

MINUTES OF THE VINEYARD  
WORK SESSION AND TOWN COUNCIL MEETING  
Vineyard Town Hall, 240 East Gammon Road, Vineyard, Utah  
March 9, 2016 at 6:00 PM

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**6:00 PM WORK SESSION WITH STAFF**

Present absent  
Mayor Randy Farnworth  
Councilmember Nate Riley (6:58 PM)  
Councilmember Dale Goodman  
Councilmember Tyce Flake  
Councilmember Julie Fullmer – (electronically)

Staff: Public Works Director/Engineer Don Overson, Building Official George Reid, Town Planner Aric Jensen, Utah County Sheriff’s Deputy Collin Gordon, Attorney David Church Planning Commission Chair Wayne Holdaway, Town Clerk/Recorder Pam Spencer, Water/Sewer Operator Sullivan Love

Others in attendance: Jake Young with Civil Solutions, residents Chris Judd and Cristy Welsh, Pete Evans and Bronson Tatton with Flagship Homes/WatersEdge

Mayor Farnworth opened the work session at 6:00 PM.

**PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL:** Planning Commission Chair Wayne Holdaway – Chair Holdaway reported on the Vine apartments presented at Planning Commission. He said that they recommended a time line to complete of the clubhouse, etc.

**COUNCILMEMBERS’ REPORTS**

Councilmember Nate Riley – Councilmember Riley was not present at this time.

Councilmember Julie Fullmer – Councilmember Fullmer reported that the Youth Council would be filling eggs for the Easter Egg Hunt later this month. She mentioned that she would be attending a meeting with the Lake Commission to discussing a big lakeshore cleanup project, which KSL wanted to do a story on.

Councilmember Dale Goodman – Councilmember Goodman asked about his appointment with TSSD. Town Clerk Pamela Spencer replied that she needed to swear him as a member and send them a letter signed by the Mayor in order for him to be a voting member.

Councilmember Tyce Flake – Councilmember Flake gave an update on the legislative session.

**MAYOR’S REPORT** – Mayor Farnworth reported that Mountainland Association of Governments (MAG) put out a study on transportation where they had noted an alternative Orem light rail line. It mentioned that the Vineyard commuter rail was in the first stage and funded at about \$3 million but did not mention the Vineyard light rail. He reported that they had met with

the County Fire Department and they were looking at cost comparisons between them and Orem. They discussed options for housing the County fire department.

## **ITEMS REQUESTED FOR FUTURE AGENDAS**

**Pavilion/Town Hall Rental** – Mr. Church explained that there were questions for the Council to decide what they would like to see in the Code. Mayor Farnworth asked for comments from the Council.

Councilmember Flake stated that he would like to discuss rental on Sundays and Holidays, and the rental period throughout the year.

Mr. Church read the application and suggested they remove the time restraints and the seven-day rental notice from the application.

Ms. Spencer mentioned that this was for the Pavilion rental, if it was not rented then it would be first come first served.

Mr. Church said that the original ordinance stated that only residents could reserve it on Holidays and Sundays and that residents could schedule it anytime during the entire year starting January 1. He said that nonresidents could only reserve it ninety days (90) in advance. He suggested that they leave it and allow residents the opportunity to reserve the prime dates. He said that the question was why residents were not allowed to reserve it before January 1. He explained that some places ran a rolling reservation and someone could reserve it for the next six (6) years.

Ms. Spencer mentioned that organizations that plan events were planning them as soon as the last event was over. She asked why they couldn't reserve it a year in advance. Mr. Church explained that this way on January 1 the slate was clean and anyone that showed up on January 2 could reserve it anytime during the year. He said that if they could reserve it a year in advance then the ones that had it rented could come the next day and reserve it for the next year. He suggested that they to decide which way they would like to go. He mentioned that there would be more rental requests when the other parks and pavilions were completed. He said that the system in the old ordinance was not a bad system.

Councilmember Flake recommended that they keep the reservation dates the same so no one could roll it over.

Mr. Church asked if they care what the rental period was, or allow the Public Works Department to determine the open/closed dates. He said that there was no reason they could not allow them to reserve the pavilion in the winter. He mentioned that there would be no restrooms or water in the winter. Mr. Overson mentioned that there would be no restrooms or water from the end of October until around April 1.

Councilmember Flake suggested that they make the application match the ordinance. Mayor Farnworth did not recall any changes made to the Ordinance or application.

Ms. Spencer explained that Town Hall was not available for rental except for Empty Nesters, but would be available when the new building was completed. She mentioned that Empty Nesters had it reserved from year to year and wanted to know if they wanted to allow other nonprofits to be able to do the same thing.

Mayor Farnworth reviewed the application form and recommended that they remove the gas grills.

Mr. Church said that if the Council wanted the same ordinance included in the new code he would prepare it for the next meeting. He stated that when we update our website, it should allow people to start reserving the Pavilion online beginning January 1 of each year.

Council agreed to have the Pavilion Ordinance placed on the next agenda.

### **Chapter 9 Part 9-450 Solicitors, Canvassers, Peddlers, and Itinerant Merchants**

Mr. Church explained that this was negotiated with the door-to-door industry to create a “Safe Harbor” Ordinance. He said that the issues were people have a constitutional right to sell door to door, but they could be regulated. He stated that the regulation must be tailored to the least intrusive possible. He said the results were to have a system that they could come in with a reasonable amount of information and immediately receive a temporary license with a reasonable charge. He mentioned that Ms. Kloepfer suggested that the BCI might not be sufficient because it was only for in state. He suggested that they could change the Ordinance to include BCI or equivalent from your home state. He stated that the town was going to be inundated with solicitors.

Mayor Farnworth mentioned that the discussion in the staff meeting on Tuesday was about the length of the license and how much to charge for it. Mr. Church replied that they could only charge what it would cost to issue the license. Mayor Farnworth explained that staff felt the current cost was too low and they needed to determine what was a fair cost. He mentioned that they were going to start issuing badges. Ms. Spencer said there had been discussion about how they were going to issue the badges. Councilmember Flake said that they were going to make a card and they would submit a picture or staff could take their picture. Ms. Spencer explained that they needed to buy the software and equipment to print out the badges.

Mayor Farnworth mentioned that they compared costs with other cities and Lindon’s was the most expensive at \$40. He suggested that the town could charge anywhere from \$25.00 to \$40.00. Mr. Church stated that the important thing was to justify the amount. Ms. Spencer said that they would just be charging for time and equipment. Mr. Church said that we want them to register and not make it too hard. Councilmember Flake replied that if they made it too expensive they would not apply for a license. He also suggested that they lengthen time to use the badge to six (6) months. Mr. Church said that the time did not matter; they were usually here for only three (3) days.

Mr. Church said that they could amend the solicitor’s fees now without a public hearing. Mayor Farnworth reviewed the request for issuing badges, the cost, and the length of time. Council agreed to put the solicitor’s fees at the next Council meeting.

### **AGENDA REVIEW**

Town Council reviewed the items on the agenda.

Mayor Farnworth mentioned that there had been two (2) meetings related to the train station and that they were interested in applying for the TIGER grant. He explained that they discussed other entities in the state that were also applying for a TIGER grant. He said that they were trying to see if it would be cost effective to write the grant this year and then submit it next year.

Councilmember Flake mentioned that they reviewed the categories and the grant writers felt the town filled those categories well. He stated that the cost analysis and the amount they needed to match the grant could be problematic. He said that the information was out there and that we needed to gather it and get it to them. He added that they were awarded the grant money they would get a critique back as to where they fell short so they could update the proposal and resubmit it.

Mayor Farnworth felt that they were not getting the needed support from UDOT because they were also submitting for a grant. He said that they needed to get letters of supports from other entities that could be impacted by the grant.

Mr. Overson said that the information gathered for the TIGER grant could be used on applications for other funding.

## 5.1 Train Station Concept Plan

Mayor Farnworth turned the time over to Jake Young with Civil Solutions.

Mr. Young presented the concept plan. He said that the main parts were the bus drop off; a parking garage; two (2) round a-bouts; and the train station building. He mentioned that one building had retail or commercial on the main level. He showed the six-story building, the promenade, and the tunnel. He said that there would be three (3) access points for the FrontRunner; two (2) trails; one (1) for train users and one (1) for walkers and bicyclists. Councilmember Flake mentioned that residents could access the trail from Center Street and go past the train station without going on the main roads. Mayor Farnworth also mentioned the connectivity to the east side of the tracks with the trails. There was further discussion about the train station.

Mr. Young mentioned that they looked at installing a bridge like the one in Farmington. He explained that the two (2) reasons they decided not to do the bridges were they did not know what UVU would be building. He said that the other reason was that going over the bridge was harder and took longer than using a tunnel. He continued his presentation. He showed what would be included in each phase of the concept plan.

Resident and Planning Commissioner Chris Judd asked how the surface parking compared to Provo's, he felt that Provo's was busy all the time. Mr. Young replied that it was less square feet. Mr. Judd felt that it would be too small. Mr. Young explained that Provo's parking was at the end of the line and people were driving from the south to access the train. Councilmember Goodman asked how the parking compared to American Fork's parking. Mr. Young replied that it was smaller. Mr. Overson stated that if they needed to they could add more asphalt where the parking garage would go in on the second phase. There was further discussion on parking.

Mr. Young explained that after Council approval they would provide a 3D rendering of the concept plan.

Pete Evans with Flagship/WatersEdge asked about the vision for the small building on the corner of the parking garage. Mr. Young replied that it was about 2,000 square feet for neighborhood retail. Mr. Overson stated that they wanted to have a place that people could get their train tickets and be able to get breakfast, coffee, or a newspaper, etc. Mr. Evans thought that would be in the first floor of a larger office building. Mr. Young explained that they chose to move it to the center and felt that parking was important.

Councilmember Riley joined the meeting at 6:58 pm.

Mr. Young said that they talked about connecting the tunnel to the building. Mr. Overson stated that people get nervous when they go into a building and go down through a tunnel because they cannot see where they were going. He felt a tunnel that was open at each end was better. He said they talked about putting a sky bridge on the third story of the six-story building with the bottom being the train station, but when they decided to go under and they needed to change where the access would be.

Mr. Judd asked if Anderson Development did not foresee a company wanting to have an office with direct access. Mr. Overson replied that they could build what they wanted and have a parking garage attached to it. Mayor Farnworth mentioned that in Portland that was normal that you could not tell the parking garage from the retail or office space.

Bronson Tatton with Flagship/WatersEdge asked if they had considered lining the pedestrian corridor with retail. Mr. Young replied that he was not sure what the demand would be with the retail on the promenade and other places.

Mr. Young explained that UTA had seen the plans and they wanted the bus and tunnel in the middle. He stated that they decided that they did not want the bus to be the center point of the train station. He said that only ten (10) percent of the people were riding the bus.

Mayor Farnworth asked Council if they wanted further changes or if they were ready to go to the 3D model.

Councilmember Riley asked why the tunnel was so far to the south. Mr. Young replied that it was close to the drop off but mostly in the middle. He mentioned how the tunnel would be designed with wing ramps on each side. He said that where the footings were already poured they might not want to come up in the middle. Mr. Overson said that was a UTA question but felt there was no reason they would not allow a set of stairs to access the tunnel from the platform.

Mr. Judd asked if the city did not own the land what guarantee did they have if the owner did not like the design. Mayor Farnworth replied that they needed something that was professional for people to look when they had their meetings with UTA, UVU, UDOT, etc.

Mr. Judd asked what Anderson Development's response had been. Mr. Overson replied that they were very positive and felt they had a developer that would be willing to build the six-story building.

Councilmember Flake explained that in meetings with other groups, the groups did not see what the town saw.

Boy Scout Nathan Boekweg asked if it would be paid for by taxpayer money. Mayor Farnworth explained that some of it would be, and developers would pay for some. Councilmember Flake explained how the taxes work for transportation.

Mayor Farnworth asked Council if they wanted to move forward on the 3D rendering. Council agreed.

## **5.2 WatersEdge Fence Plan**

Mayor Farnworth turned the time over to Pete Evans with Flagship Homes/WatersEdge.

Mr. Evans proposed three (3) different types of fencing and provided samples of the different types. He stated that there was a concern after the last meeting with the installer that they could meet their needs. He said that they were proposing a precast concrete wall along the backbone roads, a petrified wood product that would look like natural wood along the railroad corridor. He said that the open areas would have the split rail, the view fencing would be made of textured vinyl and that the rails could be adjusted. He presented the suggested fence plan.

Mr. Holdaway asked if the children could climb over the fence around the school site. Mr. Tatton explained they could.

Mr. Evans continued the presentation of the fence plan. Mr. Tatton demonstrated the capped PVC fence sample. Mayor Farnworth asked if it was heavier than regular vinyl. Mr. Tatton said that the cap gave added strength. Mr. Evans stated that it was a veneer.

Mr. Tatton continued the presentation on the fence plan.

Councilmember Flake asked if the pattern would change where it would join the preexisting wall. Mr. Evans replied that it would and explained that it would be more of a basket weave/wood plank look.

Resident and Planning Commissioner alternate Cristy Welsh asked if the fence would have a lifetime warranty. Mr. Evans replied that the warranty was for manufacture or defects. He said if someone were to run into it with a car, it would not be covered. Ms. Welch asked if it were



## **STAFF REPORTS**

- Public Works Director /Engineer – Mr. Overson had no new items to report
- Attorney – David Church – Mr. Church had no new items to report
- Utah County Sheriff’s Department – Deputy Collin Gordon had no new items to report
- Planner – Aric Jensen – Mr. Jensen had no new items to report
- Finance Director – Jacob McHargue was excused
- Town Clerk/Recorder – Pamela Spencer Ms. Spencer had no new items to report

## **OPEN SESSION: Citizens’ Comments**

Mayor Farnworth opened the public session.

Resident Chris Judd living in the Sleepy Ridge subdivision mentioned that he had received phone calls asking what the town could do to stop short-term rentals in Sleepy Ridge. Mr. Church replied that it was a hot issue and that the legislature was involved in it. He explained that the law states that if you were going to ban it as a residential use then you need to include specific wording in your Code the does not allow short term rentals. He said that there was language in the town’s residential code the indicated that short term rentals was not an appropriate use. He suggested that they wait to see what the legislature decided. He said that other cities had gone to a regulating scenario where they collect taxes, etc., for short-term rentals. He said that once the legislature acts on the bill then the town needed to decide how they wanted to regulate them or ban them. Mayor Farnworth asked how the town would police it. The difficult thing would be if they want to expend the effort.

Mayor Farnworth closed the public session.

## **BUSINESS ITEMS:**

### **5.1 DISCUSSION AND ACTION – Train Station Concept Plan**

Jacob Young with Civil Solutions will present the updated Train Station Concept Plan. The Mayor and Town Council will take appropriate action.

Mayor Farnworth gave a brief overview from the work session. He called for a motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO AUTHORIZE CIVIL SOLUTIONS TO START THE PROJECT FOR THE 3D RENDERING. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

### **5.2 PUBLIC HEARING – WatersEdge Zone Amendment**

The Applicant from Flagship Homes is requesting an amendment to the WatersEdge Zone Plan to amend the existing fencing plan. The Mayor and Town Council will possibly move to approve by Ordinance the amendment to the code. (This item was continued from the January 13, 2016 and the February 10, 2016 Town Council meetings).

Mayor Farnworth gave an overview from the work session and then asked for further discussion.

Councilmember Fullmer mentioned that she was looking at the old map and asked for clarification. She asked if they had closed the open area along the train. Mr. Evans replied that they had discussed if it would be split rail or privacy fence. He mentioned that he brought in a

new product that was a concrete wall along the rail tracks. He said that they were proposing to install split rail in the corridor, where the housing was set back and there was open space, to open up it up. He said that if the Council wanted it to be closed then he proposed that the precast fence type would have a wood look. He was concerned that the precast would tunnel off the trail.

Councilmember Fullmer asked if any of the blue on the map was built out yet. Mr. Evans replied that the south end was where the LeCheminant subdivision was built. Councilmember Fullmer asked for clarification that the red area would be split rail. Mr. Evans replied that it would be a 4-rail fence in the dark wood. Councilmember Fullmer felt it would take care of the vinyl concern she had. Mr. Evans mentioned that the yards behind would be separate fencing. He said that the yellow area would be a privacy fence instead of clear view. He mentioned that when the Leisure Villas subdivision was approved they wanted a privacy fence. He said where they were backing up to the homes they could do the clear view because there was a bigger distance along the trail. He explained where the trail would run. Mr. Evans explained what the clear view would look like.

Councilmember Fullmer asked if the split rail was the more open pattern. Mr. Evans replied that it was a shorter fence and only three (3) feet tall. Councilmember Fullmer expressed concerns about people putting vinyl fencing behind the split rail fence. Mr. Evan asked if she was concerned with people walking on the trail being able to see the rear yard fencing.

Councilmember Fullmer felt the split rail did not give the look they were trying to create. She said that liked the precast to give a barrier from the train.

Councilmember Fullmer asked what the fencing was by the school site. Mr. Evans replied that it was clear view.

Councilmember Fullmer asked about the fencing on the main road. Mr. Evans replied that it would be the six-foot tall precast concrete wall. Council Fullmer asked if they could change the fencing on the trail corridor along the subdivision north of the school. She would prefer clear view.

Councilmember Goodman agreed that he like the concrete on the sound continuation along the rail.

Councilmember Flake felt that when they expand the Vineyard Connector that the slope would be changed. Mayor Farnworth stated that the road would be widened to the north so the slope would not change.

Councilmember Riley asked what distances were on the split rail. Mr. Tatton replied that they would be 600 to 700 feet. Mr. Evans stated that was why they thought that they could put in different fencing where the housing was set back so it was not boxed in. He felt it would help to have the precast wood look. Mayor Farnworth asked if some of the concern was the safety issue. He said if they completely block it off would the safety be accounted for. Deputy Gordon stated that it would be segregated off, so they would not have the residential view into the public area. Mayor Farnworth was concerned about blocking it off completely. Mr. Evans stated that they would have a couple of access points. He said that was why they wanted to install split rail where the homes were pushed back. They discussed different types of fence options. Mr. Tatton recommended that they do clear view fencing in that area. Councilmember Flake suggested that they install a shorter wall. He felt that the sound barriers would not work. Councilmember Goodman commented that people living in Orem wanted to see a concrete wall along the tracks.

Councilmember Flake felt that by the lake the continuation on the west wall was an easy break to make the wall look decent. He said that they could do the other wall on the other side of the street. Mr. Evans explained that there were two (2) large-scale master plans and the wall that went in first dictated what the rest of the wall could be for the town. He stated that there would be more than just a fencing break, there would be signs, etc., to separate the different types of fence designs. Mr. Tatton felt that the different fencing types would separate the different developments and help people identify where they were.

Resident Cristy Welsh living in the Garden subdivision felt that as someone who lived there, it was strange to have the different looks. Mr. Evans asked if Councilmember Flake was okay with the Olympus wall everywhere except 300 West. Ms. Welsh asked if they had the same issue on the other walls. Mayor Farnworth stated that it happened in other communities, but they changed it at the corner. Councilmember Flake said they could take it up to the entrance street and then break it, which would make a natural transition.

Mr. Jensen stated that on the west side the developer was requesting that the fencing not be required but an option of the homeowners.

Ms. Welsh stated that the fence that would go around the school bothered her. Mr. Evans replied that they did not have control over what the school would install. He said that they spoke with the school, but they could put in what they wanted. Mr. Church explained that if the town owned the property and they were paying for the fence then they could control what went in.

Councilmember Fullmer asked for clarification on the changes. Mr. Evans went over the changes they discussed, which were:

- The fence along the railroad would be a lower concrete wood looking wall.
- The fence behind the homes would be a taller wall to block any other fencing that the homeowners might install.
- The north end where the rail road meets the Vineyard Connector the fence would be a six-foot clear view concrete wall with spacers.
- The Leisure Villas would have a privacy fence on their side and a clear view on the other side along the trail corridor.
- Along the 20,000 and half-acre lots in Phase 9 they would eliminate the requirement for fencing.
- Where there was an existing precast wall they would marry the fencing where a natural break could be made

Councilmember Fullmer asked if they were putting up a fence next to the schools fence. Mr. Evans replied that the school would put up what they wanted but they were showing a clear view fence on the plan. Councilmember Fullmer asked if the school would be willing to install the clear view if it was provided for them. Mr. Jensen replied that schools did not like fences that were private, semi-private for security reasons. Councilmember Fullmer asked if a semi-private fence would be more private than a shorter concrete semiprivate/clear view wall. Mr. Evans felt that it would still be more private than the charter school would want. Mr. Jensen mentioned that schools prefer chain link first and wrought iron second. Councilmember Goodman asked the developer would be willing to offer the school a wrought iron fence. Mr. Evans replied that they would be willing to offer the school the wrought iron fencing.

Mayor Farnworth called for a motion to close the public hearing.

**Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 8:11 PM. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for a motion.

**Motion:** COUNCILMEMBER GOODMAN MOVED TO ACCEPT THE WATERSEDGE ZONE AMENDMENT FOR THE FENCING PLAN WITH THE CHANGES PRESENTED AND DISCUSSED TONIGHT. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL VOTE WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS

FLAKE, FULLMER, GOODMAN, AND RILEY VOTED AYE. MOTION CARRIED UNANIMOUSLY.

**5.3 PUBLIC HEARING – East Lake Warehouses Davies Development**

Conditional Use Permit and Site Plan Review for office warehouse buildings in the I-1 Zone. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Town Planner Aric Jensen.

Mr. Jensen gave an overview of the request. He said that the minor issues that needed to be addressed were – the islands did not meet the code and changes to the landscaping. He reviewed the renderings and recommended approval with the stipulations listed in the staff report.

Councilmember Riley stated that he would like to utilize the trees in another location. Mr. Jensen replied that they had to relocate them.

Mayor Farnworth called for a motion to open the public hearing.

**Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 8:17 PM. COUNCILMEMBER RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for public comments. Hearing none, he called for a motion to close the public hearing.

**Motion:** COUNCILMEMBER RILEY MOVED TO CLOSE THE PUBLIC HEARING AT 8:17 PM. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

Mayor Farnworth called for a motion.

**Motion:** COUNCILMEMBER RILEY MOVED TO GRANT PRELIMINARY AND FINAL SITE PLAN APPROVAL AND CONDITIONAL USE APPROVAL FOR THE EASTLAKE AT GENEVA OFFICE/WAREHOUSE DEVELOPMENT WITH THE FOLLOWING FINDINGS AND CONDITIONS:

FINDINGS

1. WITH THE CONDITIONS BELOW, THE PROPOSED SITE PLAN MEETS THE MINIMUM REQUIREMENTS OF THE TOWN ORDINANCES.

CONDITIONS

1. THE APPLICANT MAKES ANY REDLINE CORRECTIONS AND PAYS ANY REQUIRED FEES.
2. THE APPLICANT ADD TREES/SHRUBS TO THE LANDSCAPING PLAN TO MEET THE MINIMUM REQUIREMENTS

COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5.4 DISCUSSION AND ACTION – Preliminary and Final Subdivision Application**

Brant Tuttle on behalf of Lakeview Holdings requests Preliminary and Final Subdivision Plat approval of the Eastlake Warehouse Condominiums Plat located at 426 and 456 E. 1750 N. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Town Planner Aric Jensen.

Mr. Jensen reviewed the applicant's request. He explained that Council had previously approved this development and that they were requesting approval of their subdivision plat. He said that staff had reviewed it and it met the requirements for a subdivision plat. He stated that staff recommended approval with the findings and stipulations listed in the report.

Mayor Farnworth called for comments, hearing none he called for a motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO GRANT PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL FOR THE EASTLAKE WAREHOUSE CONDOMINIUMS WITH THE FOLLOWING FINDINGS AND CONDITIONS:

FINDINGS

1. WITH THE CONDITIONS BELOW, THE PROPOSED PLAT MEETS THE MINIMUM REQUIREMENTS OF THE TOWN ORDINANCES.

CONDITIONS

3. THE APPLICANT SUBMITS AND RECORDS THE REQUIRED CONDOMINIUM DECLARATIONS AND RELATED DOCUMENTS WITH THE UTAH COUNTY RECORDER.
4. THE APPLICANT CREATES A PROPERTY OWNERS' ASSOCIATION AND ESTABLISHES RESERVES AS REQUIRED BY UTAH CODE.
5. THE APPLICANT MAKES ANY REDLINE CORRECTIONS AND PAYS ANY REQUIRED FEES.

COUNCILMEMBER RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5.5 DISCUSSION AND ACTION – Preliminary and Final Subdivision Application**

Greg and Brian Bird on behalf of UCELLO, Inc. request Preliminary and Final Subdivision Plat approval for the Vine Apartments Plat located at 255 Mill Road, Vineyard UT. The Mayor and Town Council will take appropriate action.

Mayor Farnworth turned the time over to Town Planner Aric Jensen.

Mr. Jensen reviewed the applicant's request. He stated that it was an approved project and they were looking for subdivision plat approval. He said that it looked to conform to the original approval. He explained that the applicant was requesting the ability to build the development in phases and sell each building to different owners who would build it themselves. He mentioned that there were concerns from the Planning Commission and staff with continuity and that they would not be built the same or with the same quality. He stated that one concern was that if the council approved the request that they make it clear that one company would maintain it.

Greg Bird with UCELLO mentioned that only one (1) builder had the contract to build the project and there would only be one (1) HOA, so all of the land would be common. He mentioned that they needed to phase the project to get the financing.

Mayor Farnworth asked if they were subdividing the property because they needed more than one (1) taxing number. Mr. Bird replied that was correct and that they were required to record the HOA. Mr. Judd stated that the Planning Commission knew about the single builder.

Mayor Farnworth stated that they needed to look at the phasing. He said that with the phasing they would have vacant land on Mill Road for a while. Mr. Bird replied that they wanted to have the ability to phase if they needed to but that they might not build the phases in order. He said

that the Phase 1 would include the sewer and water and that they would build the phases in the direction the utilities ran.

Mayor Farnworth asked the Town Building Official what kind of problems he felt the inspectors would have. Mr. Reid replied that there was nothing but that he would need more inspectors.

Mr. Bird said that having permits by tax number or building would help to track everything.

Councilmember Goodman asked if the Alloy went through the same process. Mr. Church replied no, it was one owner and one builder.

Mr. Judd explained that they were talking about time, that there had been a lot of apartments that had come into the area and national lenders were not willing to lend. He said they then had to go to a small bank that required them to go to a phasing plan. He was concerned with a phasing plan when the clubhouse would be built and if they would be getting the same amount of open space. He asked if they put a stipulation on the number of buildings built before the clubhouse had to go in. Mr. Bird replied that they included a stipulation on when the clubhouse and the park had to be built. Mr. Judd said that he understood that there would be six (6) buildings completed and that the clubhouse and open space were to be completed at the same time. He felt it should match the first three (3) phases. Mr. Bird replied that they wanted the ability to keep building if the development went in faster and bond for the clubhouse and open space.

Mr. Judd suggested that they track the progress with timeframes and buildings. Mr. Bird felt that they could get the clubhouse in sooner than anticipated. Mr. Judd asked how many units were in the first six (6) buildings. Mr. Bird replied that there were about 108 units. Mr. Judd explained why local banks needed a phasing plan.

Councilmember Goodman asked if the fact the big money was not available concerned them. Mr. Bird replied that the national lenders were still not going to fund a full 468-unit project; they would make you phase it. He felt it was better thought out and that funding would not be an issue.

Councilmember Goodman stated that he was concerned with them having occupants. Mr. Bird stated that the buyers were putting down a significant amount in cash. He said that they had a waiting list for people to rent and could not build as fast as they had the demand.

Mr. Judd talked about buildings sitting vacant and asked that they stipulate that all of the phases had to be built in three (3) years. Mr. Jensen said that they suggested that all landscaping be in not all of the buildings. Mr. Bird anticipated that they would be successful.

Mr. Jensen asked if the stipulations reflected what the commission recommended. Mr. Judd replied that he thought they stipulated that the first six (6) buildings to be completed with the clubhouse completed and improvements in or a bond in place before they could start buildings seven (7) and eight (8).

Councilmember Riley mentioned that they had issues with investors on the Edge Water development wanting occupancy and the town was not in a position to give them occupancy. Mr. Overson felt that many of the issues had been resolved with the new Building Official. Mr. Bird stated that they bonded for the landscaping. Mr. Overson felt that the whole system was better.

Mayor Farnworth called for a motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO GRANT PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL FOR THE VINE APARTMENTS PLAT WITH THE

FOLLOWING FINDINGS AND CONDITIONS MODIFYING NUMBER 4 THAT AT THE END OF SIX BUILDINGS THAT THE IMPROVEMENTS BE COMPLETED.

FINDINGS

WITH THE CONDITIONS BELOW, THE PROPOSED PLAT MEETS THE MINIMUM REQUIREMENTS OF THE TOWN ORDINANCES.

CONDITIONS

1. THE COMMON AREA IS HELD, OWNED, AND MAINTAINED BY A SINGLE ENTITY, AND IS NOT OTHERWISE DIVIDED BETWEEN OR ASSIGNED TO INDIVIDUAL BUILDING OWNERS.
2. ALL IMPROVEMENTS ARE INSTALLED PRIOR TO OR CONCURRENT WITH THE FIRST BUILDING PERMIT, OR THE APPLICANT PROVIDES A PHASING PLAN TO THE SATISFACTION OF THE CITY.
3. ANY BUILDING, UTILITY, SITE FEATURE, AND ANY OTHER ASPECT OF THE PROJECT SHALL BE CONSTRUCTED IN CONFORMANCE TO THE APPROVED SITE AND DEVELOPMENT PLANS.
4. THE CLUBHOUSE AND RELATED IMPROVEMENTS ARE CONSTRUCTED AND COMPLETED AT THE END OF SIX BUILDINGS AND WITHIN 18 MONTHS OF THE FIRST BUILDING PERMIT, AND ALL LANDSCAPING REQUIREMENTS FOR THE ENTIRE PROJECT BE COMPLETED WITHIN 3 YEARS OF THE FIRST BUILDING PERMIT.
5. THE APPLICANT SUBMITS AND RECORDS THE REQUIRED PUD DECLARATIONS AND RELATED DOCUMENTS WITH THE UTAH COUNTY RECORDER.
6. THE APPLICANT CREATES A PROPERTY OWNERS' ASSOCIATION AND ESTABLISHES RESERVES AS REQUIRED BY UTAH CODE.
7. THE APPLICANT MAKES ANY REDLINE CORRECTIONS AND PAYS ANY REQUIRED FEES.

Councilmember Riley asked if the parking requirements had been met. Mr. Bird replied that the parking had not changed except where the phases were going.

COUNCILMEMBER RILEY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5.6 DISCUSSION AND ACTION – Authorization for the Sleepy Ridge HOA to sell or deed property to Lance and Donna Ford**

Lance and Donna Ford are requesting a letter from the town authorizing the Sleepy Ridge HOA to sell or deed the “common area” land parcel #45:454:0364 to them to build a portion of their home on. The remainder of their home will be in Orem on parcel #45:436:0132. The Mayor and Town Council will take appropriate action.

Mayor Farnworth explained the request.

Mr. Church explained the state statute and that the land owned in the common area could not be sold unless they had permission from the town and HOA or 75 percent of the landowners. He said that the HOA had agreed to transfer the property but the title/closing company wanted a letter from the town.

Mayor Farnworth described where the property was located. He explained that it had been designated for landscaping and monuments. He stated that the town needed to write a letter if approval.

James Noble living in the Sleepy Ridge subdivision asked if there was a value to the land and if so could the HOA deed it to the town. Mr. Church replied that the town did not want the land. He felt that the people needed the land to complete their home.

Kara (Donna) Ford living in the Orem portion of the Sleepy Ride subdivision said that their house went over three (3) feet into the common area and Orem would not issue the permit without the deed. Councilmember Fullmer explained that the HOA could not be dissolved because they needed to deed over the common area. Mr. Church mentioned that the common area was open space and the HOA could not sell it off without the towns permission. He felt that the town did not want to maintain it.

Lance Ford living in the Orem portion of the Sleepy Ride subdivision mentioned that there was an additional 30 feet that was not shown on their site plan.

Mayor Farnworth called for motion.

**Motion:** COUNCILMEMBER GOODMAN MOVED TO AUTHORIZE THE MAYOR TO SIGN A LETTER ON BEHALF OF THE TOWN. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5.7 DISCUSSION AND ACTION – Authorization for the Sleepy Ridge HOA to sell or deed property to** Vincent A & Crystal Camberlango 45:454:0365

Sleepy Ridge HOA Chair Julie Fullmer is requesting a letter from the town authorizing the Sleepy Ridge HOA to sell or deed the “common area” land parcel #45:454:0365 to Vincent & Crystal Camberlango # 45:454:0303. The Mayor and Town Council will take appropriate action.

Mayor Farnworth called for motion.

**Motion:** COUNCILMEMBER FLAKE MOVED TO AUTHORIZE THE MAYOR TO SIGN A LETTER ON BEHALF OF THE TOWN. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

**5.8 DISCUSSION AND ACTION – Rail Spur Line Agreement**

Town Attorney David Church will present the Union Pacific Spur Line Removal Agreement. The Mayor and Town Council will take appropriate action.

Mr. Church went over the agreement. He said that he spoke with Sue Hronek from Union Pacific (UP) who mentioned that the Exhibit A – Construction and Maintenance Agreement was being modified. He asked Council if they had any questions on the property exchange agreement. Mayor Farnworth felt that every item listed the town would have to pay for. Mr. Church replied that all the costs were being fronted by Vineyard. He suggested that they could push back and have them split it, but he know that they would not agree.

Mr. Church explained that the initial agreement would start the feasibility period during which time they would be required to provide surveys, environmental information, acquire the Anderson property and the Martin Snow easement. He added that all of the title work needed

done, and enter into contract for the construction of the rail spur. He said that at the end of the feasibility period, they would have one (1) year to construct the new spur and if UP accepted it then they could close on it. He said it could take at least 18 month to complete. He added that it was straight forward other than it would be expensive. Mayor Farnworth stated that they were already on the hook for everything and felt that if they pushed back it would only slow things down. Mr. Church was going to let UP know that the town was ready to move forward. He mentioned that Geneva Nitrogen was concerned about the proposed easement.

**CLOSED SESSION** – a closed session was not held.

## **ADJOURNMENT**

Mayor Farnworth called for a motion to adjourn the meeting.

**Motion:** COUNCILMEMBER GOODMAN MOVED TO ADJOURN THE MEETING AT 9:00 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is March 23, 2016

MINUTES APPROVED ON: April 27, 2016

CERTIFIED CORRECT BY: /s/ Pamela Spencer  
P. SPENCER, TOWN CLERK/RECORDER