



## MINUTES OF A VINEYARD CITY COUNCIL MEETING

City Council Chambers

This meeting was held electronically through  
Zoom with an anchor location at  
125 South Main Street, Vineyard, Utah  
September 23, 2020 at 6:00 PM

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### **Present**

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

### **Absent**

Councilmember Chris Judd

**Staff Present:** City Manager Jacob McHargue, Public Works Director/City Engineer Don Overson, Assistant City Engineer Chris Wilson, City Attorney David Church, Community Development Director Morgan Brim, Water/Parks Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Anthony Jenkins, Alternate Planning Commissioner Amber Rasmussen

**Others Speaking:** Utah Transit Authority Trustee Kent Millington, Jeff Hartley with Sage Government Solutions, Residents Clay Winder, David Lauret, and Marsha Geroli

### **6:00 PM      REGULAR SESSION**

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

Mayor Fullmer opened the meeting at 6:00 PM. Councilmember Earnest led the Pledge of Allegiance and gave the invocation.

#### **2. PUBLIC COMMENTS**

Mayor Fullmer called for public comments.

Resident and Alternate Planning Commissioner Amber Rasmussen explained the updates she was making to the tree manual. She asked Councilmember Flake how he wanted her to proceed. He replied that he had to have everything ready and submitted by October 31 to qualify for the grant. Mr. Brim said that one of the changes they were recommending would allow the city engineer to make edits as long as they were not making restrictions to properties.

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

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

Councilmember Flake requested that his Utah Lake Commission report be attached to the minutes.

Councilmember Earnest gave an update on the fires that were burning in Utah County. He reported on the number of COVID-19 cases in Utah yesterday. Provo and Orem had the highest number of cases in the past week causing them to return to the "Orange" phase. He said that the Intensive Care Unit's (ICU) bed usage was at 52 percent. The non-ICU bed usage was at 41 percent. Mayor Fullmer asked about the number of COVID cases in Vineyard. Councilmember Earnest replied that he had not received a breakdown by city. Mayor Fullmer mentioned that they were moving into cold and flu season and suggested that people take precautions. She said that there were resources posted on the city's social media sites. She also suggested that people call the city for help in accessing these resources.

Mayor Fullmer reported that she had been attending the Utah League of Cities and Town's Annual Conference. She said that she had learned that, since the pandemic, people had realized that they could work remotely and because of that, transportation and other services were changing. Vineyard's planning for the town center, public access to the shoreline, and education made Vineyard a place to be, attracting businesses and tourism. She reported that the \$500 Utah Lake Cleanup project that went from Center Street down towards the lakeshore had been completed this past weekend.

### 4. **STAFF, COMMISSION, AND COMMITTEE REPORTS**

City Manager Jacob McHargue reported that the \$500 improvement project had come in under budget. He said that there was a good group of volunteers and city staff who had helped and there were already people using it. He reported that he had met with the Orem City Engineer about the new water tank that would be in Orem. They were also talking about what it would take to make a change from Orem's water system to the Central Utah Water system. He reported that the North Point Special Service District Board had offered the directing manager position to an applicant and anticipated an acceptance coming this week. He mentioned that the Facebook live event this week had included staff, Councilmember Welsh, and members of the Bicycle Advisory Commission.

Mayor Fullmer reported that they were still working on the contract with Utah Department of Transportation (UDOT) and Union Pacific Railroad (UP) for the rail spur removal. UDOT was working to make the contract compliant for use of the federal grant money. She said that they were hoping to have the contract on the next City Council agenda.

### 5. **CONSENT ITEMS**

- 5.1 Approval of the September 9, 2020 City Council Meeting Minutes
- 5.2 Approval of the Tucker Row at Water's Edge Phase 3 Final Plat
- 5.3 Approval of the vacation of Lots 10 & 11, Phase 9, James Bay at Waters Edge Subdivision Final Plat (combining two lots)

Mayor Fullmer called for a motion.



**Motion:** COUNCILMEMBER FLAKE MOVED TO APPROVE CONSENTS ITEMS 5.1 THROUGH 5.3. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

## **6. MAYOR'S APPOINTMENTS**

No names were submitted.

## **7. DISCUSSION/PRESENTATIONS**

### **7.1 PRESENTATION – Utah Transit Authority (UTA)**

UTA Trustee Kent Millington will do a presentation on current UTA services.

Mayor Fullmer turned the time over UTA Trustee Kent Millington.

Trustee Millington reported that the Vineyard FrontRunner station was moving forward and that they would be meeting on October 1 and 2 to finalize the costs for the final project, which would include the station and the double track. He said that the other project that directly impacted Vineyard was the Central Corridor Study. The study was looking at creating a Bus Rapid Transit (BRT) system, which would run on State Street from Provo to Lehi. He said that there was a preferred alternative to have the route go from State Street and 800 North down to Vineyard and back up. The other alternative (not preferred) was to have the bus run on Geneva Road after going to Vineyard.

Mayor Fullmer stated that the main goal was to make sure that Vineyard was connected into the bus line. She said that they had to eliminate the light rail to get the BRT system into Utah County.

Mr. Brim asked if the study had looked at connecting Vineyard into the Utah Valley Express (UVX) line, so people did not have to transfer. Mayor Fullmer replied that she had requested that Vineyard be connected to UVX in conjunction with the 800 North connection. She felt that it was important to have the hospital corridor and UVU connected. Trustee Millington replied that it had been a part of the consideration and was still in discussions. He said that with the current proposal, the BRT would connect with UVX and a transfer would be required.

Mr. McHargue asked if the people would have to transfer buses to get to the Vineyard station. Trustee Millington replied that as he understood it, people would not have to transfer. He said he would get clarification.

Trustee Millington said that there were two other studies that he felt were important to mention. One was The Point of the Mountain, which was studying how to connect Salt Lake County to Northern Utah County. He explained that the current Central Corridor Study proposal was to keep it on the east side of the freeway and connect it with the Point of the Mountain line. Mayor Fuller asked how that change would affect the west side of Lehi. Trustee Millington replied that Lehi wanted the connection to be on the east side of I-15.

Trustee Millington mentioned that Mountainland Association of Governments was promoting a study called the North Lakeshore Study. He said that they were looking for public input over the next 30 days at [Mountainland.org/nlstudy](http://Mountainland.org/nlstudy). He said that the website had links to separate sections

of the study (roads, transit, and trails). The area being studied was from Vineyard, north to the county line. Mayor Fullmer mentioned that people could find the links posted on Vineyard's social media sites.

Trustee Millington reported that with COVID-19 restrictions, ridership had gone from about 160,000 a day down to 40,000 a day in April, but now it was up in the range of mid-60,000 a day.

Councilmember Earnest asked if the studies would be updated to match the work from home program that companies were embracing. He expressed concern that ridership was down and that it might be the new normal. Trustee Millington replied that it was a concern for which they were considering in their studies.

Mayor Fullmer thanked Trustee Millington for his presentation.

## **8. BUSINESS ITEMS**

### **8.1 PUBLIC HEARING – Amending the Consolidated Fee Schedule (Resolution 2020-16)**

Assistant Finance Director/Treasurer Mariah Hill will present recommended amendments to the Consolidated Fee Schedule. The mayor and City Council will act to approve (or deny) this request by resolution.

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

**Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 6:43 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBER EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer turned the time over to Assistant Finance Director/Treasurer Mariah Hill.

Ms. Hill explained that they were adding a business license fee for Accessory Dwelling Units (ADU). The initial fee would be \$100 with a \$50 biennial renewal fee. They were also removing the Town Hall room rental fee from the schedule because rental of the building was unavailable. There was a discussion about the room rental fees.

Mr. Brim explained that they were adding the ADU fee referenced in the Zoning Code. He said that if they already had an ADU permit they would not need to pay the initial \$100 fee but would need to pay the biennial fee. He also mentioned that they needed to remove the ADU permit application fee from the fee schedule, as the business license fee was replacing it.

City Recorder Pamela Spencer read the first public comment: Resident Dean Stonehocker felt that the poll sent out by Assemble earlier in the week was biased in favor of the fee. He wrote that he did not see how the regulations would protect the homeowners and renters. He felt that the city should stay out of regulating what people did with their homes and leave the money in the owners' pockets. Mr. Brim replied that the business license allowed the city to do an audit to ensure that the ADU was in compliance. He said that tonight, they were adding a fee that was already mentioned in the code. The reason that they were requiring the owner occupancy was to maintain the overall appearance and upkeep of the unit, which tended to be higher when the owner was onsite. They also wanted to maintain the integrity of the single-family neighborhoods.



It also allowed the city to look for any work that might have been done without a building permit. Mr. Brim said that it was a public safety concern. Mr. McHargue added that this would help ensure that the occupancy restrictions were met. There was a discussion about the Assemble poll.

Mayor Fullmer read a “chat” comment. Resident Clay Winder asked if the \$50 renewal fee would be required if the unit was being rented out. Mr. Brim replied that they would not have to pay for it if it were not being rented out, but they should let the city know if they were going to rent the unit. He explained that the initial \$100 fee was to cover the site plan process and \$50 biennial fee was to ensure that no additional work had been done the unit and to audit owner occupancy.

Ms. Spencer read the second comment: Resident Marsha Geroli wrote that she disagreed with the fee because those that had already done the work and had an ADU were not informed of the new requirement and should be grandfathered in. She felt that illegal ADUs were the problem and were causing parking issues and that they should have to pay the fees. She also felt that the fee would discourage people from building ADUs which would help alleviate the housing shortage. She wrote that most people were using ADUs to offset mortgages and this fee would be a hindrance to their income. She wrote that if the city was worried about street parking, they needed to start enforcing it. She quoted the Internal Revenue Code’s (IRC) definition of a qualified business. She explained that rental properties were considered a passive activity and were excluded from the definition. She felt that they should not have to have a business license unless they had multiple rentals. She also felt that Vineyard was adding this fee to put money in their pocket and those who owned ADUs were a minority and had a lesser voice on the issue. There was a discussion about the fee. Mr. McHargue reiterated that if the homeowner had already applied for an ADU permit process they would not need to pay that initial fee again. The only difference would be the need pay the \$50 biennial fee. There was a discussion about the renewal process. There was also a discussion about code enforcement for illegal units.

Mayor Fullmer asked Mr. McHargue to address the IRS code comment. Mr. McHargue explained that the IRC did not have an impact on the city’s ability to charge a business license fee for a rental property. Ms. Geroli asked, even if it was okay, why was it necessary to for the city to require a business license. Mr. McHargue replied that as they had researched and adopted the ADU ordinance they had spoken with other cities that had run into issues where people get an ADU and then rent the home to two different people. They found that over time that the ones that were rented out as duplexes were the ones that had the most complaints and were not being taken care of. He said that the best way to audit it was to do to a biennial renewal. Ms. Geroli asked if they could address the ADU when it was a problem. She said that she talked to people who were going to do the ADUs on their own, so they did not have to pay the fees. She felt it was an unnecessary step.

Mayor Fullmer felt that the people they were trying to focus on were not going to comply, and this change would only apply to those that were in compliance. She asked how they were going to address the fallout. Mr. Brim replied that they would work based on complaints through code enforcement. He reiterated that the code was already in place; this was only adding the fee to the business license fees. He said that everyone would be treated the same and it would allow the city to ensure the compliance through occupancy restrictions. The Planning Department would be doing the inspections using the ADU requirements. If there were building concerns, then the building department would do an inspection. Mayor Fullmer asked if the fee was what was budgeted for staff time to take care of it. Mr. Brim replied that it was not an income generator and that the city could not make money on the fees. He explained the process. There was a discussion about the fee and code enforcement for noncompliant homes. Mr. Brim explained that

there would be additional code enforcement fees, of up to \$1,000 before going to court, for ADUs that were not in compliance. This would not include the costs to bring their ADU into compliance. Mr. McHargue explained that they had researched the fees and tried to keep the fees as low as possible and still cover the costs to administer the program. It would only be \$2 a month to cover the rental property. The discussion continued. Mayor Fullmer read a “chat” comment from Anthony Jenkins about reporting illegal ADUs. Mayor Fullmer replied that there was an online reporting process.

Ms. Spencer read the third comment: Resident Shay Hope wrote that this was not just a \$150 fee but there were other costs involved such as the basement finish, application and inspections fees, and delayed rental income due to ADU approval times. For her this totaled \$50,686. She felt that the city was over generalizing the issue because there was not a connection between an ADU and improving community issues. She wrote that many homeowners had sufficient parking for their ADUs and asked why those homeowners should be charged a fee. She felt that this was punishing everyone for a few people’s problems. Her suggestions were to increase and enforce existing parking fines and charge the people who were breaking the law. Mayor Fullmer replied that this was a procedural fee. She felt that both Ms. Geroli’s and Ms. Hope’s concerns were that these inspections were not necessary. She asked if the things they viewed as the issues were parking, noise, nuisances, and other code violations that were not associated with this fee. Mr. Brim agreed with the mayor’s summation of the issue. He clarified that it was not a \$150 fee; it was an initial \$100 fee, which covered the ADU for two years and then \$50 every other year after that. People who already had an ADU did not have to pay the initial fee.

Mr. McHargue asked if the council wanted to have a means to do the inspections by charging an ADU fee or have the city subsidize it. Councilmember Earnest felt that ADUs were an opportunity for homeowners to make extra money or subsidize their own cost of living and that it was a wonderful opportunity. He did not feel that the fees were over the top and that there were procedures in place to make sure people were compliant. He mentioned that there were serious penalties in place for those who were not compliant, and he was comfortable with the fees recommended.

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

**Motion:** COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 7:30 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer called for comments from the council.

Councilmember Flake said that one of the components of this process was that the city relied on the citizen to help them maintain order and quality of the lifestyle in this community. He said that they could not patrol the streets looking for breakers of this code. He said that if there were residents who had people in their neighborhoods who were causing them pain and worry because they were not conforming with the code, then the city was relying on them to help the city. That way they did not need to feel that they were paying the full burden for someone else’s sins. The city was concerned with the health, welfare, safety, and quality of life of the citizens and they created codes to maintain order in the community.

Councilmember Welsh felt that ADUs were a personal choice and she did not feel the fee was a huge amount. She also felt that to subsidize the fee would take away from other projects. She said that she had researched it and had talked to residents who had tried to cut corners and it was a sad situation and she was in favor of any way to motivate residents the use property channels. Mayor Fullmer said that she agreed with the council but also understood the residents' concerns. She suggested that people take their concerns about this code to the Planning Commission.

Mayor Fullmer called for a motion.

There was a discussion about the wording on the motion.

**Motion:** COUNCILMEMBER EARNEST MOVED TO ADOPT RESOLUTION 2020-16 AS PRESENTED AND ADDING THE REMOVAL OF THE ACCESSORY DWELLING UNIT APPLICATION FEE UNDER THE LAND USE APPLICATION SECTION OF THE CONSOLIDATED FEE SCHEDULE. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBER EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

## **8.2 DISCUSSION AND ACTION – Amending the Municipal Code – Title 7 Public Utilities (Ordinance 2020-12)**

Assistant Finance Director/Treasurer Mariah Hill will present an amendment to the Municipal Code Title 7 – Public Utilities. The mayor and city council will act to adopt (or deny) this request by Ordinance.

Mayor Fullmer turned the time over to Assistant Finance Director/Treasurer Mariah Hill.

Ms. Hill explained that there were some policies in place that were not clarified in the code. She said that this amendment cleaned up some of the language in the code to match current department title usage and removed the applications from the code and made them administrative.

Mayor Fullmer called for questions.

Councilmember Earnest expressed concern with the timing of the shutoff notices. Ms. Hill explained that the 30 days did not start until after the due date, so the bill was two months past due before they sent out shutoff notices.

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

**Motion:** COUNCILMEMBER FLAKE MOVED TO ADOPT ORDINANCE 2020-12, AMENDING THE MUNICIPAL CODE TITLE 7 – PUBLIC UTILITIES AS PRESENTED. COUNCILMEMBER EARNEST SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBER EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

### 8.3 PUBLIC HEARING – Amending the Zoning Code - Medical Cannabis (Ordinance 2020-13)

Community Development Director Morgan Brim will present an amendment to the Zoning Code to add Medical Cannabis and Pharmacy provisions: Section 15.12.050 District Use Table to add new zoning uses for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies; New Section 15.34.210 Cannabis Production Establishments and Medical Cannabis Pharmacies to add development standards for associated uses; and Section 15.60.020 Definitions for Pharmacies, Cannabis Production Establishments, & Medical Cannabis Pharmacies. The mayor and city council will act to adopt (or deny) this request by Ordinance.

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

**Motion:** COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 7:39 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBER EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

Mayor Fullmer turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that state legislation allowed for medical cannabis use. He said that the code amendment would allow three uses, which were medical cannabis production, medical cannabis pharmacies and standard pharmacies. The medical cannabis production use would be allowed only for the cultivation and breaking down of the plants into a use that could be sold to a medical cannabis pharmacy. This use would only be allowed in the Manufacturing (M) and Flex Office Industry (FOI) districts. The Medical Cannabis Pharmacy would only be allowed in the FOI district. These uses would also be added to the District Use Table and would reference the development standards. These uses would also have to be permitted by the state. Mr. Brim explained that because the two types of pharmacies were defined separately by the state, they were adding both definitions to the code.

Mayor Fullmer asked about the cannabis medical pharmacy only being allowed in the FOI. Mr. Brim replied that this would put the pharmacies further from the residential and church uses, etc. He added that there was a distance requirement in state code.

Mr. Brim explained that they were adding definitions with references to the state code. He said that the last change was adding development standards to provide policing powers for the city. He added that uses must meet building standards and that no store front windows could display the cannabis products. He explained that there was a retail-to-industrial use ratio in the FOI district. He mentioned that the state strongly regulated the uses and had an extensive process that someone had to go through to get permits to grow and sell the cannabis products. He said that staff and the Planning Commission were recommending approval.

Mayor Fullmer called for public comments. Hearing none, she called for a motion to close the public hearing.

**Motion:** COUNCILMEMBER WELSH MOVED TO CLOSE THE PUBLIC HEARING AT 7:48 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBER EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.



Councilmember Welsh asked what the reasons were to shelter the use from the public. Mr. Brim replied that it fell in a manufacturing use and would be better in the FOI district. He said that the medical cannabis pharmacy storefront attached to the use was desirable so they could have a small storefront to fit the area. He said that he had spoken with a company in Florida who said they would rather not be in a main retail district because of the stigma. He felt that the FOI district would provide privacy and also the FOI district would meet the state distance requirements.

Councilmember Welsh asked if Mr. Brim had done research on how these medical cannabis dispensaries had affected other communities. Mr. Brim replied that he had researched other Utah cities but had not done a nationwide one. He said that he had mostly seen zoning code changes that were established. Councilmember Welsh said that when she done her own research, she found that the areas with the allowed use had seen decreased home values, increased crime, and high schools with easier access to the products.

Jeff Hartley with Sage Government Solutions explained that the state passed requirements to protect communities where these businesses would reside. He said that they were treating this as a medical treatment and did not want to make it too difficult for people to access the product. He said that the pharmacies had the same setback requirements as liquor stores along with other regulations and that the state had asked cities to accommodate these pharmacies.

Mayor Fullmer asked if Councilmember Welsh's research included states that allowed recreational use of the product. Councilmember Welsh replied that she had researched Florida and Colorado. Mr. Hartley said that the state had researched markets that only dealt with medical cannabis. He said that the medical cannabis code was administered by the state's health and agricultural departments and that they were taking feedback from the communities where the pharmacies were located.

Councilmember Welsh felt that the medical cannabis use had been a positive thing. She asked to push the motion to adopt the ordinance off until the next meeting. She said that she wanted to see how the communities where the in-state dispensaries were located were doing and to also research other states.

Mr. Hartley said that they could set a time for the council to meet with the health department to talk about how it had been rolled out and what impacts they had seen. He said that the adoption of these ordinances was being done by cities across the state in anticipation of production facilities increasing. Productions facilities for CBD were allowed anywhere cities would allow them. Councilmember Welsh felt that it would help to have the state health department come.

Mayor Fullmer explained that it was a serious vetting process that the state had gone through to determine how to regulate cannabis. She said that staff had also gone through a vetting process as well and were adding additional requirements for the city.

Mr. Brim said that he would work with Mr. Hartley to set up a meeting with the state health department. He added that he would do further research on medical cannabis pharmacies.

Councilmember Earnest felt that the recommended locations were acceptable. He said that he was in favor of getting access to medical cannabis closer to the city's residents. Councilmember Flake was in agreement.

Mayor Fullmer called for a motion to continue the discussion until the next meeting.

**Motion:** COUNCILMEMBER WELSH MOVED TO CONTINUE ITEM 8.3 AMENDING THE ZONING CODE - MEDICAL CANNABIS (ORDINANCE 2020-13), TO THE OCTOBER 14 CITY COUNCIL MEETING. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

**9.  CLOSED SESSION**

Mayor Fullmer called for a motion to go into a closed session.

**Motion:** COUNCILMEMBER WELSH MOVED TO GO INTO A CLOSED SESSION FOR A DISCUSSION ABOUT THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL AND A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, INCLUDING ANY FORM OF WATER RIGHTS OR WATER SHARES IMMEDIATELY FOLLOWING THE COUNCIL MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

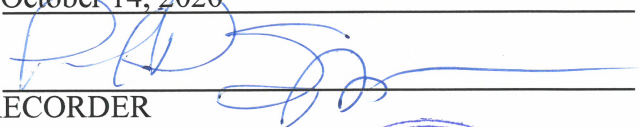
**10.  ADJOURNMENT**

Mayor Fullmer called for a motion to adjourn the meeting.

**Motion:** COUNCILMEMBER WELSH MOVED TO ADJOURN THE MEETING AT 8:07 PM. COUNCILMEMBER EARNEST SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, AND WELSH VOTED AYE. COUNCILMEMBER JUDD WAS ABSENT. THE MOTION CARRIED WITH ONE ABSENT.

The next regularly scheduled meeting is October 14, 2020.

MINUTES APPROVED ON: October 14, 2020

CERTIFIED CORRECT BY:   
PAMELA SPENCER, CITY RECORDER



## UTAH LAKE COMMISSION SEPT. 17, 2020

Lake shoreline soils assessment – 150 locations – 72 were found with sand – remainder were a mix of sand , gravel and fines ( in some locations 2 Ft. of phragmites)

Utah Lakeshore Trails – A.F. working with T.S.D. to complete the section rom Saratoga to Linden. Approved by legislature without funding – completion in 23.  
Cities to look at parking on the trail heads

Wlkara Way – fencing to be installed on 50 acers – Bird towers occupied – Wood Duck nesting

Utah Lake Algae Treatment Studies – the trials worked at Linden Harbor, Lincoln Marina, Utah Lake State Park. Long term/wide area use problematic

Lake Shore Restoration – Over 900 acres treated, 400 land owners agreed to continuation of program – visible progress

Utah Lake Water Quality Study – Review of the study is slated for the Dec. meeting of the commission – then forwarded to the Legislature – proposed date for implementation is 2030.

Utah Lake Watershed Situation – the lake is currently at 2.8 ft below compromise – the lake loses one family's annual water (for a year) each day– we are currently in exceptional drought. We are good for next year as Strawberry Reservoir is at 80% or more. Outlook for the next 90 days , warmer and dry!

Vineyard has been given permission to remove invasive species and weeds along the lake shore.

## Pam Spencer

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**From:** Dean Stonehocker <deanstone@gmail.com>  
**Sent:** Monday, September 21, 2020 11:22 AM  
**To:** Pam Spencer  
**Subject:** Opinion on ADU Fees

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Pam,

I'd appreciate if my comments about the ADU Fees (which I found out about from a poll today on the Assemble app) could be read aloud in the council meeting. Thanks!

This summary information sent out with today's poll is clearly biased in favor of the fee, especially in the title question text and the pro and con section. I originally commented that there was no explanation of what you mean by "maintaining high standards for ADUs" or how the homeowners and renters are "protected," or how the fee helps that, beyond some general idea that money makes administration easier. I guess there actually is some description given of the city's ADU regulations, but I'm not seeing how those regulations actually protect the homeowners and renters—especially the one requiring the owner to live in the main dwelling unit. How does that affect anyone? Who cares who owns and who is renting within the house, or where the owner lives within a house they own...or do they not really own it? And if the regulations are meant to ensure certain standards on what is provided for the renters, why not just allow the market to do that? If a dwelling isn't up to a renter's standards, they don't have to rent it. I'd much rather have city government keep their hands out of regulating what people can do with their own property, and leave the money in residents' pockets as well.

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## Pam Spencer

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**From:** Marsha Smith <marshalenas@yahoo.com>  
**Sent:** Tuesday, September 22, 2020 2:07 PM  
**To:** Pam Spencer  
**Subject:** Adu vote

Hi, I am sending this email in hopes that it will be read in the city council meeting regarding adding a fee to those that own a home with an ADU. I fully disagree with passing this for the following reasons:

1. Those that have already paid the city hundreds of dollars to do it correctly were not informed of this upon applying for this. If you must do this, there should be a grandfather clause to protect those that have already done this without being informed of this possibility.
2. Those that have built adu's not through the city (illegally) are the main issues with parking (I know of several people in this category) because they don't have off street parking. They should be required to pay these fees instead.
3. This discourages people from building ADU's, which loses benefits to the city in bringing more people and solving the future housing shortage coming to Utah.
4. Most people with ADU's are using them to offset high mortgages, which has become an increasing problem in this housing market. This fee would be another hindrance to their income.
5. If you are worried about street parking, start enforcing it!! If you first give warning to Vineyard residents and then start enforcing through tickets/fees then you would solve those issues without having to burden the people doing it right.

I truly love Vineyard and believe that they do listen to their residents, which is so important to me. I really do hope that you will take these considerations and fully think of the consequences before making a decision. Thank you!

Marsha Geroli

227 n 410 e, Vineyard

[Sent from Yahoo Mail on Android](#)

## Pam Spencer

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**From:** Marsha Smith <marshalenas@yahoo.com>  
**Sent:** Tuesday, September 22, 2020 4:44 PM  
**To:** Pam Spencer; Pam Spencer  
**Subject:** RE: Adu vote continued

I'm sorry, can I just add one more point to what I sent you already?

the IRS states:

"Qualified business income, or QBI, is the net income generated by any qualified trade or business under Internal Revenue Code (IRC) § 162. Rental properties are usually treated as passive activities, and passive activities are excluded from the definition of a qualified trade or business."

This means that although we still have to pay taxes on that income, we also don't need a business license to own rental properties unless we have multiple properties that are generating a much higher income. I don't think that vineyard has a plausible reason to charge us business fees when the IRS doesn't even require that. They are purely doing it to put money in their pockets. Unfortunately, those that own ADU'S are the minority and therefore have a lesser voice on the issue even though they have higher stakes. That's what everyone else is not seeing.

[Sent from Yahoo Mail on Android](#)

On Tue, Sep 22, 2020 at 3:03 PM, Pam Spencer  
<Pams@vineyardutah.org> wrote:

Marsha,

I am happy to read your comments during the public portion of the meeting for the consolidated fee schedule amendment.

Thanks,



Pamela Spencer, CMC

City Recorder | Vineyard

p: 801.226.1929

a: 125 South Main Street

**From:** Marsha Smith <marshalenas@yahoo.com>  
**Sent:** Tuesday, September 22, 2020 2:07 PM  
**To:** Pam Spencer <Pams@vineyardutah.org>  
**Subject:** Adu vote

Hi, I am sending this email in hopes that it will be read in the city council meeting regarding adding a fee to those that own a home with an ADU. I fully disagree with passing this for the following reasons:

1. Those that have already paid the city hundreds of dollars to do it correctly were not informed of this upon applying for this. If you must do this, there should be a grandfather clause to protect those that have already done this without being informed of this possibility.
2. Those that have built adu's not through the city (illegally) are the main issues with parking (I know of several people in this category) because they don't have off street parking. They should be required to pay these fees instead.
3. This discourages people from building ADU's, which loses benefits to the city in bringing more people and solving the future housing shortage coming to Utah.
4. Most people with ADU's are using them to offset high mortgages, which has become an increasing problem in this housing market. This fee would be another hindrance to their income.
5. If you are worried about street parking, start enforcing it!! If you first give warning to Vineyard residents and then start enforcing through tickets/fees then you would solve those issues without having to burden the people doing it right.

I truly love Vineyard and believe that they do listen to their residents, which is so important to me. I really do hope that you will take these considerations and fully think of the consequences before making a decision. Thank you!

Marsha Geroli

227 n 410 e, Vineyard

[Sent from Yahoo Mail on Android](#)

## Pam Spencer

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**From:** Shay Hope <shayhope@gmail.com>  
**Sent:** Wednesday, September 23, 2020 12:51 PM  
**To:** Pam Spencer  
**Subject:** Re: Comments to be read in council meeting

Will you please replace my previous comments with these?

1. On the issue of the amount of the fee.

This is not simply a \$150 fee. There are a lot of other costs:

- \$50k to finish the basement
- Application and inspection fee \$436
- Delayed rent due to ADU approval time \$250 estimate

Many times homeowners put all they have into the basement apartment and this additional fee breaks the camel's back.

2. You are overgeneralizing the issue.

This fee should not be put in place because there is no connection between a fee to a homeowner and improving our community issues. Take parking for example, many homeowners have sufficient parking for their basement apartments. Why should all homeowners with ADUs be charged this fee?

This is punishing everybody for a few people's problems. That is not how we work as a government system. We punish those who are breaking the law. We do not generalize and punish everyone because there is a possibility that they may break the law in the future. We don't give everyone a ticket for speeding because some people speed.

My suggestions are:

- Increase and enforce the existing parking fines
- Charge the people that are breaking the law

Please repeal this new fee. Vote it down.

Shay Hope

69 N 410 E

Vineyard

On Tue, Sep 22, 2020 at 12:08 PM Pam Spencer <[Pams@vineyardutah.org](mailto:Pams@vineyardutah.org)> wrote:  
Shay,

Yes, the meeting will start at 6:00 and run continuously until the items are finished. I thought that was where you wanted your comments read but I wanted to make sure. If you wish to attend you can make your comments in person or via zoom. I am not sure if the meeting will be all electronic or not but the agenda will give that information and include the zoom link for you to attend online. I will double check to see if you are there before reading your



comments.

I will be sending out the agenda later today once I have the electronic information. Do you get our email notifications? I will put you on the list and you can choose which meetings you want notifications for by accepting or not accepting the request.

Thanks,

Pamela Spencer, CMC  
City Recorder | Vineyard

p: 801.226.1929  
a: 125 South Main Street  
Vineyard, UT 84059  
w: [vineyardutah.org](http://vineyardutah.org)

-----Original Message-----

From: shayhhope <[shayhhope@gmail.com](mailto:shayhhope@gmail.com)>  
Sent: Tuesday, September 22, 2020 11:55 AM  
To: Pam Spencer <[Pams@vineyardutah.org](mailto:Pams@vineyardutah.org)>  
Subject: Re: Comments to be read in council meeting

Public hearing for the fees please.

Does all this start at 6:00 and run continuously? Id like to attend.

Shay

On Sep 22, 2020, at 10:48 AM, Pam Spencer <[Pams@vineyardutah.org](mailto:Pams@vineyardutah.org)> wrote:

Shay,

Thank you for your comments, at what portion of the meeting would like them read? We have the public comment session, and two public hearings. One for the consolidated fee schedule and one for the medical canibus.

Thanks,

Pamela Spencer, CMC  
City Recorder | Vineyard

p: 801.226.1929  
a: 125 South Main Street  
Vineyard, UT 84059  
w: [vineyardutah.org](http://vineyardutah.org)

-----Original Message-----

From: shayhhope <[shayhhope@gmail.com](mailto:shayhhope@gmail.com)>  
Sent: Tuesday, September 22, 2020 3:26 AM  
To: Pam Spencer <[Pams@vineyardutah.org](mailto:Pams@vineyardutah.org)>

Subject: Comments to be read in council meeting

Pam,

Please read my thoughts in City Council Meeting on Wednesday.

Your continuous barriers to success and economic development are not the way to solve a parking problem.

Enforce the laws already in place to solve the parking problem!

When landlords do well, they invest in the community.

If we want to be pro small business, we will support and encourage our micro real estate businesses.

Shay Hope

69 N 410 E

Vineyard, UT