



**NOTICE OF A VINEYARD
CITY COUNCIL MEETING
February 26, 2020 at 6:00 PM**

Public Notice is hereby given that the Vineyard City Council will hold a regular session on Wednesday, February 26, 2020 in the Vineyard City Council Chambers, 125 South Main Street, Vineyard, Utah. The agenda will consist of the following:

AGENDA

Presiding Mayor Julie Fullmer

REGULAR SESSION

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION/INSPIRATIONAL THOUGHT – to be announced.

2. 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.

3. PRESENTATION

Bryce Miller and Scott Knudson from Assemble will update the City Council on their program.

4. MAYOR AND COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

5. STAFF, COMMISSION, AND COMMITTEE REPORTS

(3 minutes each)

- City Manager/Finance Director – Jacob McHargue

6. DISCUSSION ITEMS

No items were submitted

7. CONSENT ITEMS

7.1 Approval of the February 12, 2020 City Council Meeting Minutes

8. MAYOR’S APPOINTMENTS

Planning Commissioner.....1 vacancy
The mayor with the consent of the City Council will appoint Amber Rasmussen to a four-year term on the Planning Commission.

9. BUSINESS ITEMS

9.1 DISCUSSION AND ACTION – City Manager Contract (15 minutes)
The mayor and city council will discuss the City Manager Contract. They will take appropriate action.

9.2 DISCUSSION AND ACTION – Hiring Procedures for Directors and Department Heads (15 minutes)
The mayor and City Council will discuss the hiring procedures for Directors and Department Heads. They will take appropriate action.

10. TRAINING – Open and Public Meetings and Municipal Officers’ and Employees’ Ethics Act Training

City Attorney David Church will present annual training on Open and Public Meeting procedures and requirements. This training is provided annually pursuant to Section 52-4-104 of the Utah State Code. This will also include Municipal Officers' and Employees' Ethics Act training. The City Council as well as members of the Planning Commission will attend this training.

11. 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:

- (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
- (e) strategy sessions to discuss the sale of real property

12. ADJOURNMENT

This meeting may be held electronically to allow a councilmember to participate by teleconference.

The next regularly scheduled meeting is March 11, 2020.

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 at least 24 hours prior to the meeting by calling (801) 226-1929.

I the undersigned duly appointed Recorder for Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Salt Lake Tribune, posted at the Vineyard City Hall, 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: February 25, 2020

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer

PAMELA SPENCER CITY RECORDER

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**MINUTES OF A VINEYARD
CITY COUNCIL MEETING**
City Council Chambers
125 South Main Street, Vineyard, Utah
February 12, 2020 at 6:01 PM

Present

Absent

Mayor Julie Fullmer
Councilmember John Earnest
Councilmember Tyce Flake
Councilmember Chris Judd
Councilmember Cristy Welsh

Staff Present: City Manager Jacob McHargue, City Attorney David Church, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, Building Official George Reid, Sergeant Holden Rockwell with the Utah County Sheriff's Office, Community Development Director Morgan Brim, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer

Others Present: Planning Commission Chair Anthony Jenkins, Planning Commissioners Bryce Brady and Tay Gudmundson

6:01PM REGULAR SESSION

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

Mayor Fullmer called the meeting to order at 6:01 PM. Councilmember Welsh led the Pledge of Allegiance and gave the invocation.

2.  **PUBLIC COMMENTS**

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

3.  **MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS**

Councilmember Welsh gave an update on the Local Official's Day at the Utah State Legislature. She felt that they had some great trainings. She reported that the Vineyard Youth Council was taking applications for youth ages 12 to 18. Mayor Fullmer added that Representative Val Peterson was able to meet each of the Youth Council members who attended.

Councilmember Judd reported on the Economic Summit. He said that the speaker was Natalie Gochnour with Kem C. Gardner Policy Institute at the University Utah. He said that Ms. Gochnour reviewed where Utah's economy was at, which was doing very well. Utah County was high on the list in growth in population, businesses, commercial development, etc. Councilmember Judd mentioned that Wasatch County was just ahead of Utah County in growth. Mortgage rates still were low compared to national averages. He said that MS. Gochnour

51 mentioned that they had not seen the shift in wages that they thought there would be. There was
52 still a large housing shortage, which was upwards of 40,000 units for the state of Utah.

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4. STAFF, COMMISSION, AND COMMITTEE REPORTS

No reports were given.

5. DISCUSSION ITEMS

No items were submitted.

6.  CONSENT ITEMS

- 6.1 Approval of the January 22, 2020 City Council Meeting Minutes
- 6.2 Approval of the January 24, 2020 City Council Retreat Minutes
- 6.3 Approval of Lakefront at Town Center Final Plat 2B
- 6.4 Approval of Lakefront at Town Center Final Plat 2D
- 6.5 Approval of Lakefront at Town Center Final Plat 2F

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Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEMS 6.1 THROUGH 6.5. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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7. MAYOR’S APPOINTMENTS

Planning Commission.....1 vacancy
The mayor with the consent of the City Council will reappoint Anthony Jenkins for a second four-year term on the Planning Commission.


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Mayor Fullmer explained that she wanted to reappoint Anthony Jenkins for second 4-year term on the Planning Commission. She called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ANTHONY JENKINS FOR A SECOND 4-YEAR TERM ON THE PLANNING COMMISSION AS NOTED. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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8. BUSINESS ITEMS

8.1  PUBLIC HEARING – Amendments to the FY 2019-2020 Budget RES 2020-02
City Manager Jacob McHargue will present recommended amendments to the Fiscal Year 2019-2020 Budget. The mayor and City Council will act to adopt (or deny) this request by resolution.

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

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101 **Motion:** COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 6:07
102 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,
103 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
104 MOTION CARRIED UNANIMOUSLY.

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106 Mayor Fullmer turned the time over to City Manager Jacob McHargue.

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108 Mr. McHargue reviewed the budget amendment report. Highlights were:

- 109 • Revenues:
 - 110 ○ Property Tax \$105,000 truing up actuals
 - 111 ○ Sales Tax \$248,000
 - 112 ○ Transportation \$135,000 new tax
 - 113 ○ Class C Road Funds \$100,000
 - 114 ○ Inspection Fees \$100,000
 - 115 ○ Miscellaneous \$ 5,000
 - 116 ○ Total \$693,000
- 117 • General Fund Expenditures
 - 118 ○ General Administration: \$ 26,600
 - 119 ○ Professional and Technical Services \$201,000
 - 120 ○ Building -\$ 70,700 reduced employee costs
 - 121 ○ Public Works -\$ 13,000 moving employee costs to internal
122 services fund
 - 123 • Parks and Recreation \$ 55,400 reallocating salaries and adding an
124 intern
 - 125 • Transfer to Transportation Fund \$235,000 B&C Road Funds
 - 126 • Transfer to Capital Projects \$207,000
 - 127 • Transfer to Storm Water \$ 12,400 stipend to Enterprise Funds
 - 128 • Transfer to Internal Services \$ 39,300
- 129 • RDA
 - 130 ○ No change
- 131 • Capital Projects - Expenditures \$ 11,000 additional office space
- 132 • Water Revenues – Service Fees \$ 81,000 adjusted for actual revenues
- 133 • Water Expenditures - Miscellaneous \$ 83,500 Orem pass through, impact fee
134 study, transfer to internal services
135 fund
- 136 • Sewer Revenues – Service Fees \$ 66,000 adjusted for actual revenues
- 137 • Sewer Expenditures – Miscellaneous \$ 24,400 Impact fee study, reallocation of
138 salaries
- 139 • Storm Water Revenues – Service Fees -\$ 4,700 adjusted for actual revenues
- 140 • Storm Water Expenditures – Miscellaneous \$ 15,800 transfer to internal services,
141 reallocation of salaries
- 142 • Transportation Revenues \$243,400 transfer from tax and actual
143 service fee revenue
- 144 • Transportation Expenditures \$ 96,300 reallocation of salaries, safety
145 signs, and transfer to Internal
146 Services Fund
- 147 • Internal Services Revenues \$150,700 split costs between all departments
- 148 • Internal Services Expenditures \$150,700 IT costs, fleet technician, salary
149 reallocation
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151 Councilmember Judd asked if there were enough funds to put towards the fire station. Mr.
152 McHargue replied that they were projecting to put over \$450,000 in the Capital Projects Fund
153 this year.

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155 Councilmember Judd asked if the internal service fund transfers were one-time expenses. Mr.
156 McHargue explained that they were ongoing costs that had been funded out of the general fund
157 but were now being allocated to the different departments.

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159 Mayor Fullmer asked if they had vetted the Information Technology (IT) contract and compared
160 costs and services. Mr. McHargue replied that they had started some of the process by bringing
161 some of the IT services inhouse. They wanted to take advantage of the State Purchasing Contract
162 for computers, etc. but were not replacing the IT contract. Mayor Fullmer asked if they had
163 looked at other IT contracts. Mr. McHargue replied that he could send it back out to bid.

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165 Mr. McHargue mentioned that a big change this year was to split the Public Works Director and
166 Engineer positions. Mr. Overson would remain the Public Works Director and handle all RDA
167 projects and they would hire a new City Engineer. Mayor Fullmer mentioned that the City
168 Council wanted to discuss how they wanted the process to be and asked that it be added to the
169 next city council meeting agenda. There was a discussion about the role split. Mr. McHargue
170 said that he could post the job and then they could have the process in place before they held
171 interviews. Councilmember Welsh asked if they were going to post it nationwide. Mr. McHargue
172 replied that they would be doing national recruitment.

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174 Mayor Fullmer called for a motion to close the public hearing.

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176 **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT
177 6:22 PM. COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER,
178 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
179 MOTION CARRIED UNANIMOUSLY.

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181 Mayor Fullmer called for a motion.

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183 **Motion:** COUNCILMEMBER FLAKE MOVED THAT THEY ADOPT RESOLUTION 2020-
184 02, APPROVING THE FISCAL YEAR 2020 BUDGET ADJUSTMENT AS PRESENTED.
185 COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS
186 FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND
187 WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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189 **8.2  PUBLIC HEARING – Amendments to the Consolidated Fee Schedule RES**
190 **2020-03**

191 City Manager Jacob McHargue will present recommended amendments to the
192 Consolidated Fee Schedule. The mayor and City Council will act to approve (or deny)
193 this request by resolution.

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195 Mayor Fullmer called for a motion to open the public hearing.

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197 **Motion:** COUNCILMEMBER JUDD MOVED TO OPEN THE PUBLIC HEARING AT 6:22
198 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER,
199 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
200 MOTION CARRIED UNANIMOUSLY.

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202 Mr. McHargue explained that there were basic changes to the consolidated fee schedule, mainly
203 because there were a lot of requests to rent the fields. He said that there were changes to the
204 recreation fee costs, business license fees expiration, land disturbance permit fees, and adding
205 fees for the Central Utah Water Conservancy District (CUWCD) water costs.

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207 Councilmember Judd asked how often the water costs changed. Mr. McHargue replied annually.
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209 Mayor Fullmer called for public comments. Hearing none, she called for a motion to close the
210 public hearing.

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212 **Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT
213 6:24 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER,
214 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
215 MOTION CARRIED UNANIMOUSLY.

216
217 Councilmember Judd asked how they were going to prove that someone had rented a field. Mr.
218 Love replied that they were discussing this with Recreation Coordinator Brian Vawdrey. He said
219 that they considered using flags to designate the field rentals, but they were still discussing it.
220

221 Councilmember Welsh asked about the costs for the Junior Jazz registration. Mr. McHargue
222 replied that the costs were not going up but that they were just adding them to the fee schedule.
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224 Mayor Fullmer called for a motion.

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226 **Motion:** COUNCILMEMBER JUDD MOVED TO APPROVE RESOLUTION 2020-03 AS
227 PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL
228 WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE,
229 JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.
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231 **8.3**  **DISCUSSION AND ACTION – Lease of City Property – 11-Acre Parcel**

232 City Manager Jacob McHargue will present a request to lease the 11-acre parcel owned
233 by the city, for farming purposes. The mayor and City Council will take appropriate
234 action.
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236 Mr. McHargue explained that the city had been renting the land out to a local farmer since the
237 city purchased the property. The family renting it wanted to know if the council was okay with
238 them continuing to rent it. Councilmember Earnest asked if the city had any immediate plans for
239 the property. Mr. McHargue replied that there was nothing planned. Councilmember Judd asked
240 if the city could get out of the lease if they decided to use it. Mr. McHargue replied that it was an
241 annual lease. There was a discussion about the lease. Council agreed to continue the lease.
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244 **9.**  **CLOSED SESSION**

245 The Mayor and City Council pursuant to Utah Code 52-4-205 may vote to go into a closed
246 session for the purpose of:

- 247 (a) discussion of the character, professional competence, or physical or mental health of
248 an individual
249 (b) strategy sessions to discuss collective bargaining
250 (c) strategy sessions to discuss pending or reasonably imminent litigation
251 (d) strategy sessions to discuss the purchase, exchange, or lease of real property
252 (e) strategy sessions to discuss the sale of real property
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254 Mayor Fullmer called for a motion to go into a closed session.

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256 **Motion:** COUNCILMEMBER JUDD MOVED TO GO INTO A CLOSED SESSION
257 FOLLOWING THE MEETING PURSUANT TO UTAH CODE 52-4-205 FOR DISCUSSION
258 OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL
259 HEALTH OF AN INDIVIDUAL. COUNCILMEMBER FLAKE SECONDED THE MOTION.
260 ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS
261 EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED
262 UNANIMOUSLY.

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265 **10.  ADJOURNMENT**

266 Mayor Fullmer called for a motion to adjourn the meeting.

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268 **Motion:** COUNCILMEMBER TYCE MOVED TO ADJOURN THE MEETING AT 6:29 PM.
269 COUNCILMEMBER JUDD SECONDED THE MOTION. MAYOR FULLMER,
270 COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE
271 MOTION CARRIED UNANIMOUSLY.

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273 The next regularly scheduled meeting is March 26, 2020.

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276 MINUTES APPROVED ON: _____

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278 CERTIFIED CORRECT BY: /s/ Pamela Spencer

279 PAMELA SPENCER, CITY RECORDER

Employment Agreement

This agreement made the 26th of February, 2020 between Vineyard City, State of Utah, a municipal corporation, herein referred to as Employer or City, and Jacob Todd McHargue herein referred to as Employee.

The parties recite and declare that:

1. Employer is in need of the services of a person possessing the skills and ability required to serve as City Manager.
2. Employee, through his education and experience, possesses the requisite skills to perform such duties.
3. Employer is therefore desirous of engaging the services of Employee as City Manager to serve City under the direction of the Governing Body of the City.

For the reasons set forth above, and in consideration of the mutual covenants and promises of the parties hereto, Employer and employee agree as follows:

SECTION ONE MUTUAL ASSENT TO EMPLOYMENT

Employer hereby employs Employee to act as City Manager with City, and Employee hereby accepts and agrees to such employment, engagement, and hiring.

SECTION TWO GOVERNING LAW

This Agreement and the employment of Employee hereunder shall be subject, generally, to all applicable provisions of City ordinances and Utah law and to all amendments thereto.

SECTION THREE DUTIES OF EMPLOYEE

Employee shall perform all duties imposed on him as City Manager by the laws of the State

of Utah and Ordinance 2017-02 of the City, and such other duties as the governing body from time to time may require of him, under the general supervision and direction of the Mayor and City Council of the City. Employee will be asked to carry out the decisions of the City Council and be a resource to the City in the above-listed areas. Employee will also be required to attend City Council meetings and such other meetings as required by the Mayor and City Council. This is a professional, executive position, and Employee will be expected to work a minimum of 40 hours per week, with the understanding that Employee may be required to work in excess of those hours to accomplish his duties without any expectation of overtime payments or compensatory time off.

SECTION FOUR
PLACE OF EMPLOYMENT

The duties required of Employee hereunder shall be rendered at Vineyard, Utah, and such other place or places as Employer shall in good faith require or as the interests and needs of Employer shall require.

SECTION FIVE
TERM OF EMPLOYMENT, STATUS OF EMPLOYMENT

The initial term of employment of Employee with the City under this Agreement shall be from the 26th day of February 2020 until the 1st day of March 2023 (Three Years). This Agreement maybe extended or be renewed at any time upon agreement of both parties.

The parties agree that subject only to the provisions of this agreement the Employee's position shall be an at will position and subject to termination at any time, for any reason by the City's Governing Body or Employee.

If Employee's position with the City is terminated by the City during the term of this agreement or any extension thereof, without "sufficient cause", as defined below, he shall be entitled to be paid, as a severance package, an amount equal to six (6) months of his then existing

salary and six (6) months of his then existing benefits.

If at the end of the term of this Agreement the City chooses to not offer to the Employee a new Agreement for employment as the City Manager, with a term, salary, and benefits equal to or better than this existing Agreement, he shall be entitled to be paid, as a severance package, an amount equal to two (2) months of his then existing salary and two (2) months of his then existing benefits.

If Employee is terminated by the City during the term of this Agreement, for sufficient cause, he shall not be entitled to any severance payment from the City. "Sufficient cause" for purposes of this Agreement, shall be limited to insubordination, or immoral or illegal conduct which is directly related to employment with the City. Further, termination for "sufficient cause" may only occur after Employer has notified Employee in writing of the factual basis of the proposed termination for "sufficient cause" and allowed Employee to respond to and refute the allegations.

If the Employee chooses to resign his position with the city, he will give the city a notice of no less than 60 days to ensure the city adequate time to find a replacement.

Employer shall evaluate Employee's performance annually for the purpose of evaluation performance and developing mutually agreeable performance goals and criteria for the subsequent periods.

SECTION SIX COMPENSATION

Employer shall pay Employee, and Employee shall accept from Employer, in full payment for Employee's services hereunder, the following compensation:

1. The currently established annual salary of \$(_____) with future cost of living or merit increases as approved by the City Council during the City annual

budgeting process.

2. Retirement, health insurance and other benefits consistent with existing City policies at the time of this agreement.
3. Vacation and sick leave will accrue pursuant to City policy.
4. Employee shall be entitled to the same benefits granted to other City employees as they may change from time to time.
5. The city shall pay membership fees to ICMA and UCMA for the city manager as well as travel expenses to the ICMA annual conference and UCMA conferences each year.

There is no agreement or expectation of additional compensation other than the above-listed items.

SECTION SEVEN OTHER EMPLOYMENT

Employee shall devote all of his time, attention, knowledge and skills solely to the interest of Employer, and Employer shall be entitled to all of the benefits arising from or incident to all work, services, and advice of Employee.

SECTION EIGHT FACILITIES, SUPPLIES, AND ASSISTANCE

Employer shall furnish Employee, at Employer's expense, with office facilities within the aforementioned premises of City suitable for employee's performance of his duties as City Manager. Employer shall also provide, at Employer's expense, such supplies, equipment, and material as may be required in the performance of such duties.

SECTION NINE MODIFICATION

No modification or waiver of this Agreement or of any covenant, condition, or provision

herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

**SECTION TEN
SEVERABILITY**

All agreements and covenants herein are severable, and in the event any of them shall be held to be invalid by any competent court, this contract shall be interpreted as if such invalid Agreements or covenants were not contained herein.

**SECTION ELEVEN
COMPLETE AGREEMENT IN WRITTEN CONTRACT**

If either party to this Agreement breaches this Agreement, the other party shall be entitled to recover its costs, damages and attorney's fees, if any, incurred as a result of the breach.

In witness whereof, the parties have executed this Agreement at Vineyard City, Utah, the day and year first above written.

EMPLOYER

Mayor

ATTEST:

EMPLOYEE

City Recorder