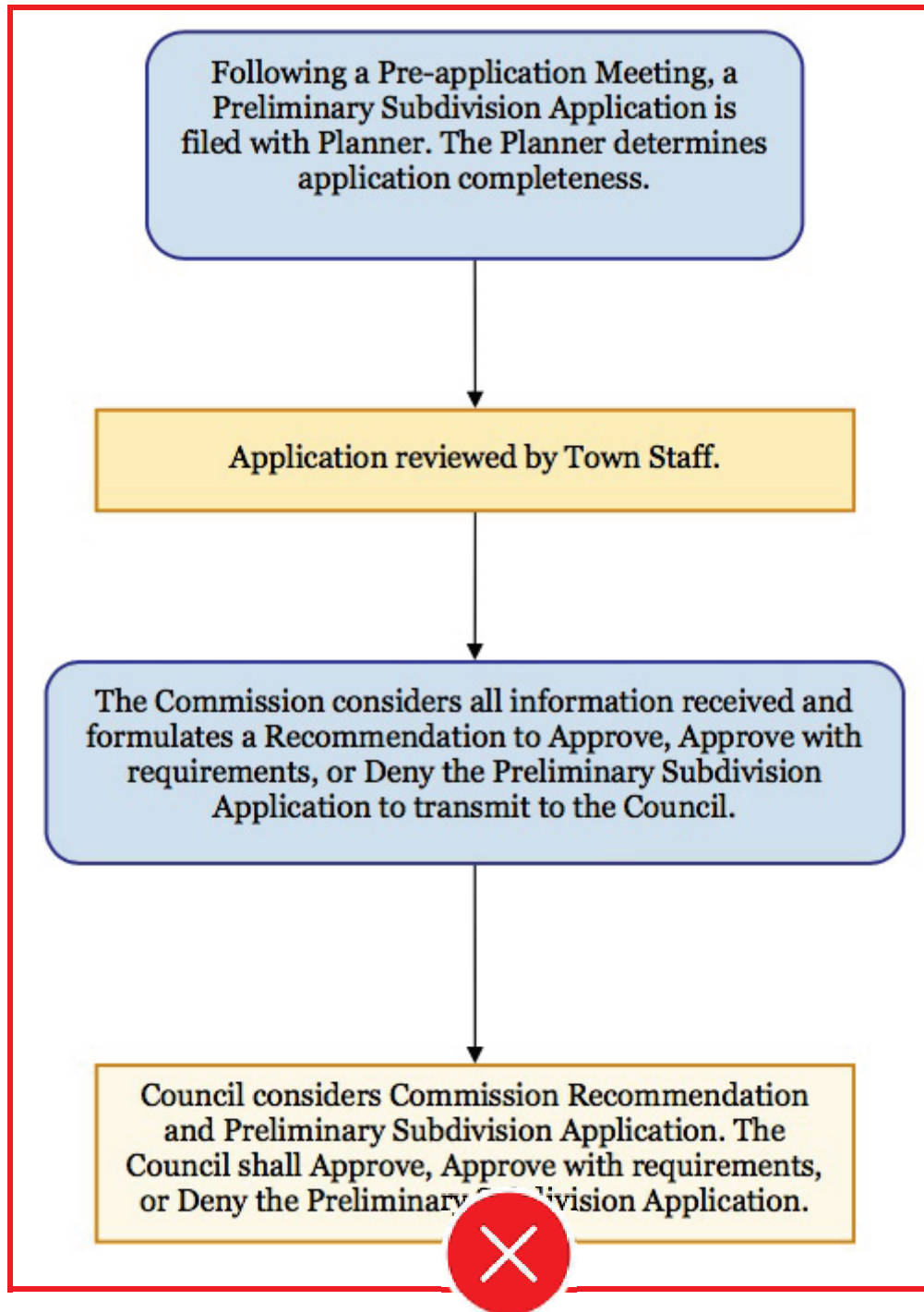
- ~~2. Council Approval, Approval with Requirements, or Denial of the Preliminary Subdivision Application. Following the consideration of the Preliminary Subdivision Application, and all information and materials presented, including the recommendation of the Commission, the Council may approve the Preliminary Subdivision Application, as presented, approve the Preliminary Subdivision Application with requirements, or deny the Preliminary Subdivision Application with findings of compliance or non-compliance with this Ordinance and all other applicable City, County, State, and Federal requirements. The Council may recommend onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant(s) for Preliminary Subdivision Approval, and determined necessary by the Commission or Council to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the city, including but not limited to:~~

~~Road and street improvements, including layout, design, grading and surfacing. Flood control facilities. Culinary Water facilities. Sanitary Sewer facilities. Storm Drainage facilities. Erosion Control facilities. Traffic Circulation and Access Management facilities. Land Drainage facilities. Lot and/or Site drainage. Park and open space areas and facilities. Fire protection and suppression facilities, including fire hydrants and water storage facilities. Electrical power, telecommunication, gas, and other utility facilities. Fencing and buffering treatments. Street lighting and streetscape enhancements including street trees and park strip improvements.~~

FIGURE 1 PRELIMINARY SUBDIVISION APPLICATION REVIEW PROCEDURES

Preliminary Plat Application Process





SECTION 5: AMENDMENT “14.06.010 Intent” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.010 Intent

It is the intent of this Ordinance that a Preliminary Subdivision Application decision is a discretionary action of the ~~Council~~Planning Commission, acting as a Land Use Authority. Any actions by the ~~Council~~Planning Commission related to a Preliminary Subdivision Application shall be accompanied with findings of fact, ~~following the receipt of a Commission recommendation.~~

For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items related to the proposed subdivision of land. The Commission shall consider information provided by the City Planner, including information provided by other service providers, and address all items applicable to a Preliminary Subdivision Application prior to ~~providing a recommendation to the Council. The Council shall identify and address all items applicable to a Preliminary Subdivision Application prior to~~ approving, approving with requirements, or denying the Preliminary Subdivision Application.

SECTION 6: AMENDMENT “14.06.030 Preliminary Subdivision Application; Engineering Review Fees” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.030 Preliminary Subdivision Application; Engineering Review Fees

~~The Applicant(s) for Preliminary Subdivision Application approval shall pay all costs that may be incurred by the city for the provision of City Engineering services necessary to review the Preliminary Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable Land Use Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.~~

SECTION 7: AMENDMENT “14.06.080 Effect Of Council Preliminary Subdivision Application Approval And Effective Period” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.080 Effect Of ~~Council~~Commission Preliminary Subdivision Application Approval And Effective Period

For all proposed subdivisions, the approval of a Preliminary Subdivision Application by the ~~Council~~ Planning Commission shall not constitute final approval of the subdivision by the city, but permits the Applicant(s) to proceed with the preparation of the Final Subdivision Application and all required documents. For such subdivisions, a Preliminary Subdivision Application approval shall not authorize the division or development of land, but shall allow the presentation to the city of a Final Subdivision Application.

As provided by the Act, the continuing validity of a Preliminary Subdivision Application approval is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Section, and this requirement, the approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the Planning Commission ~~Council~~, at the end of which time the Applicant(s) shall have submitted a Final Subdivision Application to the Office of the City Planner. If a Final Subdivision Application is not received by the Planner within the one (1) year period, the Preliminary Subdivision Application approval for the Subject Property shall be rendered void.

SECTION 8: **AMENDMENT** “14.06.100 Appeal Of Preliminary Subdivision Application Decisions” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.100 Appeal Of Preliminary Subdivision Application Decisions

Any person(s) aggrieved by a decision of the Planning Commission ~~Council~~ for a Preliminary Subdivision Application may appeal the Commission ~~Council~~ decision to District Court, as provided by VZC 15.52.

SECTION 9: **AMENDMENT** “14.06.050 Lack Of Preliminary Subdivision Application Information-Determination Of Incomplete Application” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.06.050 Lack Of Preliminary Subdivision Application Information-Determination Of Incomplete Application

The lack of any information required for a Preliminary Subdivision Application, as required by VSC 14.06.020, shall be cause for the Planner to find the Preliminary Subdivision Application incomplete.

A Planner determination of an incomplete Preliminary Subdivision Application shall prohibit the DRC, ~~or~~ Commission, ~~or Council~~ from considering any material, items or other information related to the proposed subdivision. The Planner shall notify the Applicant(s), in writing, of the required information lacking from the Preliminary Subdivision Application. The Planner shall thirty (30) calendar days, from the date of notification of an incomplete Preliminary Subdivision Application, for the Applicant(s) to provide the required information to the city. If the Preliminary Subdivision Application remains incomplete after thirty (30) calendar days from date of notification, as required herein, the Planner shall return the entire incomplete application to the Applicant(s), accompanied by any Preliminary Subdivision Application fees paid.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
Amber Rasmussen	_____	_____	_____	_____
Mardi Sifuentes	_____	_____	_____	_____
Jacob Holdaway	_____	_____	_____	_____
Sara Cameron	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder,
Vineyard

**VINEYARD
ORDINANCE 2024-02**

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.08.010 Intent” of the Vineyard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.08.010 Intent

It is the intent of this Ordinance that a Final Subdivision Application decision is an administrative action ~~by the Council~~ by the Development Review Committee (DRC), acting as a Land Use Authority. Any actions by the ~~Council~~ Development Review Committee related to a Final Subdivision Applications shall be accompanied with findings of fact.

For the purposes of this Ordinance, the procedures and requirements for the consideration of Final Subdivision Applications are provided to allow for the consideration of all items related to the proposed subdivision of land. The Development Review Committee shall consider information provided by the City Planner, including information provided by other service providers, and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying an Final Subdivision Application.

~~The Council~~ The Development Review Committee shall consider information provided by the city staff, including information provided by other service providers, and address any requirements and conditions applicable to a Preliminary Subdivision Application approval by the Commission. ~~Council~~.

~~The Council~~ Development Review Committee shall identify and address all items applicable to a Final Subdivision Application prior to approving, approving with requirements, or denying the Final Subdivision Application.

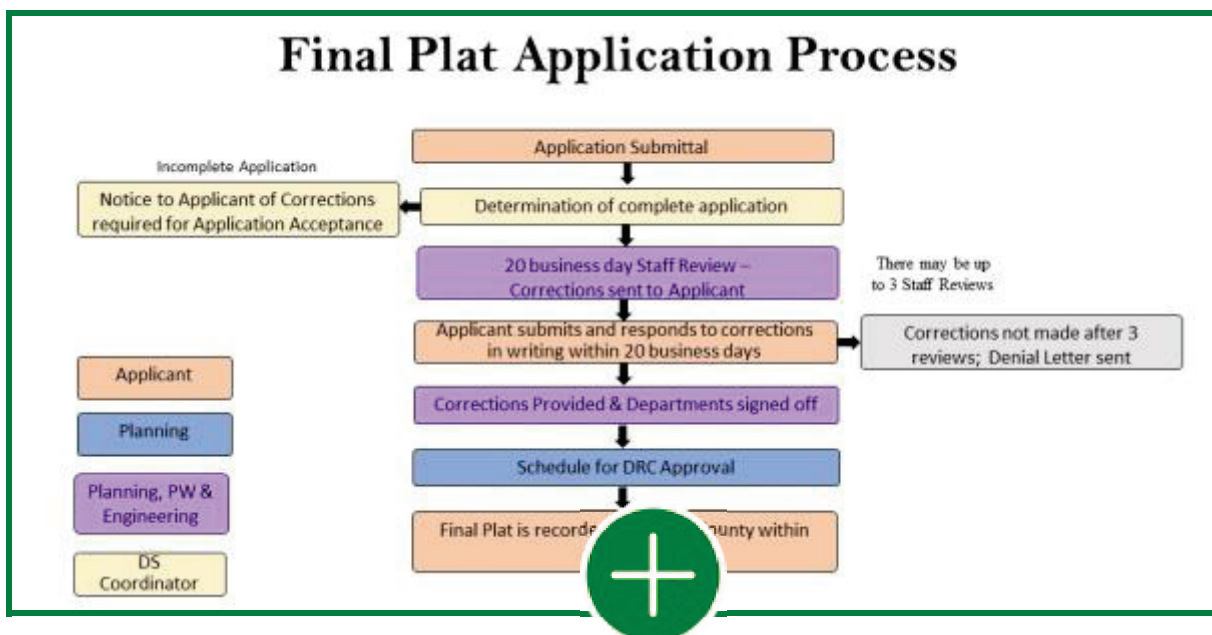
SECTION 2: **AMENDMENT** “14.08.020 Final Subdivision Application; Council Identified As Land Use Authority; City Staff Recommendation Required” of the Vineyard Subdivision Code is hereby *amended* as follows:

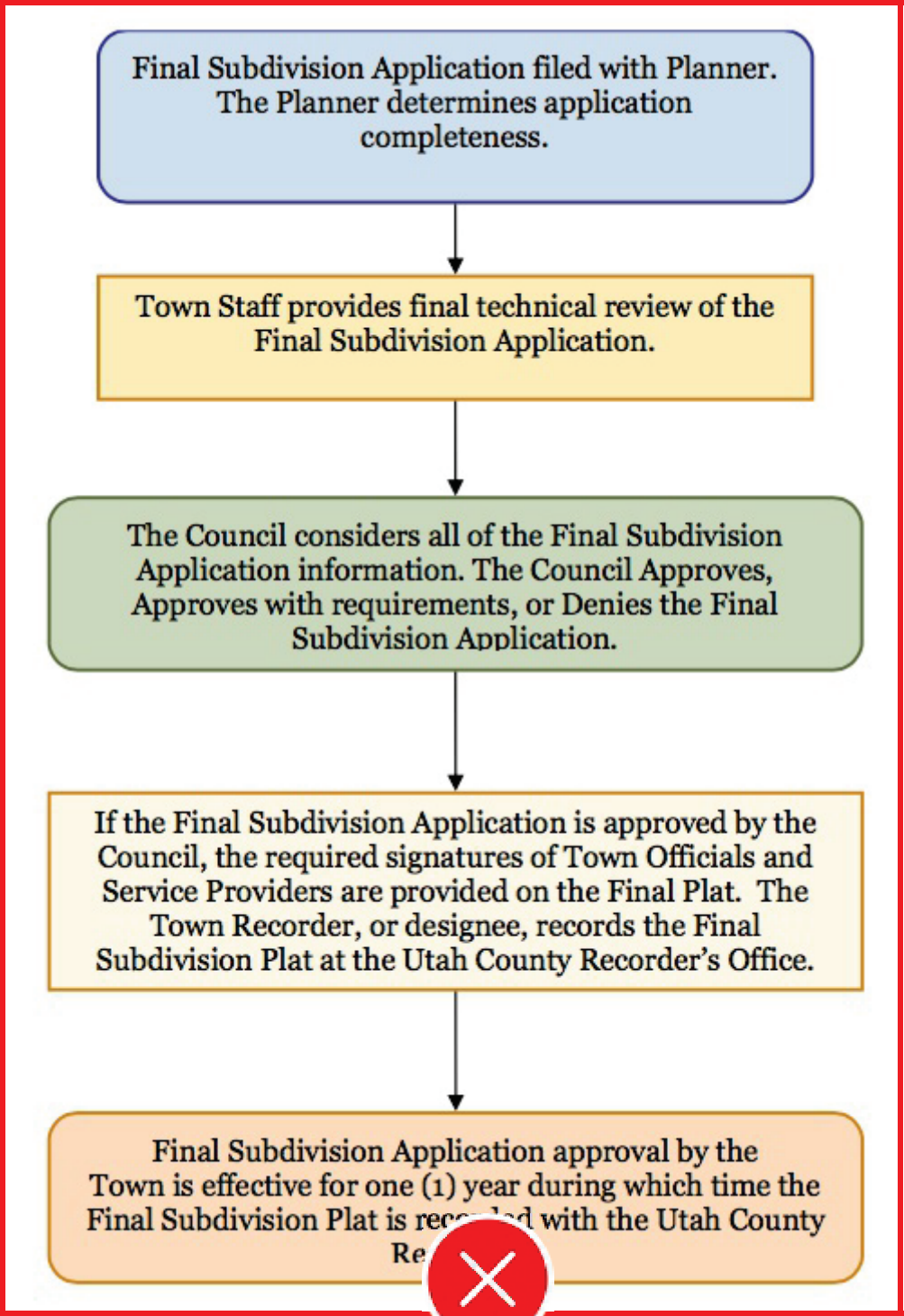
A M E N D M E N T

14.08.020 Final Subdivision Application; ~~Council~~Development Review Committee Identified As Land Use Authority; City Staff Recommendation Required

1. The Development Review Committee (DRC) ~~Council~~ for Final Subdivision Applications is hereby identified as the Land Use Authority for Final Subdivision Applications.
2. Prior to the Development Review Committee (DRC) ~~Council~~ considering a Final Subdivision Application, the City Planner shall transmit a recommendation to the ~~Council~~Development Review Committee for consideration. The review procedures for the consideration of a Final Subdivision Application are identified in Figure 4.

FIGURE 4 FINAL SUBDIVISION APPLICATION REVIEW PROCEDURES





SECTION 3: AMENDMENT “14.08.030 Requirements For Final Subdivision Applications” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.030 Requirements For Final Subdivision Applications

All Final Subdivision Applications, filed in the Office of the City Planner, shall provide the following information:

1. Application Form. A Final Subdivision Application Form completed and signed by the owner(s) of the Subject Property, as identified on the property assessment rolls of Utah County, or authorized agent of the owner(s), of the Subject Property. If the Application Form is signed by an agent of the owner(s), the Application Form shall be accompanied by an affidavit identifying the agent as being duly authorized to represent the owner(s) in all matters related to the Final Subdivision Application.

All persons with a fee interest in the Subject Property shall be required to join in and sign the Final Subdivision Application.

2. Final Subdivision Application Fees. The Final Subdivision Application shall include the payment of all Final Subdivision Application fees, as established the Council, ~~and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required by this section, or engineering inspection services.~~
3. Legal Description. A complete and accurate legal description for the entire Subject Property.
4. Final Subdivision Plat. A Final Subdivision Plat shall be prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Engineer, and in a form acceptable to the Utah County Recorder for recordation. The Final Subdivision Plat shall be prepared in pen on mylar and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). One (1) original mylar copy of the Final Plat and two (2) original copies of the Final Subdivision Design and Construction Plans shall be included with the Final Subdivision Application ~~and a minimum of ten (10) 11 inch x 17 inch size and two (2) 24 inch x 36 inch paper copies shall be included and accompany the Final Subdivision Application Form.~~ A digital copy of the Final Subdivision Plat, in a format acceptable to the City's Geographic Information System standards by the City Engineer, shall also be provided. The Final Subdivision Plat shall contain the same information as required by VSC 14.06.020, and shall include any revisions or additions, as required by the Commission ~~or Council~~, as part of the Preliminary Subdivision Application approval, as applicable. The Final Subdivision Plat shall show the following:
 - a. Notation of any self-imposed restrictions, including proposed restrictive

covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the Commission ~~or~~ **Council**, as applicable.

- b. A survey of the perimeter of the Subject Property and all parcels, units, lots and blocks created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100th) foot; areas to the nearest hundredth (100th) acre. All parcels, units, lots, or blocks created shall be numbered consecutively. All lands within the boundaries of the Final Subdivision Plat shall be accounted for as lots, roads, streets, alleys, walkways, or as excepted parcels. Excepted parcels shall be marked as "Not Included in the Subdivision" and the boundary of such parcels indicated by distances and bearings.
- c. Endorsement of every person having a security interest in the Subject Property subordinating their liens to all covenants, servitudes, and easements imposed on the property.
- d. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.
- e. All existing and proposed street names shall be shown and the street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the city.
- f. Every existing right-of-way and easement grant of record for underground facilities, as defined by U.C.A. ~~54-8a-2~~ 54-3-27 "Public utility easement.", and for all other utility facilities, and all proposed rights-of-way and easement grants of record for utility facilities.
- g. The location of any common space or open space areas including the location of all property set aside for public or private reservation, with the designation of the purpose of such set asides, and conditions, if any, of the dedication or reservation.
- h. The name and address of the licensed surveyor responsible for preparing the Final Subdivision Plat.
 - i. The surveyor making the Final Plat shall certify that the surveyor:
 - (1) Holds a License in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (2) Has completed a survey of the property described on the Final Plat in accordance with U.C.A. 17-23-17 and has verified all measurements; and
 - (3) Has placed monuments as represented on the Final Plat.
- i. Located at the top-center and lower-right of the Final Subdivision Plat, the name of the subdivision, as approved by the Utah County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, and quarter section, block, lot number, and total are of the Subject Property shall be shown.

- j. A title block, placed on the lower right hand corner of the Final Subdivision Plat showing:
 - i. The Approved name of the subdivision, as approved by the Utah County Recorder.
 - ii. Date of preparation of the Final Subdivision Plat.
 - iii. Signature blocks for the dated signatures of the **City Planner, City Engineer, City Manager (representing the will of the legislative body), and City Attorney. City Recorder attests city signatures.**
- 5. Other Required Final Subdivision Application Information and Materials. The following information is required and shall be provided on separate sheets at the same scale as the Final Subdivision Plat:
 - a. All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.
 - b. Owner's Dedications. The owner's certificate of dedication(s) including a legal description of the Subject Property boundaries and the dedication of all public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the Utah County Recorder may enter the book and page number of their recording.
 - c. Required Federal, State, and Local Permits. Whenever a Federal, State, or Local department or agency has authority or jurisdiction, all necessary approvals, permits, and licenses, as required, shall be provided by such Federal, State, and Local departments and agencies and shall be required and included with the Final Subdivision Application.
 - d. Covenants and Restrictions. Copies of all protective covenants, conditions and restrictions (CC&R's), trust agreements, home owner's association articles and bylaws, and all other required documents, including those required by the Commission ~~or Council~~, as applicable, governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision.
- 6. Final Construction Drawings. Final design and construction drawings for all proposed, or required public improvements, prepared by a licensed civil engineer, and as required by the "Vineyard Development Standards and Design Specifications" and the City Engineer, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities, all electrical power facilities, all telecommunications facilities, all street lights, all street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings, and all other provided and required public facilities and improvements.
 - a. Improvement Construction Costs. Estimated construction costs of all proposed, or required public improvements, prepared by a Utah licensed ~~professional~~ ~~civil~~ engineer or Utah licensed general contractor, and as required by the

“Vineyard Development Standards and Design Specifications” and the City Engineer.

- b. Final Grading and Drainage Plan. For all Subject Property of one (1) acre or larger a Final Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately-level topography one (1) foot contour intervals may be required by the City Engineer. All stormwater drainage shall be either maintained within the property lines or conveyed into a stormwater system, as approved by the City Engineer.
 - c. Final Erosion Control Plan. ~~When required by the City Engineer, a~~ Final Erosion Control Plan shall be provided and included with the Final Subdivision Application.
7. Title Report. If the Final Subdivision Application is filed in the Office of the City Planner after one hundred eighty (180) calendar days from the date the Preliminary Subdivision Application is approved, or if any changes or corrections have been made to the Title of the Subject Property since the Preliminary Subdivision Application was filed in the Office of the City Planner, a Title Report for the Subject Property, provided by a Title Company, no older than thirty (30) calendar days from the date of filing the Final Subdivision Application shall be provided. At a minimum, Title Reports shall contain the following information:
- a. Name
 - b. Date
 - c. Quality of estate
 - d. Legal description
 - e. Easements burdening the property
 - f. Covenants, Conditions, and Restrictions (CC&R's)
 - g. Encumbrances
 - h. Court actions
 - i. Tax clearance
 - j. Liens
 - k. Any other matter that would burden or interfere with the use or improvement of the property
8. Tax Clearance. A tax clearance from the Utah County Treasurer shall be provided as part of the Final Subdivision Application. The ~~DRC Council~~ may withhold an otherwise valid Final Plat approval until the owner of the Subject Property provides the ~~DRC Council~~ with a tax clearance indicating that all taxes, interest, and penalties owing on the Subject Property have been paid.
9. Additional information and Materials. When the city staff, commission, or ~~DRC council~~ deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the city's transportation plan(s)

including access management plans, adequacy of utilities, public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other infrastructure, physical, environmental, or cultural matters.

SECTION 4: AMENDMENT “14.08.100 Final Subdivision Review Procedures” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.100 Final Subdivision Review Procedures

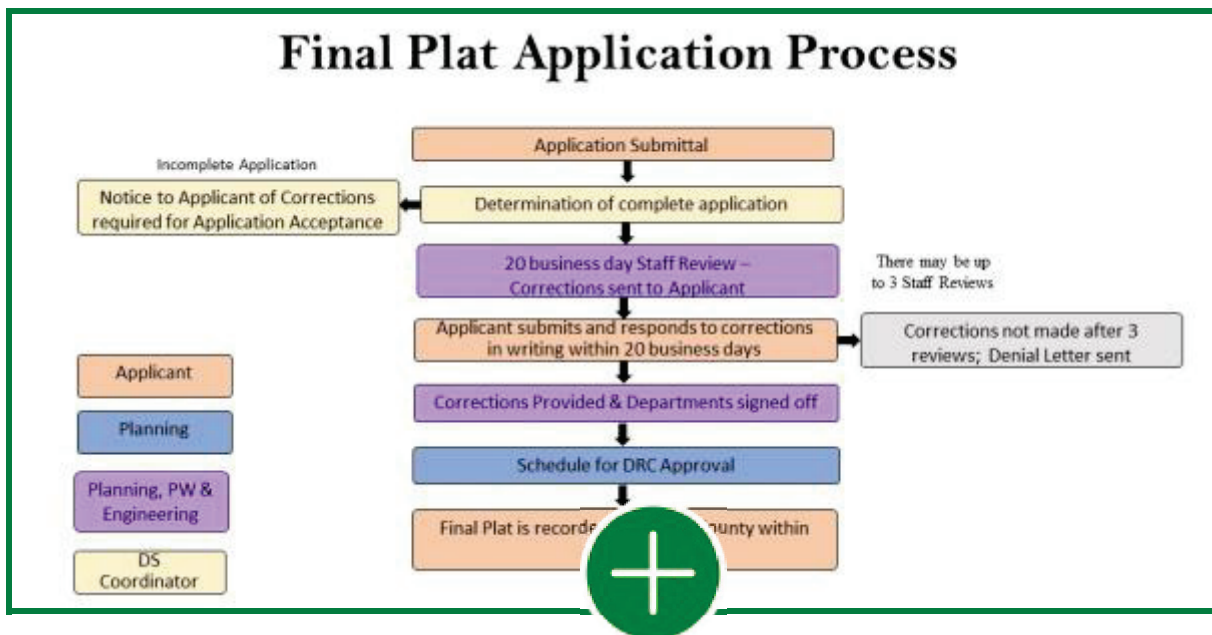
The ~~Council~~ Development Review Committee (DRC) is identified and authorized as the Land Use Authority for Final Subdivision Applications, assuring compliance with all applicable requirements of this Ordinance. The review procedures of the city for the consideration of a Final Subdivision Application are identified in Figure 12.

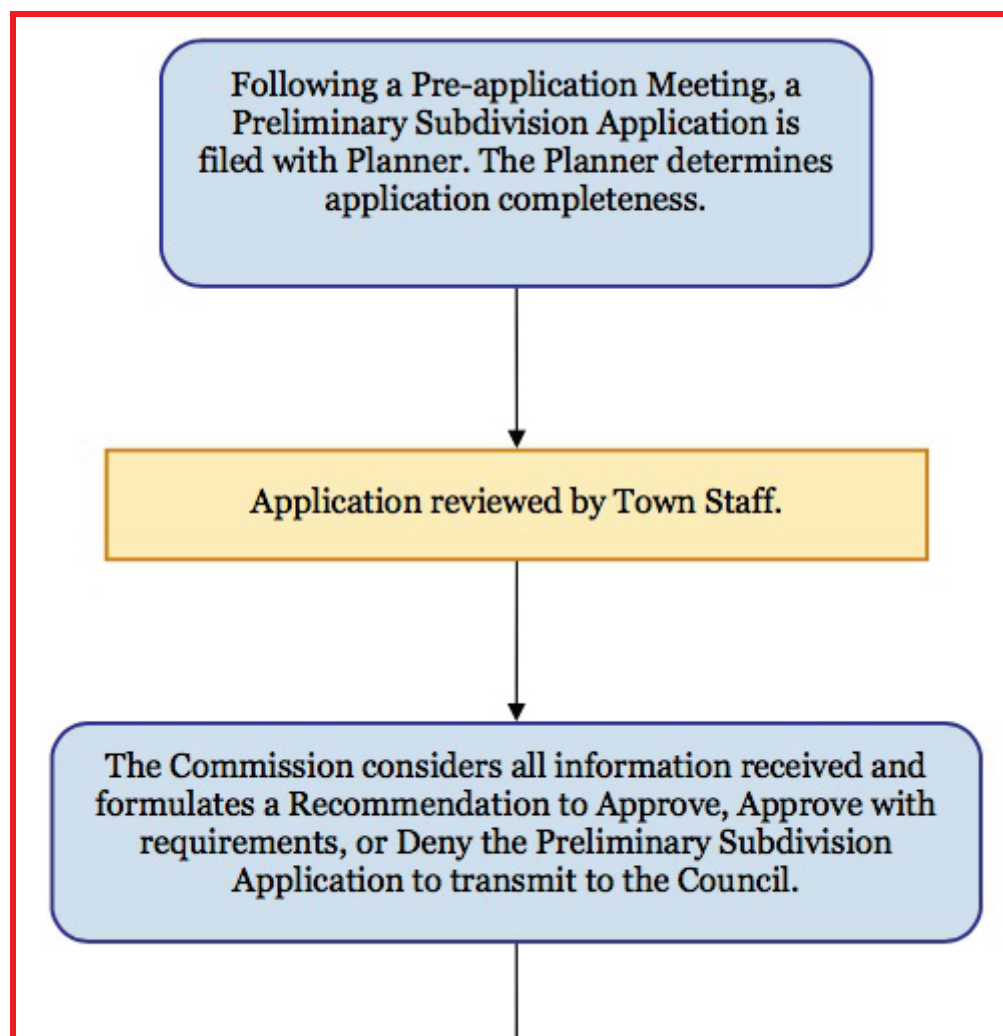
1. Determination of a Complete Application. A determination of a complete Final Subdivision Application shall be made by the Planner as identified in Figure 1 and VSC 14.08.070. and VSC 14.08.080. ~~14.08.040 and VSC 14.08.050~~. If incomplete as to the requirements set forth in this ordinance, the submittal will be rejected and returned to the applicant for revision and resubmittal.
2. ~~Council~~ Development Review Committee Review. Following the receipt of a staff report, the ~~Council~~ Development Review Committee shall consider a Final Subdivision Application. ~~The Council shall consider a Final Subdivision Application at a scheduled Council meeting. The Development Review Committee (DRC) shall review and consider a Final Subdivision Application at a scheduled meeting.~~
 - a. Following the consideration of the Final Subdivision Application, and all information and materials presented, including the recommendation of city staff, the Development Review Committee ~~Council~~ may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or non-compliance with this Ordinance, and other Land Use Ordinances and requirements, as applicable.
 - b. The Development Review Committee ~~Council~~ may require onsite and offsite improvements, facilities and amenities, provided one hundred percent (100%) by the Applicant for Final Subdivision Application approval, such improvements, facilities and amenities being determined consistent with the requirements herein, and found necessary by the ~~Council~~ DRC to protect the health, safety, and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the city., ~~including but not limited to:~~
 - i. ~~Road and street improvements, including layout, design, grading and~~

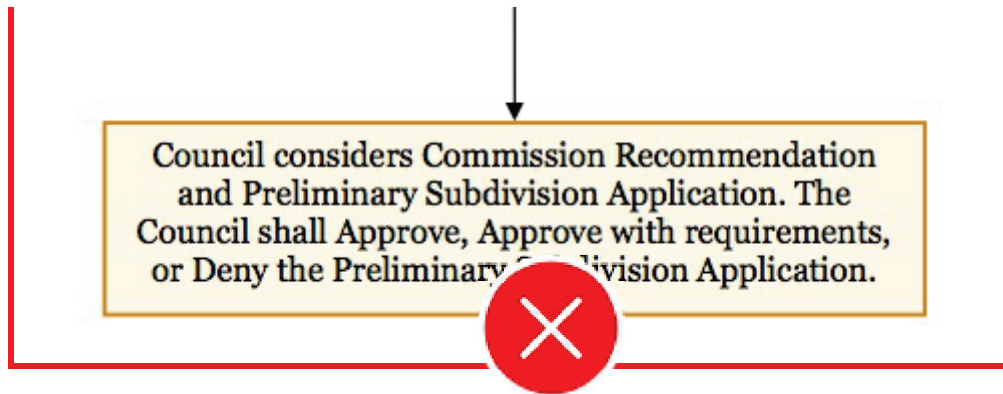
- ~~surfacing.~~
 - ii. ~~Flood control facilities.~~
 - iii. ~~Culinary Water facilities.~~
 - iv. ~~Sanitary Sewer facilities.~~
 - v. ~~Storm Drainage facilities.~~
 - vi. ~~Land Drainage facilities.~~
 - vii. ~~Erosion Control facilities.~~
 - viii. ~~Traffic Circulation and Access Management facilities.~~
 - ix. ~~Lot and/or Site drainage.~~
 - x. ~~Park and open space areas and facilities.~~
 - xi. ~~Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.~~
 - xii. ~~Electrical power and telecommunications facilities.~~
 - xiii. ~~Fencing and buffering treatments.~~
 - xiv. ~~Street lighting facilities; and~~
 - xv. ~~Streetscape enhancements including street trees and park strip improvements.~~
3. ~~Concurrent Review. An applicant may request a concurrent submission of a preliminary and final plat for non-residential (i.e. commercial and industrial) subdivisions so long as they contain all the information that would be required by these regulations. The City Council shall receive a recommendation from the planning commission prior to review of the submittal.~~
 4. Acknowledgement and Necessary Signatures Required. The owner of the Subject Property shall acknowledge the Final Plat before the Development Review Committee ~~Council~~ authorized to take the acknowledgement of conveyances of real estate and shall obtain the signature of the Mayor, acting on behalf of the Council, and authorized to take the acknowledgement of conveyances of real estate on behalf of the city, and the City Attorney.
 5. Dedications and Grants of Easements. When the Applicant is proposing, or is required, to provide dedications for any public or quasi-public infrastructure, utilities, or improvements, as applicable, the owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities shall approve the: (i) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; (ii) location of existing underground and utility facilities; and (iii) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing by the owner or operator of the infrastructure, utilities, improvements, and underground and utility facilities, as applicable. When land within the subdivision is to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided. In addition, all subdivisions shall establish and maintain a landscape easement between the subdivision fence and the sidewalk within the right-of-way.
 6. Recordation of Final Subdivision Plat and all Subdivision Documents. After a Final

Subdivision Application has been approved, with or without requirements, and signed by all city officials and services providers, the Final Subdivision Plat shall be provided to the City Recorder, for presentation by the City Recorder, or designee, to the Office of the Utah County Recorder for recordation. After the Final Subdivision Plat has been recorded, the Applicant(s) may apply for ~~permits required for the construction and installation of subdivision improvements and~~ building permits consistent with the approved and recorded Final Subdivision Plat and the city requirements for such permits. The Applicant is required to pay all fees, including copies, for the recording of all Final Subdivision documents and the Final Subdivision Plat.

FIGURE 1 PRELIMINARY SUBDIVISION APPLICATION REVIEW PROCEDURES







SECTION 5: **AMENDMENT** “14.08.110 Effect Of Approval, With Or Without Requirements, Of Final Subdivision Application And Effective Period” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.110 Effect Of Approval, With Or Without Requirements, Of Final Subdivision Application And Effective Period

After the Final Plat has been acknowledged, certified, and approved by the Development Review Committee~~Council~~, this shall constitute final approval of the subdivision by the city, after which the owner of the Subject Property shall, within ~~one-two~~ (12) years of the date of approval of the Final Plat, record the Final Plat in the Office of the Utah County Recorder. The Applicant shall pay all fees, including copies, for the recording of the Final Plat and all Final Subdivision documents.

~~The Applicant shall provide one (1) 24 inch x 36 inch copy and two (2) 11 inch x 17 inch copies of the recorded Final Plat and one (1) copy of any additional Final Subdivision documents to the City Planner for inclusion in the files of the city.~~ An electronic digital copy of the recorded Final Subdivision Plat, in a format acceptable to the City’s Geographic Information System standards by the City Engineer, shall ~~also~~ be provided.

After the Final Plat has been recorded, the Applicant(s) may apply for permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Plat and the city requirements for such permits.

As provided by the Act, the continuing validity of a Final Subdivision Application approval is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Section, and this requirement, the approval of a Final Subdivision Application shall be effective for a period of ~~one (1) year~~ two (2) years from the date of approval, at the end of which time the Applicant shall have presented the Final Plat for recording in the Office of the Utah County Recorder. If the Final Plat is not recorded within two (2) years ~~one (1) year~~, the Final Subdivision Application shall be rendered void, and the Applicant shall be required to submit a new Preliminary Subdivision Application, subject to the requirements of this Ordinance and other Land Use Ordinances and requirements in effect at the time an application is filed.

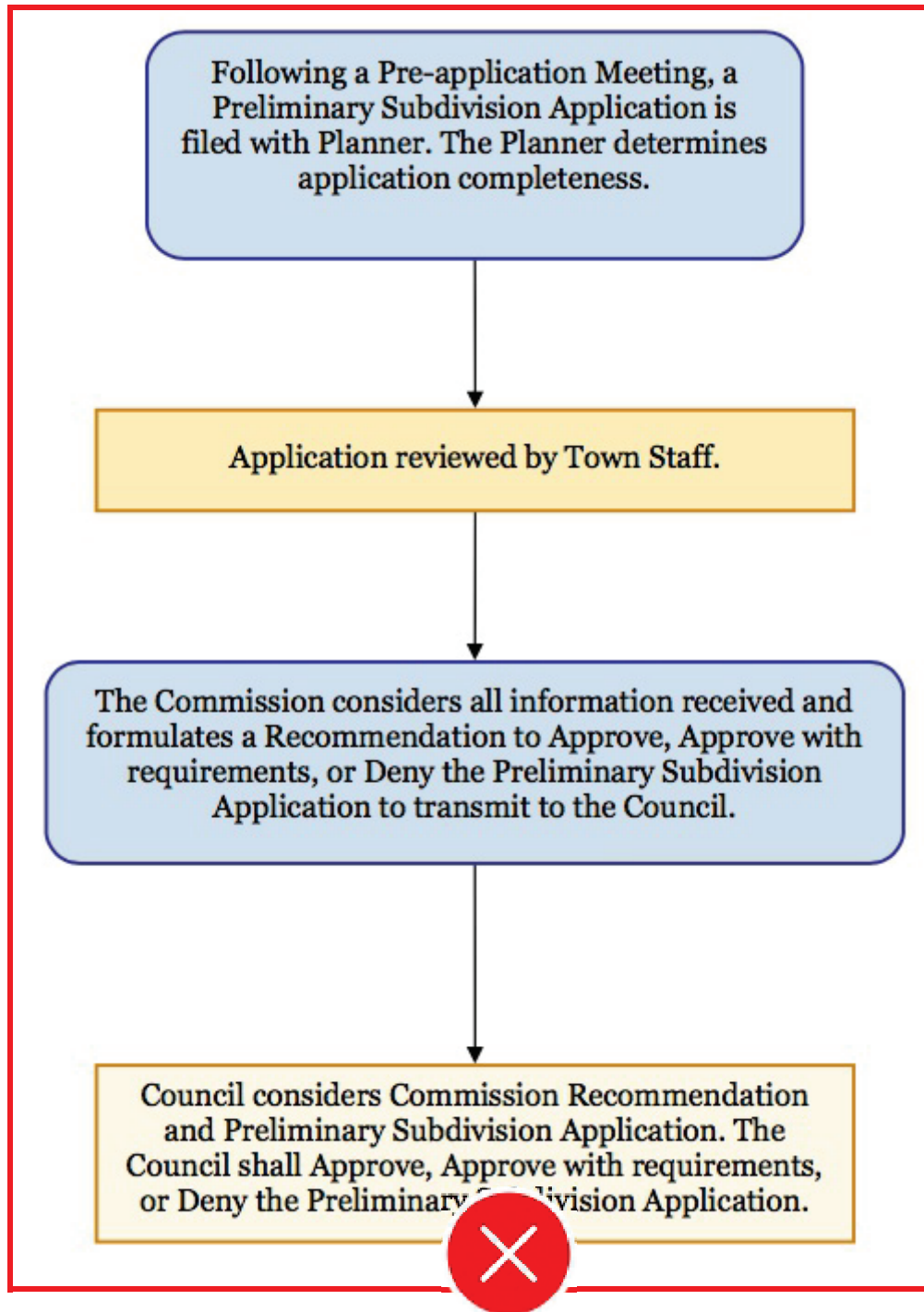
SECTION 6: **AMENDMENT** “14.08.070 Planner To Determine A Complete Final Subdivision Application” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.070 Planner To Determine A Complete Final Subdivision Application

Prior to the consideration of the Final Subdivision Application by the City Staff or ~~Council~~ the Development Review Committee, the Planner ~~s~~ shall determine and find that the Final Subdivision Application is complete and contains all application materials as required herein. ~~(See Figure 1)~~

~~FIGURE 1 PRELIMINARY SUBDIVISION APPLICATION REVIEW PROCEDURES~~



SECTION 7: **AMENDMENT** “14.08.130 Appeal Of Final Subdivision Application Decisions” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.130 Appeal Of Final Subdivision Application Decisions

Any person(s) aggrieved by a decision of the Development Review Committee (DRC) ~~Council~~ concerning a Final Subdivision Application may appeal the decision within twenty (20) business days of the decision. ~~to District Court, as provided by VZC 15.52.~~

1. For disputes relating to public improvement or engineering standards, the City shall assemble a three (3) personal panel of experts. The applicant shall pay fifty (50) percent of the total cost of the panel and the City shall pay for fifty (50) percent of the panel. The panel shall meet within ten (10) business days of receiving an appeal request from the applicant. The panel shall consist of:
 - a. One Utah licensed professional engineer designated by the City,
 - b. One Utah licensed professional engineer designated by the land use applicant,
and
 - c. One Utah licensed professional engineer, agreed upon, and designated by the two designated engineers.
 - d.
2. The panel's decision shall be final, unless the City or the Applicant petition the District Court for review within thirty (30) business days after the final written decision is issued.-
3. For all other disputes, the applicant may appeal the decision to the District Court, as provided by VZC 15.52.

SECTION 8: AMENDMENT “14.08.090 Appeal Of A Decision Of The Planner” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.090 Appeal Of A Decision Of The Planner

Any person(s) aggrieved by a decision of the Planner of a Determination of Application Completeness may appeal the Planner’s decision to the Development Review Committee~~Council~~.

SECTION 9: AMENDMENT “14.08.060 Final Plat Engineering Review Fees” of the Vineyard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.060 Final Plat Engineering Review Fees

~~The Applicant(s) for Final Subdivision Application approval shall pay all costs that may be incurred by the city for the provision of City Engineering services necessary to review the Final Subdivision Application materials, for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practice.~~

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
Amber Rasmussen	_____	_____	_____	_____
Mardi Sifuentes	_____	_____	_____	_____
Jacob Holdaway	_____	_____	_____	_____
Sara Cameron	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder,
Vineyard

**VINEYARD
ORDINANCE 2024-03**

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.06.060 Vineyard Development Review Committee” of the Vineyard Zoning Code is hereby *amended* as follows:

A M E N D M E N T

15.06.060 Vineyard Development Review Committee

1. **Establishment.** A Development Review Committee (hereinafter identified as the “DRC”) may be established and created by the Mayor, with the advice and consent of the Council.
2. **Purpose.** The purpose of the DRC is to assure that any proposed use, activity, building or structure is consistent with the General Plan and complies with all requirements of the City’s Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements.
3. **Membership.** The DRC shall consist of seven (7) members, the Chair of the Planning Commission, the City Manager, the RDA director, and the heads of the Departments of Building, Community Development, Engineering, and Parks and Recreation or their designee. The Orem Fire Marshall and Vineyard Public Safety department shall advise the DRC on all Land Use decisions. ~~persons representing City Departments, and other persons, as may be designated by the Mayor, responsible for reviewing and coordinating Applications for any Land Use Application Approval, Permit, or License.~~
4. **Chairperson.** The committee shall designate one member as the Chairperson of the DRC annually.
5. **Powers and Duties.** The DRC shall act under the direction of the Mayor and shall have the following duties and responsibilities:
 - a. Before a Land Use Authority considers any Permitted Use (P-2) or Conditional Use (C) Applications, the DRC shall review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances.
 - b. The DRC shall provide a report to the Land Use Authority identifying compliance of any Permitted Use (P-2) or Conditional Use (C) Application with the General Plan and all applicable Ordinances prior to review and decision by a Land Use Authority.
 - c. The DRC may provide a report to the Planner for any Temporary Use (T) or Permitted Use (P-1) Application identifying compliance with the General Plan and all applicable Ordinances prior to review and decision by the Planner.

- d. The DRC may present findings for consideration by the Land Use Authority in the review and decision of any Application for any Approval, Permit, or License.
 - e. The DRC may act as a Land Use Authority to approve, approve with requirements, or deny Final Subdivision Applications.
6. **Conduct of Meetings.** The DRC shall establish procedures for the conduct of DRC meetings, the scheduling of meetings, field trips, and any other DRC matters, such procedures being reviewed and approved by the Mayor before taking effect.

SECTION 2: **AMENDMENT** “15.34.060 Accessory Dwelling Units” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.34.060 Accessory Dwelling Units

Purpose: The purpose of the accessory dwelling unit ordinance is to promote areas in the city to accommodate an expanding population, establish regulations to address the health, safety and welfare of the community, to provide flexibility for changes in household size associated with life cycle and to enable a level of financial security for home owners.

1. **Location:** Accessory dwelling units are allowed as an accessory use to a single-family detached residence and are limited to the following development configurations:
 - a. Detached accessory structures in accordance with section 15.12.060 Dimensional Standards Table and Section 15.34.030 Accessory Buildings.
 - b. Within a home provided access to the accessory dwelling unit shall meet all applicable fire and building codes. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an accessory dwelling unit.
2. **Minimum lot size:** A minimum lot size of five thousand two hundred (5,200) square feet is required for homes containing an internal accessory dwelling unit. A minimum lot size of twelve thousand (12,000) square feet is required for lots containing a detached accessory dwelling unit.
3. **detached accessory dwelling unit.**
size: Detached accessory dwelling units shall not exceed a square footage of one thousand two hundred square feet
4. **External appearance:** The accessory dwelling unit shall not alter the appearance of the structure as a single-family residence. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The architectural style, building materials and building colors of an accessory dwelling unit shall be compatible and consistent with the architectural style, materials, and color of the primary building.
5. **Sale of principle dwelling:** An accessory dwelling unit shall not be sold separately

- from the sale of the principle dwelling located on the same lot.
6. **Owner occupied:** The property owner shall live within the home or detached structure located on the property containing the accessory dwelling unit.
 7. **Number of units:** A maximum of one (1) accessory dwelling unit may be established as a secondary use to a detached single-family dwelling.
 8. **Dimensional standards:** Accessory dwelling units shall comply with required building height, setbacks and all applicable dimensional standards listed in VZC 15.64 Table of Uses and Development Standards for attached or detached accessory buildings.
 9. **Utilities:** An accessory dwelling unit shall be served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an accessory dwelling unit.
 10. **Parking:** A single-family dwelling with an accessory dwelling unit shall provide a minimum of ~~five (5)~~ **four (4)** onsite parking spaces located on a paved surface or approved driveway. Only driveways or parking pads containing a minimum length of eighteen feet (18') may be counted toward required onsite parking. The minimum length of a driveway counting toward onsite parking shall not include any land associated with street rights-of-way, sidewalks or public property/access. All onsite parking spaces shall contain a minimum width of eight feet (8'). Property owner parking shall not be parked tandem with tenant parking and tenant parking shall not be parked tandem with owner parking. The area dedicated to onsite parking and driveway surfaces shall be limited in compliance with VZC Section 15.38.030(2)(b).
 11. **Addresses:** The single-family dwelling and accessory dwelling unit shall have unique addresses.
 12. **Entrance:** Entrances and access to the accessory dwelling unit shall meet applicable building and fire codes.. Only one (1) front entrance of the primary home shall be visible from the front yard.
 13. **Application:** An accessory dwelling unit application may only be approved if the property meets the standards listed in this section. An accessory dwelling unit shall not be authorized on a property that has outstanding ordinance violations or unpaid taxes.
 14. **Business License:** All Accessory Dwelling Units shall maintain a Vineyard City Business License to be renewed biennially, subject to property inspection for code compliance by a Vineyard City staff member.
 15. **Compliance with adopted codes:** Accessory dwelling units shall meet all requirements of the adopted Building Code and other applicable city ordinances and regulations.

SECTION 3: AMENDMENT “15.40.080 Design Standards And Requirements” of the Vineyard Zoning Code is hereby *amended* as follows:

AMENDMENT

15.40.080 Design Standards And Requirements

1. Generally

- a. Landscape Improvements ~~and Guarantees~~: All landscape improvements (landscape materials, irrigation system, screening walls, etc.) shall be installed and paid for by the developer on the site in accordance with the approved final landscape plan. ~~prior to the issuance of a certificate of occupancy for the building or use. When considered advisable, upon presentation of a cash bond, cash deposit, or assured letter of credit in an amount sufficient to guarantee installation of the landscaping and irrigation system, the City Planner may approve a delay in the immediate installation of the required landscape improvements for a period of time not to exceed six (6) months. In those instances where the City Planner approves a delay in the installation of the required landscape improvements, a temporary certificate of occupancy shall be issued for the building or use conditioned upon the satisfactory installation of the required landscape improvements within the time period approved by the City Planner.~~
- b. Minimum Size of Plantings. Unless otherwise specified herein, all required deciduous trees shall be a minimum of two inch caliper in size. All evergreen trees shall be a minimum of six feet in height. All shrubs shall be a minimum of five gallon in size.
- c. Plant Installation. Plants installed pursuant to this Chapter shall conform to installation standards within the approved [Vineyard Tree and Landscape Manual](#).
- d. Plant Materials. Plant shall be drought tolerant and well-suited to the soil conditions at the project site. Plants with similar water needs shall be grouped together in landscape zones as much as possible. The applicant shall provide the water requirements for all plant material. Plant materials shall be chosen from the approved [Vineyard Tree and Landscape Manual](#).
- e. Limitation on the Use of Turf [see also VZC 15.40.090(5) for additional requirements]. Turf shall be limited to 35% of the total landscaped area. All landscape areas, other than those designated for recreation purposes such as parks and playfields as determined by the City Planner are subject to this limitation.
- f. Natural Topping of Landscape Areas. All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf, groundcover, planting, decorative rock (two (2) inches minimum depth and a minimum size of one-half inch), or wood mulch (four (4) inches minimum depth). A pre-emergent herbicide shall be applied to the ground prior to the placement of natural surface materials in any landscaped area to prevent weed growth.
- g. Irrigation Standards
 - i. All landscaped areas shall be supported by an automatic irrigation system which may be a soaker, drip-type, or otherwise approved system. The irrigation system shall meet all State and City requirements for potential cross-connections that must be protect against backflow to the culinary water system. All irrigation systems

and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage into the street, sidewalk, or parking areas.

- ii. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
- h. Separate Connection. Any landscaping that will be owned and maintained by the city shall have separate irrigation line connection prior to the master meter. A backflow prevention device shall be installed by the developer or property owner as required by the City Engineer.
- i. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soils report.
- j. Protection of Landscaped Areas. Permanent containment barriers (concrete curbs or bumper guards) shall be installed and properly secured within or adjacent to all proposed parking areas and along all driveways and vehicular access ways to prevent the destruction of landscape materials by vehicles.
- k. Use of Landscaped Areas. No part of any landscape area shall be used for any other use such as parking, signs, or display; except for required on-site retention areas or when such use is shown on the approved final landscape plan.
- l. Detention Basins
 - i. The detention areas shall not occupy more than fifty (50) percent of the on-site street frontage landscape area, unless approved by the City Planner where shallow depths for multi-use are proposed for the basin.
 - ii. All detention areas shall maintain slopes no steeper than a four to one (4:1) ratio when adjacent to public rights-of-way or where there is pedestrian access to that portion of the basin. Side slopes adjacent to walls, fences, hedges and other areas with limited pedestrian access may have side slopes up to a four to one (4:1) ratio.
 - iii. Provide a minimum five (5) foot wide level area at the top of the basin slope.
 - iv. No sidewalk or walkway shall be located closer than five (5) feet to the top of any adjacent basin slope.
 - v. All basins shall be at least five feet in width at the bottom of the basin.
- 2. Onsite Landscaped Areas. All development projects covered by VZC 15.40.020 shall provide on-site landscaped areas located in accordance with the following standards and requirements:
 - a. For all development within the industrial zoning districts, landscaped areas shall be provided on the site in an amount equal to or greater than five (5)

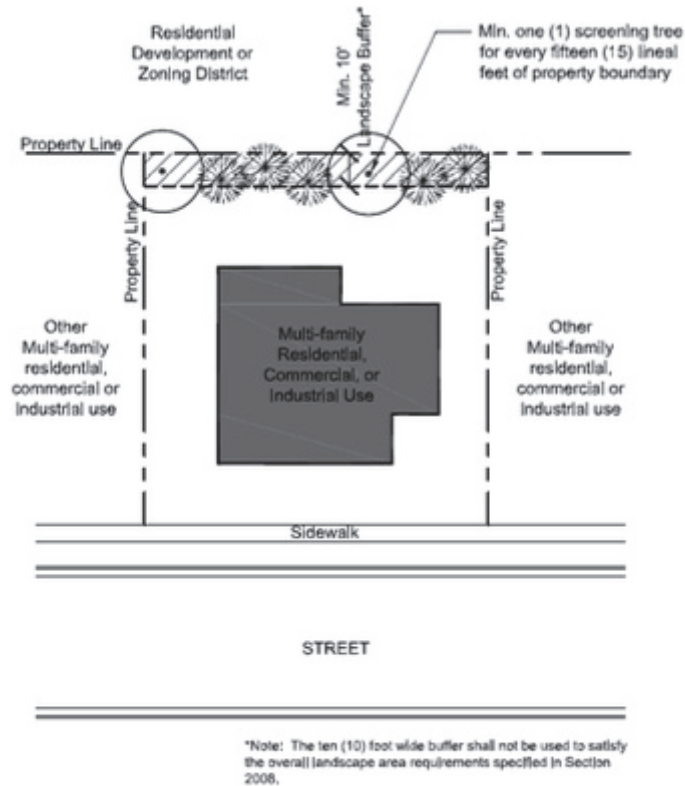
percent of the net site area, whichever is greater.

- b. For all development within all other zoning districts, landscaped areas shall be provided on the site in an amount equal to or greater than twenty (20) percent of the net site area. For the purposes of this section, landscape areas shall also include plazas.
- c. All portions of a development site not occupied by buildings, structures, vehicle access and parking areas, loading/unloading areas, and approved storage areas shall be landscaped in accordance with the provisions of this Chapter. Future building pads within a phased development shall be improved with temporary landscaping, or otherwise maintained weed-free in such a manner as may be approved by the City Planner.
- d. The landscaping of all street rights-of-way contiguous with the proposed development site not used for street pavement, curbs, gutters, sidewalks, or driveways shall be required in addition to the on-site landscaped areas required herein.

3. Landscaped Buffers

- a. A minimum ten-foot-wide landscape buffer shall be required along those property lines of a site developed for multiple-family residential, commercial, or industrial uses when such property lines are contiguous with any residential development or residential zoning district; except that no such landscape buffers shall be required for multiple-family residential contiguous with other multiple-family development or a multiple-family zoning district. The area of this landscape buffer shall not be used to satisfy the landscape area requirements of this Section.
- b. The landscape buffer areas shall be improved with a minimum of one (1) screening tree spaced at each fifteen-foot interval of the property boundary being screened.

Landscaped Buffers



4. Parking Lot Landscaping. Parking lot landscaping shall be as required in Title 15.38 Parking and Loading Requirements. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaped area requirements set forth in this Section.
5. Building Foundations. For each elevation visible from a public or private street, a minimum five (5) foot foundation planting area shall be provided.
6. Street Frontages
 - a. The landscape setback, measured from the property line, for non-residential and multi-family uses shall be as follows:

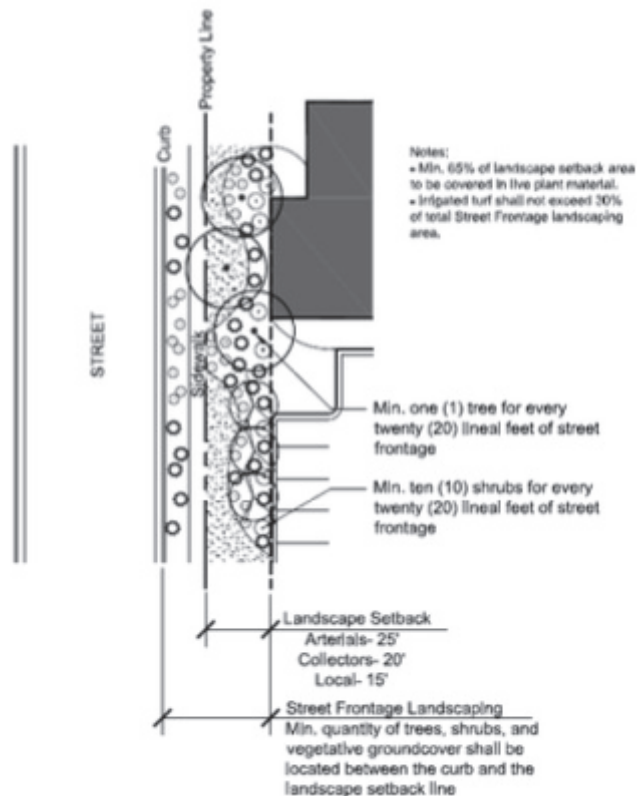
Arterial Streets: 25 feet
Collector Streets: 20 feet
Local Streets: 15 feet
 - b. The landscape setback for all residential subdivisions, measured from the back of curb, shall be as follows:

Arterial Streets: 20 feet
Collector Streets: 15 feet
 - c. The landscape setback identified above shall be established and maintained

along all street frontages between any perimeter wall, building, on-site parking area or outdoor storage area and the nearest point of the existing or future required street/sidewalk improvements (the back of an existing sidewalk, the line equal to the back of a future required sidewalk, or the back of the street curb where no sidewalk is required). However, for reverse street frontage the landscape widths shall be in accordance with adopted street cross-section designs.

- d. Where parkstrips have a minimum width of eight (8') feet, turf shall be limited to 30% of the total landscape street frontage area [see also VZC 15.40.090(5) for additional requirements]. This minimum quantity of trees, shrubs and vegetative groundcover shall be located between the curb and the landscape setback. The street frontage landscaping shall be designed and located to enhance the proposed development project and the streetscape.
- e. The installation of street trees, shrubs and vegetative groundcover shall be required for all applicable projects in an amount equal to or greater than one tree and ten (10) shrubs for every twenty (20) feet of street frontage or one (1) tree and ten (10) shrubs for every forty (40) feet of street frontage for residential subdivisions and vegetative groundcover as required to meet a minimum of sixty-five (65) percent of the total street frontage landscaped area.

Street Frontages



7. Cumulative Totals. Quantities of plants required by each of this Chapter which apply to that project submitted to the city for landscape approval shall be added together to calculate the minimum total quantity of plant materials required for that particular project.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
Amber Rasmussen	_____	_____	_____	_____
Mardi Sifuentes	_____	_____	_____	_____
Jacob Holdaway	_____	_____	_____	_____
Sara Cameron	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder,
Vineyard

**NOTICE OF A REGULAR
CITY COUNCIL MEETING
December 13, 2023, at 6:00 PM**

Present

Mayor Julie Fullmer
Councilmember Tyce Flake
Councilmember Amber Rassmussen
Councilmember Mardi Sifuentes
Councilmember Cristy Welsh

Absent

Staff Present: City Manager Eric Ellis, City Attorney Jayme Blakesley, Lieutenant Holden Rockwell with the Utah County Sheriff's Office, Finance Director David Mortensen, Community Development Director Morgan Brim, Planner Cache Hancey, Public Works Director Naseem Ghandour, Environmental Utilities Manager Sullivan Love, Cris Johnston, Brian Vawdrey, Deputy Recorder Heidi Jackman, Bicycle Commissioner Caden Rhoton, Planning Commission Chair Bryce Brady

Others speaking: Residents Chris Price, David Lauret, Daria Evans, Shawn Herring, Karen Cornelius, Chase Wheeler, Sherrie Kaye Miller, Jacob Holdaway, Keith Holdaway, Tristy Lee, David Eitel, Julie Cox, Jason Christensen, Ryan Holdaway, Clayton Prete, Jim McGillan, Sara Cameron, Tyler Haroldsen, Parker Edwards, Ann Taylor, Mike Cox, Darlene Price, Tiffany Stevens, Chip Price, Janae Riley, Jeff and Barbara Porte, Sara Williams, Kimberly Olsen, Elizabeth Holdaway, Jeff Thompson, Jeffrey Witson; Utah County Republican Party Chair, Christie Henshaw; Executive Director of the Inland Port Authority, Ben Hart; Pete Evans, Nate Hutchinson, and Mac Woodbury with Flagborough; Rob Donigan with Blue Line Design; Steve Borup, Director of Development with Dakota Pacific


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


 Mayor Julie Fullmer called the meeting to order at 6:00 PM. Councilmember Tyce Flake led the Pledge of Allegiance and invocation.


2. CANVASS AND SWEARING IN OF PLANNING COMMISSIONER


2.1 CANVASS – 2023 Municipal General Election Canvass and Certification


The City Recorder Pamela Spencer will present the results of the 2023 Municipal General Election. The mayor and City Council will sit as the Board of Canvassers to certify the results of the 2023 Municipal General Election.

 Recorder, Pamela Spencer presented the results of the 2023 Municipal General Election. Mrs. Spencer explained each category and the numbers/percentage of each category. She asked the council to certify the election with the results given.

 **Motion:** COUNCILMEMBER FLAKE MOVED TO CERTIFY THE VOTE AS PRESENTED. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Mayor Fullmer thanked the outgoing councilmembers for their service. She expressed her appreciation for the dedication and love it takes to serve in a community and presented a gift to Councilmembers Cristy Welsh and Tyce Flake. Mayor Fullmer turned the time over to the outgoing council members.

 Councilmember Cristy Welsh expressed her gratitude for the time she served in the community.

 Councilmember Tyce Flake shared his thoughts on his service in the community.

2.2 Swearing in of New Planning Commissioner

City Recorder Pamela Spencer will swear in Nathan Steel as a new sitting Planning Commissioner. Mr. Steel was appointed during the City Council Special Session on December 6, 2023.

 Mayor Fullmer announced a new Planning Commission member, Nathan Steel. She also thanked former Planning Commission member Anthony Jenkins for his service on the Planning Commission.

 Pamela Spencer swore Nathan Steel in as the newest Planning Commission member.

 Nathan Steel introduced himself and expressed his excitement to serve on the Planning Commission.


3. PUBLIC COMMENTS


(15 minutes)


“**Public Comments**” is defined as time set aside for citizens to express their views for items not on the agenda. Each speaker is limited to three minutes. Because of the need for proper public notice, immediate action **cannot** be taken in the Council Meeting. If action is necessary, the item will be listed on a future agenda, however, the Council may elect to discuss the item if it is an immediate matter of concern.


Public comments can be submitted ahead of time to heidij@vineyardutah.org.


 Mayor Fullmer opened public comment at 6:11 PM


 Resident David Lauret asked if consent item 6.7 could be discussed publicly. Mayor Fullmer asked the council if they would be okay with this, and the council agreed.


 Resident Daria Evans, living in The Villas, thanked the city for the holiday decorations. Ms. Evans asked how much Redevelopment Agency (RDA) money was going to be used for the cemetery and fire station spoken about in the previous meeting. She also had a question about the land donation agreement and the fire station being a part of it; and would like to know where that will be and also where the cemetery will be located. Ms. Evans then asked if she could comment on consent item 6.2 (Bicycle Advisory Commission) and Mayor Fullmer responded yes. Ms. Evans asked who requested the change and the reason behind it.

 Resident Shawn Herring asked where public notices are posted. Deputy Recorder, Heidi Jackman responded that they are posted on the website, bulletin board in the city office and a park pavilion bulletin board. Mr. Herring stated that he thought public notices should also be posted on social media. He also expressed concern about feedback about meeting attendance and wanted to point out that now people are showing up and listening.


 Resident Karen Cornelius expressed her concerns about the seating for the meeting and asked that it be postponed. She also expressed concern that residents are not getting enough credit for their time regarding meeting attendance and reading the materials.


 Resident Chase Wheeler, living in the Lake Front subdivision expressed concern for safer parking and the city council's response to his concerns.

 Resident Sherrie Kaye Miller expressed her apologies to Planning Commissioner Brad Fagg, for a comment she made to him at the December 6, 2023, Planning Commission meeting. She expressed concern about the conflict she felt around Vineyard City and spoke about a text conversation she had with Councilmember Cristy Welsh regarding a survey for the mural on the water tower. She expressed concern for the timing of items on the agenda and the meeting date.


 After a question regarding how many minutes for public comments, Mayor Fullmer confirmed that the time was 3 minutes.


 Utah County Republican Party Chair, Christie Henshaw commented on the Public Infrastructure District and Mayor Fullmer asked her to comment when the item came up on the agenda.


 Resident Jacob Holdaway commented that he wished the meeting wasn't held during the holidays. Mr. Holdaway thanked Councilmember Mardi Sifuentes for removing consent item 6.7 expressed concerns about issues he wishes to investigate.


 Resident Keith Holdaway expressed concern that the agenda was dropped 24 hours before the meeting. Mayor Fullmer asked the audience to please raise their hand if they agreed with a comment to obtain order in the room. Mr. Holdaway expressed concern about respect and communication.

 Mayor Fullmer asked City Attorney, Jayme Blakesley to explain the timing of noticing for meetings. Mr. Blakesley explained what is required in noticing.

 Resident Tristy Lee commented that the attendees in the lobby were having trouble hearing. She also expressed her concerns that the meeting be postponed due to limited space. Mayor Fullmer responded that they will notice the attendees in the lobby what item was being discussed and they were welcome to come in and comment.


 Resident David Eitel, living in the West Brook subdivision, expressed concern about the traffic caused by an accident earlier that week and what could be done about it. Mayor Fullmer responded that there is a form he can fill out asking for information about the transportation plan. Mr. Eitel also expressed concern about fiber lines being installed and spray paint on his property. Mayor Fullmer responded that they can give him information on who he can call regarding that.

147  Resident Chris Price, living in the Providence subdivision, expressed his love for his country
148 and the constitution. He expressed concern for the direction the city is going.

149
150  Resident Julie Cox, living in the Providence subdivision commented that she would like the
151 meeting postponed.


152
153  Resident Jason Christensen expressed concern about items on the agenda.


154
155  Orem resident Ryan Holdaway spoke about comments made previously about vesting rights
156 and developer rights. He expressed concern regarding public safety and protecting children.

157
158  Resident Clayton Prete, living in the Solstice subdivision expressed concern about the
159 attendees not being able to hear out in the lobby.

160
161  Resident Jim McGillan expressed concern regarding timing, noticing and space for the
162 meeting.

163
164  Mayor Fullmer stated she would close public comments at 7:15 PM.


165
166  Resident Sara Cameron, living in the Parkside subdivision, expressed concerns regarding
167 parking at Lake Front Town Homes and Condos. She asked Mayor Fullmer if she would remove
168 parking restrictions during the dark months for overnight parking. Mayor Fullmer responded that
169 she had called the Homeowner's Association (HOA) and they told her that because they had
170 worked on the permit process together that they did not need additional parking. Mayor Fullmer
171 also stated that she has been in touch with their management company to get data, and if Ms.
172 Camerson would like to speak to them, she will connect her to them. Mayor Fullmer said she
173 will follow up with Ms. Cameron as information comes forward.

174
175  Resident Tyler Haroldsen, living in the Edgewater subdivision, wanted to clear up a rumor
176 he had heard and apologized to the council. Mayor Fullmer responded that they have been
177 proactively working to address the issues at the intersection in which a Vineyard resident was
178 killed in October of 2023. Mr. Haroldsen suggested some ways to fix the problem.


179
180  Ms. Cornelius expressed concern that the attendees in the hall were not able to hear and
181 reiterated that she would like the meeting cancelled.


182
183  Resident Parker Edwards expressed concern regarding the meeting agenda noticing. He also
184 expressed concern regarding social media posts.

185
186  Mayor Fullmer asked Mr. Edwards to clarify the social media posts he was referring to.

187
188  Mr. Edwards came back up to the podium and briefly shared his concern. Mayor Fullmer
189 responded that he can speak with Councilmember Amber Rasmussen in a private conversation.

190
191  Resident Ann Taylor expressed concern regarding the timing of the meeting, the space, and
192 items on the agenda.

193
194  Resident Mike Cox commented that he had asked the council members questions the week
195 before and would still like to know the answer.

 Mayor Fullmer closed the public hearing at 7:15 PM.

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

5.1 City Manager Eric Ellis

 City Manager Eric Ellis gave updates on each department.

6. CONSENT ITEMS

6.1 Approval of the December 6, 2023, City Council Meeting Minutes

6.2 Approval of Bicycle Advisory Commission Amendments (Ordinance 2023-31)

6.3 Vineyard Grove Park Slide Hill – Site Design

6.4 Vineyard Grove Park Slide Hill – Contract Bid Award (Resolution 2023-57)


6.5 Adding Street Lights to Main & Center St.

6.6 The Yard Plat 'F' Subdivision


6.7 Municipal Code Amendment for Appointment and Removal of City Officers
(Ordinance 2023-32)


6.8 Approval of Economic Strategy Contract Extensions (Resolution 2023-60)


6.9 Vineyard City Seal (Resolution 2023-52)


 Mayor Fullmer stated that they are removing consent item 6.7. Councilmember Mardi Sifuentes asked for an explanation on consent item 6.8.

 City Attorney Jayme Blakesley explained consent item 6.8 regarding economic development.


 Mayor Fullmer asked the council if anyone wanted consent item 6.2 removed for further discussion. Councilmember Sifuentes responded yes.


 **Motion:** COUNCILMEMBER CRISTY WELSH MOVED TO APPROVE THE CONSENT ITEMS AS PRESENTED WITH THE REMOVAL OF ITEMS 6.2 AND 6.7. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


 Mayor Fullmer presented consent item 6.2 (Approval of Bicycle Advisory Commission) and responded to Mrs. Evans' questions about changes.


 Mrs. Evans asked how someone not living in Vineyard knows what Vineyard needs. Mayor Fullmer responded that the commission wanted to have more expertise when it came to planning.


 Bicycle Advisory Commissioner Caden Rhoton approached the podium and responded to Mrs. Evans' concerns.

 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO APPROVE CONSENT ITEM 6.2, BICYCLE ADVISORY COMMISSION AMENDMENTS ORDINANCE 2023-31. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


246
247  City Attorney Jayme Blakesley presented consent item 6.7, Municipal Code Amendment for
248 Appointment and Removal of City Officers (Ordinance 2023-32). He explained the amendment
249 in detail. Councilmember Sifuentes had questions regarding the wording and a discussion
250 ensued.

251
252  Councilmember Sifuentes expressed concern regarding the changes and requested moving it
253 to a different week. Mayor Fullmer responded, and a discussion ensued.


254
255  **Motion:** COUNCILMEMBER SIFUENTES MADE A MOTION TO POSTPONE THE
256 VOTE ON MUNICIPAL CODE AMENDMENT FOR APPOINTMENT AND REMOVAL OF
257 CITY OFFICERS TO HAVE THE MAYOR HELP HER FEEL MORE COMFORTABLE. NO
258 SECOND MOTION WAS MADE AND THE MOTION DID NOT PASS.

259
260  Councilmember Sifuentes asked that the attendees be respectful during this time.


261
262  Mr. Blakesley, for point of order, clarified that there was no second on Councilmember
263 Sifuentes' motion.

264
265  Mayor Fullmer stated that Councilmember Sifuentes made a motion to continue the item and
266 since no second motion was made the motion did not pass. She welcomed people to come to the
267 podium if they wished to speak on consent item 6.7.

268
269  Jacob Holdaway expressed his concerns regarding having four elected officials to make a
270 vote instead of three. Mayor Fullmer responded to his concerns and a discussion ensued
271 responded.


272
273  Mr. Blakesley called for a point of order. He explained that on every item on the agenda
274 there would be an opportunity for them to come to the microphone and make comments. He
275 stated that the sheriff would remove anyone talking over a commenter or interrupting the
276 council.

277
278  Resident David Lauret read the state code regarding city managers. Mr. Lauret expressed
279 concern about enacting the amendment. Mr. Blakesley responded, and a discussion ensued.

280
281  Jacob Holdaway further expressed concern. Mr. Blakesley responded that the future council
282 has the same rights that the current council has. Mayor Fullmer and Councilmember Sifuentes
283 responded, and a discussion ensued.

284
285  Mayor Fullmer stated they were closing public comments and went into deliberations with
286 the council.

287
288  Resident Darlene Price thanked Councilmember Sifuentes.

289
290  **Motion:** COUNCILMEMBER FLAKED MOVED TO APPROVE CONSENT ITEM 6.7,
291 UNDERSTANDING THE NEW COUNCIL CAN REVERSE THIS MOTION IN TWO
292 WEEKS. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER,
293 COUNCILMEMBERS FLAKE, RASMUSSEN, AND WELSH VOTED YES. THE MOTION
294 CARRIED WITH ONE NAY.

295
296 **7. APPOINTMENTS**

297 **7.1 Planning Commission**

298 No new appointments were made.

299
300 **8. PRESENTATIONS/RECOGNITIONS/AWARDS/PROCLAMATIONS**


301 No items were submitted.


302
303 **9. BUSINESS ITEMS**

304 **9.1 PUBLIC HEARING – Inland Port**

305 *(The Public Hearing may be continued to a later date)*


306 City Attorney Jayme Blakesley will present a proposal for the creation of one Utah Inland
307 Port Authority project area to allow for public input on (i) whether the requested service
308 (described below) is needed in the area of the Proposed Project Area, (ii) whether the
309 service should be provided by the City or the Proposed Project Area, and (iii) all other
310 matters relating to the Proposed Project Area.

311
312  Executive Director of the Inland Port Authority, Ben Hart, gave a presentation about the
313 inland port authority and what the purpose is.

314
315  Mayor Fullmer commented that she was excited to learn what the inland port is and did not
316 plan on holding a public hearing tonight and wanted an opportunity for the council to learn about
317 it. Mrs. Fullmer said she wanted to have more understanding of what an inland port was.

318
319  Mr. Hart continued with the presentation. A discussion ensued.


320
321  Mr. Blakesley pointed out that since the item was noticed for a public hearing, a motion to
322 table would need to be made.


323
324  **Motion:** COUNCILMEMBER FLAKE MOVED TO TABLE BUSINESS ITEM 9.1 TO
325 THE PLEASURE OF THE NEW COUNCIL WHEN THEY COME IN. COUNCILMEMBER
326 WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE,
327 RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED
328 UNANIMOUSLY.


329
330 **9.2 DISCUSSION AND ACTION - East Geneva Right-of-way and Land Donation and**
331 **Development Agreement (Resolution 2023-51)**

332 (A Public Hearing was held for this item during the Joint Planning Commission and City
333 Council meeting December 6, 2023.)

334 City Attorney Jayme Blakesley will present a request for approval of a right-of-way and
335 land donation and development agreement between Vineyard City, Utah, The Vineyard
336 Redevelopment Agency, and Anderson Geneva, LLC, for the following parcel numbers:
337 17:019:0047, 38:437:0001, 38:437:0002, 17:022:0006, and 46:870:0004. The Mayor and
338 City Council will act to adopt (or deny) this request by resolution. *(This item was*
339 *continued from the December 6, 2023, City Council Meeting.)*


340
341  Mr. Blakesley introduced item 9.2 and explained that this item accomplishes two different
342 things, the Land Donation, and the Development Agreement. Mayor Fullmer asked about
343 stipulation and a discussion ensued.


 Pete Evans with Flagborough explained that they did not put the cemetery in because they did not know where it would go, but in good faith would add one.

 **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE THE TWO AGREEMENTS, LAND DONATION AND THE DEVELOPMENT AGREEMENT WITH ANDERSON GENEVA LLC WITH THE ADDITION AS NOTED BY THE OWNER. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


9.3 DISCUSSION AND ACTION – First Amendment to Geneva West Side Property Land Donation and Development Agreement (Resolution 2023-55)


City Attorney Jayme Blakesley will present a first amendment to the Geneva West Side Property Agreement. The Mayor and City Council will act to adopt (or deny) this request by resolution.


 Mr. Blakesley introduced item 9.3. He explained the four things that it primarily does: separates the tax increment collection period into two phases, it authorizes the Redevelopment Agency Board (RDA) to reimburse the developer for parking costs, the developer donates the Lake Promenade property to the city, and the developer donates public roadways throughout the project. He explained why a public hearing was held on the first agreement and not on this amendment.

 Resident Tiffany Stevens asked for clarification on Redevelopment Agency Board (RDA) funds used, how much and if item can be tabled for more time. Mr. Blakesley responded how RDA funds are used to reimburse and explained tax revenues.

 Councilmember Sifuentes asked to summarize. Mr. Blakesley responded, and a discussion ensued.

 Ms. Stevens asked about triggering and how public hearings are noticed. Mr. Blakesley responded that notices are published on the city website and the Utah Public Notice website. Councilmember Sifuentes commented that subscribing to receive notices on the website is very helpful. Ms. Stevens then expressed her concerns regarding the tone of the meeting.


 Mr. Holdaway commented on the cultural shift with the election. He mentioned the RDA being public money, Mr. Blakesley responded that it is complicated and RDA funds are committed at different times and gave an explanation about the funds. Mr. Holdaway expressed his concern about the large sum of money and the importance of RDA meetings.

 **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE REQUESTED FIRST AMENDMENT TO THE LAND DONATION AND DEVELOPMENT AGREEMENT AS DESCRIBED IN THE ATTACHED RESOLUTION AS DISCUSSION. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

9.4 DISCUSSION AND ACTION - Shade Sails


Parks and Recreation Director Brian Vawdrey will present an option for shade sails on certain park equipment. The mayor and City Council will take appropriate action.


 Parks and Recreation Director Brian Vawdrey presented the final design for the shade sails.

 Councilmember Welsh asked if the Arts, Recreation, Cultural, and Heritage Commission (ARCH) approved the blue color for the sails. She understood that ARCH recommended gray to match the building.

 ARCH Commission member, Sherrie Kay Miller approached the podium and stated that the commission had suggested they wanted gray. Councilmember Welsh responded they wanted to match the building. A discussion ensued.

 Councilmember Sifuentes asked for confirmation if color choice makes a difference.


 Rob Donigan with Blue Line Design approached the podium and stated he could answer questions. Councilmember Sifuentes asked if the color of the shade affected the temperature of the shade below. He stated that it is more for visual purposes than influencing the shade and the shade can be any color with no price difference. Mr. Vawdrey explained that the blue color was due to the park considered the “blue park.” Councilmember Welsh suggested they use the color the ARCH Commission recommended.


 **Motion:** COUNCILMEMBER WELSH MOVED TO APPROVE THE SHADFE SAIL EQUIPMENT AT PENNY SPRINGS AND GROVE PARK AND CONFIRM WITH THE ARTS, RECREATION, CULTURE, AND HERITAGE COMMISSION (ARCH) FOR THE COLOR. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


 Mayor Fullmer stated that there would be a 10-minute break.


9.5 PUBLIC HEARING – FY 24 Budget Amendments (Resolution 2023-56)


Finance Director David Mortensen will present proposed amendments to the Fiscal Year 2023-2024 Budget Amendment #2. The Mayor and City Council will act to adopt (or deny) this request by resolution.


 **Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 8:48 PM. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Finance Director David Mortensen gave a presentation on the FY 2023-2024 Budget Amendments. He shared the adjustments made as requested.

 Mayor Fullmer asked about the additional cost for a full-time employee in the Planning Department. Development Director Morgan Brim responded, and explained what the costs could be.


 **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 8:51 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Mayor Fullmer stated that she would like the council to add to the budget for a senior planner in the Planning Department. Mr. Mortensen responded that further analysis would be needed and could not give an answer right away. A discussion ensued.

 **Motion:** COUNCILMEMBER WELSH MOVED TO APPROVE THE VINEYARD CITY FISCAL YEAR 2023-2024 BUDGET AMENDMENT #2 AS PRESENTED BY STAFF. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


9.6 PUBLIC HEARING – Consolidated Fee Schedule Amendment (Resolution 2023-53)

Finance Director David Mortensen will present proposed amendments to the Consolidated Fee Schedule. The Mayor and City Council will act to adopt (or deny) this request by resolution.


 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO OPEN THE PUBLIC HEARING AT 8:53 PM. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Mr. Mortensen gave a presentation on the Consolidated Fee Schedule changes.


 Councilmember Welsh asked how often residents were coming in to renew permits. Mr. Brim responded about 5-10 per year.


 Resident Chip Price asked if it was possible to do permit renewals. Mr. Brim responded they would have to check with the vendor but could be possible. Councilmember Sifuentes commented that she wasn't sure that would work because of the color of the permit. A discussion ensued.


 Mr. Mortensen continued with the presentation.


 Mr. Brim wanted to clarify regarding the Planning Commission special meeting administrative fee. He stated that it would take a quorum to decide if a special meeting was necessary.

 The presentation continued.

 Regarding "barricade cost" in the presentation, Mayor Fullmer asked Mr. Mortensen about who it pertained to. Public Works Director Naseem Ghandour responded it pertained to special events in the city, or emergency closures. A discussion ensued.


 Resident Janae Riley asked a question regarding requesting a streetlight on her road. Mr. Ghandour responded that the city council can waive the fee or reduce the cost. A discussion ensued.

 **Motion:** COUNCILMEMBER RASMUSSEN MOVED TO CLOSE THE PUBLIC HEARING AT 9:12 PM. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 **Motion:** COUNCILMEMBER FLAKE MOVED TO ADOPT BY RESOLUTION THE AMENDED CONSOLIDATED FEE SCHEDULE AS PRESENTED. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


9.7 PUBLIC HEARING – Forge Development Agreement (Resolution 2023-54)


Community Development Director Morgan Brim will present the Forge Development Agreement. Dakota Pacific is proposing a development agreement for The Forge property. The property is located at 769 N Ingot Road Vineyard, UT 84059, and is zoned within The Forge Special Purpose Zoning District. Parcel IDs: 39:258:0001 through 39:258:0007.


 **Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 9:13 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Mr. Brim introduced the Forge and went over items in the agreement and a discussion ensued.


 Steve Borup, Director of Development with Dakota Pacific gave an overview of their general plan for the Forge development.


 Resident Jeff Porter asked how many residents it would allow and if there was a multi-level parking structure. Mr. Brim responded to his question.


 Resident Barbara Porter asked how many parking spaces are being assigned. Mr. Borup responded that it is based on occupancy and there are two different parking structures and detailed how many cars per units/bedrooms. A discussion ensued.


 Ms. Riley commented that she was excited to get new places in Vineyard and expressed her concerns about parking and if she isn't a resident of the Forge, she can walk through it.


 Planning Commission Chair Bryce Brady commented that they spoke about the anchor being regionally significant in their last Planning Commission meeting. He expressed concern about some language in the plan didn't align with what they had discussed. Mayor Fullmer asked for clarification and a discussion ensued.

 Ms. Evans asked if a Public Infrastructure District (PID) had to be developed before a development agreement is ratified. She was under the impression that this would go through the RDA. Mr. Blakesley responded that any landowner can petition the city to create a PID and a discussion ensued.


 Resident Sarah Williams asked how many parking spots there were for the 1100 units. Mayor Fullmer responded that there is a code for how many spots are required. Mr. Brim responded that they have to submit a site plan and then would be analyzed.

 Resident Chip Price asked if this was a request to change the zoning. Mr. Brim responded that the zoning is open-ended with 1/3 of the square footage dedicated to residential parking. Mr. Price appreciated the due diligence the Forge is doing for parking and expressed concerns if we don't make changes.


 Resident Shawn Herring asked if there was a percentage mix of the 1100 units, rental to owned. Mr. Borup responded, said there is an incentive to own it and explained how they might go about that. A discussion ensued.


 Resident Kimberly Olsen, living in Lake Front expressed her concerns about people "cramming into housing" because it's fun. Mayor Fullmer wanted to clarify that Vineyard has sufficient parking, manage parking, and correct policing. A discussion ensued.


 Resident Barbara Porter commented that her experience with Affordable Housing was great.


 **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 9:55 PM. COUNCILMEMBER SIFUENTES SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

 Mayor Fullmer addressed the questions she heard during the public hearing. She asked Mr. Borup to clarify the parking.


 Mr. Borup stated that parking would be 100% permitted. He explained that every stall would have a permit associated with it and discussed what would eventually happen as time went on. Councilmember Sifuentes requested not to use tandem parking and a discussion ensued.


 Mayor Fullmer asked the council if they had any commentary or questions regarding the "for sale" units and the Affordable Housing units.


 Councilmember Rasmussen commented that she pushed to get as many Affordable Housing units as she could. Mr. Brim responded that there is a designated 60% Area Median Income (AMI) set aside for firefighters, teachers, etc. Mr. Brim asked Mr. Borup to talk about market rate. Mr. Borup further explained how the developer wants to contribute and spoke about where they would be withing the community. Councilmember Sifuentes asked about the number of units and a discussion ensued.


 Resident Elizabeth Holdaway asked for clarification on cap and the number if units. Mr. Borup stated that it would only be 1100 units. Mr. Brim explained there is no cap in the current zoning code and a discussion ensued.


 Mayor Fullmer stated that her question was not answered. Mr. Brim explained what the development agreement would do, and a discussion ensued.


588  Mayor Fullmer addressed the question regarding parking with a complex for RDA funds on
589 the site. She stated that there is always a potential for people to come with an application and
590 discussed how that would be handled.


591
592  Mayor Fullmer asked if Exhibit F was addressed that it was not regionally significant to
593 Planning Commission Chair Bryce Brady. Mr. Brim responded what they would do from a staff
594 viewpoint with the text. A discussion ensued.

595
596  Mr. Blakesley recommended a revision to the text and discussed what the line said and
597 suggested what it could say.


598
599  Mr. Borup stated he was not comfortable with the suggestion from Mr. Blakesley. He
600 explained his reasons behind it. Mayor Fullmer made some recommendations. Mr. Blakesley
601 gave legal advice and a discussion ensued with Mr. Brady and the language written.


602
603  Mayor Fullmer asked the council to decide if it was “regionally significant.” A discussion
604 ensued regarding the term and the possibility of issues.

605
606  Mayor Fullmer asked Mr. Borup if there was any opportunity to expand green space along
607 the belt on Geneva Road. Mr. Borup responded that he understood the desire. He stated that they
608 were open to expanding it if a middle ground could be found. A discussion ensued.

609
610  Mayor Fullmer asked the council if they felt good about the following: no tandem parking,
611 remove PID language, strike Exhibit F section 4.4 with the appeal process to go back to city
612 council with option on land. Mr. Brim asked for clarification on acreage size.

613
614  Mr. Blakesley read what the motion would be.

615
616  Mr. Borup clarified where tandem parking could possibly go. Councilmember Sifuentes
617 expressed concern about tandem parking counting towards the tenant parking. A discussion
618 ensued.

619
620  **Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE RESOLUTION 2023-54
621 DEVELOPMENT AGREEMENT FOR THE FORGE WITH THE NOTED ADDITIONS AS
622 PROPOSED BY OUR LEGAL COUNCIL:


- 623 ○ STRIKE SECTION 4.4
- 624 ○ STRIKE EXHIBIT F AND LAST SENTENCE OF SECTION 1.2.39
- 625 ○ LANGUAGE REMAINS ABOUT PC APPROVAL OF PROPOSED
- 626 REGIONALLY SIGNIFICANT ENTERTAINMENT ANCHOR; ADD
- 627 DEVELOPER RIGHT TO APPEAL PC DECISION TO CITY COUNCIL IF PC
- 628 DENIES.
- 629 ○ NO TANDEM PARKING THAT COUNTS TOWARD PARKING MINIMUMS.
- 630 ○ WHEN PARKING LOT IS CONSTRUCTED AT THE PARK, PARKING LOT
- 631 SHALL BE SHARED BETWEEN COMMERCIAL AND PARK USER. IF
- 632 SHARED PARKING FREES UP PARK SPACE, CITY SHALL HAVE
- 633 OPTION TO ACQUIRE THAT PROPERTY.


634 COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER,
635 COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES.
636 THE MOTION CARRIED UNANIMOUSLY.


637 **9.8 PUBLIC HEARING – East District: The Creation of Public Infrastructure District**
638 **(Resolution 2023-58)**

639 City Attorney Jayme Blakesley will present the proposed creation of five Public
640 Infrastructure Districts (the “Proposed Districts”) and to allow for public input on (i)
641 whether the requested service (described below) is needed in the area of the Proposed
642 Districts, (ii) whether the service should be provided by the City or the Proposed
643 Districts, and (iii) all other matters relating to the Proposed Districts.
644


645  Mr. Blakesley gave a presentation on items 9.8 and 9.9.
646


647  **Motion:** COUNCILMEMBER SIFUENTES MOVED TO OPEN THE PUBLIC
648 HEARING AT 11:02 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION.
649 MAYOR FULLMER, COUNCILMEMBERS, FLAKE, RASMUSSEN, SIFUENTES, AND
650 WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.
651

652  Ms. Evans asked if a PID is developed will it be tax exempt. Mr. Blakesley responded that a
653 PID is a government entity and explained how it works as an entity and how it works with the
654 RDA. Ms. Evans asked a question about defaulting. Mr. Blakesley responded that if a PID
655 defaults, the city has no financial obligation. Mac Woodbury and Pete Evans with Flagborough
656 responded to Ms. Evans’ concerns and a discussion ensued.
657

658  Mr. Herring asked if the council feels the PID’s are in the best interest of the city. Mr.
659 Blakesley responded the city council will want to hear from everybody. Mr. Herring expressed
660 concern about the PID’s and the timing of them being on the agenda right now.
661


662  Mr. Ryan Holdaway expressed concerns about the timing of the PID’s on the agenda and
663 who will assume risk.
664


665  Mr. Jake Holdaway commented that this is the first time he has heard about this item. He
666 expressed concerns about the developer creating a public entity and what it would entail. Mr.
667 Woodbury and Mr. Evans responded to Mr. Holdaway’s concerns and a discussion ensued.
668


669  Mr. Price expressed concern about not understanding what a PID was. Councilmember
670 Sifuentes responded with her understanding of what a PID was. Mr. Price further expressed his
671 concerns and a discussion ensued.
672


673  Mr. Jake Holdaway commented about his concerns with the PID’s and government money.
674


675  Ms. Williams asked what the risks and rewards were.
676


677  Nate Hutchinson with Flagborough answered Ms. Williams stating he thinks its lack of
678 understanding and explained what they were going to do with the PID’s. Mr. Hutchinson stated
679 that sitting down with the citizens and sharing what they’ve been working on will be very
680 helpful. He shared that they have worked with previous mayors and city council members for the
681 last 10-11 years and nothing has been done in the dark. Mr. Hutchinson stated that everything
682 has been done in a public meeting. He also said that in no way, can anyone in the city be
683 responsible for their PID. Mr. Evans commented on why PID’s were designed.
684


685  Resident Jeff Thompson asked the council if they had to vote tonight.


686
687  Mr. Ryan Holdaway commented that he appreciated the information about the PID's. He
688 expressed his concerns about creating the PID's right now.

689
690  Mr. Evans commented that what Mr. Hutchinson said was right, and that PID's were created
691 to reduce the cost of infrastructure and explained why.

692
693  Mr. Lauret commented that he appreciated the discussion and asked if the land would be
694 leased or sold. He expressed his concerns about selling to a big box user and the consequences.

695
696  Mr. Woodbury responded to Mr. Lauret's concerns regarding whether they sold to a big box
697 user or other commercial users. He stated that the commercial users value property based on that
698 income. Mr. Woodbury said that it can fall apart when an individual home buyer is comparing a
699 \$500,000 home to another \$500,000 home. He said a large user is going to want to have a say
700 over the PID.

701
702  Jeff Olsen asked again if the council needed an answer tonight.


703
704  Mr. Hutchinson commented that the timing of interest rates is an incentive. He stated that
705 there is already twenty million dollars of infrastructure in, and they are about to break ground on
706 twenty-five million dollars of the park. Mr. Hutchinson said they want to borrow money at a
707 cheaper interest rate to put in the PID.


708
709  Sherrie Kaye Miller expressed her concerns to have more time to understand.


710
711  Resident Clayton Prete expressed his concern about the timing and would like more time.


712
713  Mr. Jake Holdaway expressed his concern about the processes in place.

714
715  Ms. Cameron asked if there were codes for the PID's. Mr. Blakesley responded that there is
716 no land use authority granted with a PID.


717
718  Resident Geoffrey Wixom asked if the city had to give up anything for the PID's. Mr.
719 Blakesley responded that it doesn't change the funding and finance options for the city. A
720 discussion ensued.


721
722  **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING
723 AT 12:02 PM. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION MAYOR
724 FULLMER, COUNCILMEMBERS, FLAKE, RASMUSSEN, SIFUENTES, AND WELSH
725 VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


726
727  Mayor Fullmer addressed comments about due government process and stated that they
728 were following all of the processes correctly.

729
730  Councilmember Sifuentes read a statement about PID's, asking the question: if you have a
731 PID on a site and bond for infrastructure, what's to stop that from happening again? Mr. Evans
732 responded that statutorily there is a maximum mil rate that can be levied on any property as part
733 of the PID. Councilmember Sifuentes asked for clarification regarding PID's being different
734 from a special district and not being tied to a local district once permission is given. Mr. Evans

responded that it was a true statement and that the reason special districts need to be tied to governmental oversight and representation is due to it being a general tax on everyone in that area, and it's a property tax that doesn't go away. He stated that in the proposed PID on the governing documents there is no non-represented tax entity. Mr. Evans responded to a question regarding rentals and taxes within a PID.


 Councilmember Sifuentes asked if there was a meeting at the end of the month. Mayor Fullmer responded that there was. Councilmember Sifuentes wanted to make a motion to push the item to the next council meeting.


 Mr. Evans stated he would be happy to have a meeting with citizens before the next council meeting to educate about the PID's.


 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO CONTINUE RESOLUTION 2023-58 TO DECEMBER 27, 2023, COUNCIL MEETING. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.


9.9 PUBLIC HEARING – West District: The Creation of Public Infrastructure District (Resolution 2023-59)


City Attorney Jayme Blakesley will present the proposed creation of five Public Infrastructure Districts (the "Proposed Districts") and to allow for public input on (i) whether the requested service (described below) is needed in the area of the Proposed Districts, (ii) whether the service should be provided by the City or the Proposed Districts, and (iii) all other matters relating to the Proposed Districts.

 Mr. Herring asked about meeting protocol. Mr. Blakesley responded that the meeting could go on the next day. Mr. Herring asked about the Inland Port item and Mayor Fullmer responded that tonight was just a presentation to understand it.

 Resident Janae Riley expressed her concerns with the agenda process and items being removed after they have been posted. Councilmember Sifuentes asked if these were regarding documents on the website. She let Ms. Riley know that the documents were indeed still online and had not been removed. Ms. Riley expressed her concerns with due process and Mayor Fullmer responded that the city follows the state statute.


 Resident Elizabeth Holdaway commented she would like more time for the PID's and was grateful they continued the item. Ms. Holdaway asked about attendance at city council meetings. She expressed her concern about having more time to understand items on the agenda.

 Mr. Ryan Holdaway asked what the difference was between the East and West District. He also expressed concern about this time of year being busy and needing more time to understand the PID's. Mr. Blakesley explained the difference between the districts.

 Mr. Jake Holdaway expressed concern about the timing of the item and how it came to be on the agenda at this time.


 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO CLOSE THE PUBLIC COMMENTS. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,

COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES.
THE MOTION CARRIED UNANIMOUSLY.

 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO CONTINUE RESOLUTION 2023-59 TO THE DECEMBER 27, 2023, CITY COUNCIL MEETING. COUNCILMEMBER RASMUSSEN SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

9.10 DISCUSSION – Lease Agreement for The Promenade Aquatics Facility

City Attorney Jayme Blakesley will lead discussion about the lease agreement for the Promenade Aquatics Facility. No action will be taken at this time.

 Mayor Fullmer asked the council to continue item 9.10 to the next meeting.

 **Motion:** COUNCILMEMBER SIFUENTES MOVED TO CONTINUE ITEM 9.10 TO THE DECEMBER 27, 2023, CITY COUNCIL MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS FLAKE, RASMUSSEN, SIFUENTES, AND WELSH VOTED YES. THE MOTION CARRIED UNANIMOUSLY.

10. CLOSED SESSION

No closed session was held.

11. ADJOURNMENT

Meeting adjourned at 12:23 AM, December 14, 2023.

MINUTES APPROVED ON: _____

CERTIFIED CORRECT BY: /s/ Heidi Jackman
HEIDI JACKMAN, DEPUTY RECORDER



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: January 10, 2024

Agenda Item: 6.2 Approval of an Amendment to the ILA with Utah County for Communities That Care (resolution 2024-02)

Department: Recorder

Presenter: Pamela Spencer, City Recorder

Background/Discussion: In August of 2022, Vineyard Cares was created as part of Utah County's Communities That Care initiative. The model is in partnership with Utah County and was designed to create a coalition of Vineyard based entities that will participate in prevention efforts targeted to Vineyard's youth. Jessica Maxwell was hired and trained as coalition coordinator.

Through Vineyard Cares, Jessica has formed a commission and coalition which both meet regularly, written an action plan, applied for grant funding, worked on branding and marketing, participated in community events such as the Impact Vineyard Community Fair and Vineyard Days and held education nights, including a very successful and popular "Meet the Therapist" night with over 100 youth and parents in attendance.

Vineyard Cares focuses on drug prevention and suicide prevention, as well as implementing and educating residents about various mental health and wellness initiatives. The program is data-driven with proven outcomes and is being used in about ten other cities in Utah County.

In June of 2023 Vineyard adopted Resolution 2023-30 approving the ILA with Utah County regarding the Substance Misuse Prevention Services and Communities That Care Prevention Model. In November of 2023, Utah County amended the agreement which Vineyard needs to approve.

Fiscal Impact: Utah County will fund \$18,000 of the cost for the second year of implementation. As part of the agreement, the Vineyard FY24 budget includes a \$10,000 match from the city.

Recommendation: Sign amended agreement with Utah County

Sample Motion:

"I move to adopt Resolution 2024-02 and allow the mayor to sign the amendment to the agreement with Utah County regarding the Substance Misuse Prevention Services and Communities That Care Prevention Model."



VINEYARD CITY COUNCIL STAFF REPORT

Attachments:

Resolution 2024-02

Amendment to the agreement

Utah County Agreement

RESOLUTION 2024-02

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND VINEYARD CITY FOR SUBSTANCE MISUSE PREVENTION SERVICES AND COMMUNITIES THAT CARE PREVENTION MODEL

WHEREAS, pursuant to the provisions of the Utah Interlocal Cooperation Act, Utah Code Annotated, Section 11-13-101, et seq., 1953 as amended, public agencies, including political subdivisions of the State of Utah as defined therein, may enter into agreements with one another for joint or cooperative action and may also contract with each other to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform; and

WHEREAS, the Vineyard City Council approved the interlocal cooperation agreement between Utah County and Vineyard City for the project known as the Substance Misuse Prevention Services and Communities that Care Prevention Model on June 28, 2023; and

WHEREAS, Utah County amended the agreement on November 8, 2023; and

WHEREAS, the Vineyard City Council has determined that it is in the public interest and welfare of the residents the city approve the amendment to the interlocal cooperation agreement between Utah County and Vineyard City for the project known as the Substance Misuse Prevention Services and Communities that Care Prevention Model; and

WHEREAS, the Amendment to the Interlocal Cooperation Agreement has been prepared for approval and execution by and between all parties;

NOW, THEREFORE, be it resolved by the Vineyard City Council as follows:

Section 1. Approval. An Amendment to the Interlocal Cooperation Agreement attached hereto as Exhibit "A" is hereby approved and the mayor is authorized to execute the agreement and take all other such action as is necessary to make it effective

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its approval by the City Council.

Passed and dated this 10th day of January 2024.

Mayor Julie Fullmer

Attest:

_ Deputy Recorder, Heidi Jackman

**AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT 2023-648
BETWEEN UTAH COUNTY AND VINEYARD CITY FOR SUBSTANCE MISUSE
PREVENTION SERVICES AND COMMUNITIES THAT CARE PREVENTION MODEL**

THIS AMENDMENT, made and entered into this 8th day of November, 2023, by and through UTAH COUNTY, UTAH, a body corporate and politic of the State of Utah, by and between the Utah County Health Department, (UCHD) and the municipality of Vineyard City, a municipal corporation and a political subdivision of the State of Utah.

WHEREAS, the COUNTY received funds from the State of Utah in Agreement No. 2020-518

WHEREAS, the above parties previously entered into Agreement No. 2023-648; and

NOW THEREFORE, in consideration of the covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto amend Agreement No. 2023-648, pursuant to Section 3 of that agreement, as follows:

Agreement to be amended to increase funding. Specifically, add an additional item to the list in Section 3. Purpose.

e. To provide funding to Vineyard City to increase capacity within Vineyard City and the CTC coalition: Utah County will provide Vineyard City 15,000.00 (Fifteen thousand) for capacity building for the period of July 1, 2023 through June 30, 2024.

The remaining Sections of Agreement No. 2023-648, which have not been amended

herein shall remain in full force and effect.

WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation

Agreement Amendment on the dates listed below:

Utah County Authorized by Resolution No. 2023 - 1130, authorized and passed on the 8th day of November, 2023.

Vineyard City Authorized by Resolution No. _____, authorized and passed on the _____ day of _____ 2023.

APPROVED AND ADOPTED this 8th day of November, 2023.

[Signatures on next page]

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

By: _____
DocuSigned by: Brandon Gordon _____
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DocuSigned by: _____
Brandon Gordon,



ATTEST:
AARON R. DAVIDSON
Utah County Clerk

By: _____
DocuSigned by: Alice Black _____
2937075D91C74DB... 11/8/2023
Deputy _____ Date

By: _____
DocuSigned by: Julie Fullmer /2024
8B67A169DBD848D...
Vineyard City Mayor Date

APPROVED AS TO FORM:
JEFFREY S. GRAY
Utah County Attorney

By: _____
DocuSigned by: Zachary Bundel 11/8/2023
114679E6E87A4E8...
Deputy _____ Date

By: _____
Vineyard City Recorder Date

APPROVED AS TO FORM:

By: _____
Vineyard City Attorney Date

**INTERLOCAL COOPERATION AGREEMENT WITH VINEYARD CITY FOR
SUBSTANCE MISUSE PREVENTION SERVICES AND COMMUNITIES THAT CARE
PREVENTION MODEL**

THIS IS AN INTERLOCAL COOPERATION AGREEMENT, made and entered into by and between UTAH COUNTY, UTAH, a body corporate and politic of the State of Utah, by and through the Utah County Health Department, (UCHD) 100 East Center Street, Provo, Utah 84601 and the municipality of Vineyard City, 125 South Main Street, Vineyard, Utah 84058, municipal corporation and a political subdivision of the State of Utah.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, public agencies, including political subdivisions of the State of Utah as therein defined, are authorized to enter into written agreements with one another for joint or cooperative action; and

WHEREAS, all of the parties to this Agreement are public agencies as defined in the Interlocal Cooperation Act; and

WHEREAS, Utah County and Vineyard City, within Utah County, through their respective governing bodies, have voluntarily determined that the interests and welfare of the public within their respective jurisdictions will best be served by this Interlocal Cooperative Agreement for joint or cooperative action.

NOW THEREFORE, in consideration of the covenants and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Effective Date; Duration.

This Agreement shall become effective July 1, 2023 and shall enter into force, within the meaning of the Interlocal Cooperation Act, upon the submission of this Interlocal Cooperation Agreement to, and the approval and execution hereof by a majority of the governing bodies of all of the parties to this Agreement. The term of this Interlocal Cooperation Agreement shall be from July 1, 2023 hereof until June 30, 2024. This Interlocal Cooperation Agreement shall not become effective until it has been reviewed and approved as to form and compatibility with the laws of the State of Utah by the Utah County Attorney's Office, and the Vineyard City Attorney. Prior to becoming effective, this Interlocal Cooperation Agreement shall be filed with the person who keeps the records of each of the parties hereto.

Section 2. Administration of Interlocal Cooperation Agreement.

The parties to this Agreement do not contemplate nor intend to establish an Interlocal entity under the terms of this Interlocal Cooperation Agreement. The parties do agree that pursuant to Section 11-13-207, Utah Code Annotated, 1953 as amended, that Utah County shall act as the administrator responsible for the administration of this Interlocal Cooperation Agreement. The parties further agree that this Interlocal Cooperation Agreement does not anticipate nor provide for any organizational changes in the parties.

Section 3. Purposes

This Interlocal Cooperation Agreement is established for the following purposes:

- a. To coordinate with Vineyard City to employ a part-time (up to 20 hours per week, 52 weeks per year) Communities that Care (CTC) Coordinator and provide technical support to establish and maintain the CTC prevention model within the community.
- b. To provide funding to Vineyard City to employ a CTC coordinator as follows:

To provide funding to Vineyard City to continue to build capacity within CTC coalition: Utah County will provide Vineyard City thirteen thousand dollars (\$13,000) for the CTC Coordinator position/costs and five thousand (\$5,000) for coalition capacity building for the period of July 1, 2023 through June 30, 2024. Vineyard City will provide a yearly minimum match of ten thousand dollars (\$10,000).

- c. To establish and maintain the Communities that Care system within Vineyard City and to work with Utah County Health Department to ensure the CTC model is being implemented with fidelity through the five phases of CTC (<http://www.communitiesthatcare.net/>).
- d. To reduce youth problem behaviors as found in the Hawkins and Catalano Risk and Protective Factor Model.

Section 4. Manner of Financing.

This Interlocal Cooperation Agreement and the joint, cooperative actions contemplated herein shall not receive separate financing, nor shall a separate budget be required. Each party shall be responsible for its own obligations under this Interlocal Cooperation Agreement. The funds provided are primarily to be used for:

- 1. CTC coordinator position costs/salary.
- 2. Trainings associated with coalition coordinator and coalition members for approved travel costs.
- 3. Any additional prevention activities as described in the CTC model or community action plan pending approval from UCHD.

Section 5. Coalition Capacity Building Funding

The funds appropriated for coalition capacity building can be used for the following:

- 1. CTC coalition training costs directly related to benchmarks and action plans.
 - a. CTC module trainings

- b. State CTC trainings
 - c. Food/mileage/supplies
- 2. Travel/Training, including but not limited to Principles of Prevention, CADCA and/or National Prevention Network Conference for coordinator and coalition members
 - a. Mileage, airfare, per diem, registration, lodging and transportation
- 3. Town hall/community education events
 - a. Advertising, food and recognition awards, coalition needs
- 4. Workgroup activities
 - a. Evaluation contract
 - b. Data collection
 - c. Meeting costs
- 5. Minor equipment under \$600.00

Section 6. Interlocal Requirements

- 1. CTC Coordinator will attend and complete Substance Abuse Prevention Specialist Training (SAPST) within the first six months of hire.
- 2. CTC Coordinator will attend state/county CTC trainings as prioritized by UCHD and Coordinator.
- 3. Incorporate CTC benchmarks and phases as foundation of fidelity.
- 4. Complete and provide coalition agendas and minutes for all board and workgroup meetings.
- 5. Develop and use by-laws and organizational structure to direct coalition.
- 6. Coordinator will record all completed prevention activities in the DUGS data system within seven days of service.
- 7. Billings and claims for covered services must be submitted by the **20th of each month**. Billings and claims received by the 20th will reflect requested reimbursements for the previous month. **Due to budget cycles, late billings will not be reimbursed.**
- 8. A bi-annual narrative report (1 page) identifying completed benchmarks and current status of action plan due December 31, 2023 and June 30, 2024.

Section 7. Property Used in Joint and Cooperative Undertaking.

There will be no real or personal property acquired, held, and used pursuant to this Interlocal Cooperation Agreement.

Section 8. Methods of Termination.

This Interlocal Cooperative Agreement shall automatically terminate at the end of its term herein pursuant to the parameters of Section 1 of this Agreement. The parties to this Agreement may also withdraw from participation herein by giving at least thirty days' notice to each of the other party to this Agreement. Any notice of termination or notice of withdrawal shall be served upon each of the parties to this Agreement.

Section 9. Indemnification.

Both parties are governmental entities subject to the Governmental Immunity Act of Utah, Utah Code Ann., Section 63G-7-101, et seq., as amended. By entering into this Agreement, neither party waives by this Agreement any defenses or limits of liability available under the Governmental Immunity Act of Utah, or any other applicable federal, state, or common law. Nothing in this Agreement shall be construed as an assumption of any duty for the benefit of any third-party. Subject to, and without waiving any immunities under applicable federal, state, or common law, including those described above, each party shall assume and retain liability and responsibility for the claims, losses, damages, injuries, or other liabilities arising out of the acts, omissions, or negligence of its own officers, employees, agents, and contractors in an amount not to exceed the damage limits in Utah Code Ann., Section 63G-7-604, as amended.

Section 10. Filing of Interlocal Cooperation Agreement.

Executed copies of this Interlocal Cooperation Agreement shall be placed on file in the office of the County Clerk/Auditor of Utah County, and with the official keeper of Vineyard City records and shall remain on file for public inspection during the term of this Interlocal Cooperation Agreement.

Section 11. Adoption Requirements.

This Interlocal Cooperation Agreement shall be (a) approved by the executive body or

officer of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an authorized attorney of each of the parties, as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 12. Amendments.

This Interlocal Cooperation Agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be (a) approved by a resolution of the legislative body of each of the parties, (b) executed by a duly authorized official of each of the parties, (c) submitted to and approved by an authorized attorney of each of the parties, as required by Section 11-13-202.5, Utah Code Annotated, 1953 as amended, and (d) filed in the official records of each party.

Section 13. Severability.

If any term or provision of this Interlocal Cooperation Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Interlocal Cooperation Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the parties hereby waive any provision of law which would render any of the terms of this Interlocal Cooperation Agreement unenforceable.

Section 14. Governing Law.

All questions with respect to the construction of this Interlocal Cooperation Agreement, and the rights and liability of the parties hereto, shall be governed by the laws of the State of Utah.

Section 15. Committees.

The parties may establish from time to time such committees as shall be deemed appropriate and necessary.

Section 16. Headings.

Section headings are for convenience of reference only and shall not be considered any interpretation of the Interlocal Cooperation Agreement.

Section 17. Entire Agreement.

This Interlocal Cooperation Agreement contains the entire agreement of the parties. No promise, representation, warranty, or covenant not included in this Agreement has been or is relied upon by the parties to it.

Section 18. Execution by Counterparts.

This Interlocal Cooperation Agreement may be executed in counterparts. The original of each executed Agreement shall be filed with Utah County.

Section 19. Sub-recipient Requirements.

By virtue of terms and conditions of the Federal Substance Abuse Prevention and Treatment block grant that funds the services purchased through this Agreement, Vineyard City becomes a sub-recipient of the federal grant.

CFDA #: 93.959

As Vineyard City is a Sub-recipient of the grant monies, and as such, shall have no authorization, express or implied, to bind Utah County to any agreements, settlements, liability, or understanding whatsoever, and agrees not to perform any acts as agent for the County, except as herein expressly set forth. The Sub-recipient shall be responsible for the payment of all income tax and social security amounts due as a result of payments received from the County for these

contract services. Persons employed by the County and acting under the direction of the County shall not be deemed to be employees or agents of Vineyard City.

- a) All Vineyard City records with respect to any matters covered by this Agreement shall be made available to the County, OSUMH and the Comptroller General of the United States or any of their authorized representatives.
- b) Failure of the city to comply with the above requirements will constitute a violation of this Agreement and may result in the withholding of future payments.
- c) In accordance with OMB Circular A-133, *Audits of State, Local Governments and Non-Profit Organizations*, state and local governments or non-profit organizations that expend \$500,000 or more in total federal financial assistance (from all sources) in the recipient's fiscal year shall have a Single Audit completed.
- d) All Sub-recipient's, regardless of Single Audit eligibility, will make all pertinent financial records available for review, monitoring or audit, in a timely manner to appropriate officials of the federal granting agency, Utah County, any pass-thru entity and/or the General Accounting Office.

Nothing contained in this Agreement is intended to, nor shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Sub-recipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The County and program administrator shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Sub-recipient is an independent contractor.

[Signatures on following page]

WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement on the dates listed below:

Utah County Authorized by Resolution No. 2023-647, authorized and passed on the 21st day of June 2023.

Vineyard City Authorized by Resolution No. 2023-30, authorized and passed on the 28 day of June 2023.

APPROVED AND ADOPTED this 21st day of June 2023.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

DocuSigned by:



ATTEST:
AARON R. DAVIDSON
Utah County Clerk

By: Alice Black 6/28/2023
2937075D91C74DB... Deputy Date

DocuSigned by:
By: Amelia Powers Gardner
C561D059701D40E... Chair

DocuSigned by:
By: Julie Fullmer 3/25/2023
8B67A169DBD848D... Vineyard City Mayor Date

APPROVED AS TO FORM:
JEFFREY S. GRAY
Utah County Attorney

By: E Zachary Bunde 6/27/2023
114679E6E87A4E8... Deputy County Attorney Date

DocuSigned by:
By: Pamella Spencer 8/28/2023
5FEFA260E0FD4F5... Vineyard City Recorder Date

APPROVED AS TO FORM:

By: Jayme Blakesley 8/29/2023
A4F4B56B622D4C5... Vineyard City Recorder Date

Certificate Of Completion

Envelope Id: ECAD4660B65A48D38D230D67195159B7

Status: Completed

Subject: Agreement 2023 - 648

Source Envelope:

Document Pages: 10

Signatures: 6

Certificate Pages: 6

Initials: 0

AutoNav: Enabled

Stamps: 1

Enveloped Stamping: Disabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:

Utah County Deputy Clerk

100 East Center Street

Suite 3200

Provo, UT 84604

CommissionClerk@UtahCounty.gov

IP Address: 97.75.176.50

Record Tracking

Status: Original

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CommissionClerk@UtahCounty.gov

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Signer Events

Zachary Zundel

zacharyz@utahcounty.gov

Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:



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Signature Adoption: Pre-selected Style

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Electronic Record and Signature Disclosure:

Accepted: 2/1/2022 12:53:13 PM

ID: 21bdfb67-3ab8-4af7-ac03-c0081a3ae3f3

Amelia Powers Gardner

AmeliaP@utahcounty.gov

County Commission Chair

Utah County

Security Level: Email, Account Authentication (None)

DocuSigned by:



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Signature Adoption: Drawn on Device

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Accepted: 6/27/2023 4:33:37 PM

ID: 6a83c504-4494-4ee5-88b4-6a7b124d6166

Alice Black

aliceb@utahcounty.gov

Deputy Clerk

Security Level: Email, Account Authentication (None)

DocuSigned by:



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Signature Adoption: Pre-selected Style

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Electronic Record and Signature Disclosure:

Accepted: 6/28/2023 8:52:53 AM

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Signer Events	Signature	Timestamp
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Pamella Spencer
pams@vineyardutah.org
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Jayme Blakesley
jblakesley@hgblaw.net
Security Level: Email, Account Authentication (None)

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Julie Dey JulieD@utahcounty.gov Security Level: Email, Account Authentication (None)	<div>COPIED</div>	Sent: 8/29/2023 9:38:09 AM
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
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Completed	Security Checked	8/29/2023 9:38:09 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Utah County Government (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Utah County Government:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: CommissionClerk@UtahCounty.gov

To advise Utah County Government of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at CommissionClerk@UtahCounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Utah County Government

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to CommissionClerk@UtahCounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Utah County Government

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to CommissionClerk@UtahCounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Utah County Government as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Utah County Government during the course of your relationship with Utah County Government.



VINEYARD CITY COUNCIL STAFF REPORT

Meeting Date: January 1, 2023

Agenda Item: 7.1 2024 Budget Amendment #3

Department: Administration

Presenter: Eric Ellis

Background/Discussion:

Vineyard City's growth requires increased capacity for managing master planning efforts; parking, economic growth, and project specific plan reviews. To address this need, it is the intent of the Planning Department to hire a Senior Planner.

Fiscal Impact:

\$117,000 out of the property tax growth account

Recommendation:

Staff recommends approving the budget amendment for the purpose of hiring a Senior Planner

Sample Motion:

"I move to adopt the proposed 2024 Budget Amendment #3, Resolution 2024-01..."

Attachments:

- Resolution 2024-01
- FY24 Budget Amendment #3.pdf

RESOLUTION NO. 2024-01

A RESOLUTION AMENDING THE VINEYARD CITY BUDGET FOR THE 2023-2024 FISCAL YEAR.

WHEREAS, the City Council of Vineyard, Utah has previously adopted a budget for the 2023-2024 fiscal year in accordance with the Utah Fiscal Procedures Act for cities; and

WHEREAS, the city needs to now amend that adopted said budget; and

WHEREAS, a public hearing was held on the 10th day of January 2024, on the proposed amendments to the 2023-2024 fiscal year budget for the city of Vineyard, Utah.

NOW THEREFORE BE IT RESOLVED BY THE VINEYARD CITY COUNCIL AS FOLLOWS:

1. The attached exhibit A shows the amendments to the Fiscal Year 2023-2024 budget for the city of Vineyard, Utah.
2. This resolution shall take effect upon passing.

Passed and dated this 10th day of January 2024.

Mayor Julie Fullmer

Attest:

Heidi Jackman, Deputy Recorder

Vineyard City
Fiscal Year 2023 - 2024 Budget Amendment #3

General Fund					
Account #	Account	Original Budget	Adjusted Budget	Change	Notes
10.1801.3001	Property Tax	3,296,000	3,413,000	117,000	Property Tax Projected Higher than Budget
Total Revenue Adjustment		\$ 117,000			
10.0701.4001	Planning - Full-Time Wages	\$ 270,114	\$ 345,114	\$ 75,000	Senior Planner Position
10.0701.4006	Planning - Other Compensation	2,040	3,000	960	Senior Planner Position Cell Phone and Fitness Reimb
10.0701.4051	Planning - Retirement & Taxes	71,641	89,521	17,880	Senior Planner Position Retirement
10.0701.4053	Planning - Insurance	50,364	71,024	20,660	Senior Planner Position Insurance
10.0701.4355	Planning - Miscellaneous	4,800	7,300	2,500	Computer Equipment for Senior Planner Position
Total Expenditure Adjustment		\$ 117,000			
Total General Fund		\$ -			

Legend:
New budget request