



MINUTES OF A VINEYARD CITY COUNCIL MEETING

This meeting was held electronically, via Zoom,
due to the COVID-19 gathering restrictions
November 11, 2020 at 6:01 PM

Present

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

Absent

Staff Present: City Manager Jacob McHargue, Assistant City Engineer Chris Wilson, City Attorney Jayme Blakesley, Community Development Director Morgan Brim, Planner II Briam Amaya Perez, Building Official George Reid, Water Manager Sullivan Love, City Recorder Pamela Spencer, Planning Commission Chair Anthony Jenkins, Planning Commissioner Bryce Brady

Others Speaking: Residents Dan Stovall, John Wallace, Ryan Erdmann, Joe Nettleton, Tyler Reese, Chris Price, Alex McIntosh, Aysha Swagmoney, Julie Cox, Malaysia and Alani Fua, Naomi Jenkins, Jesse Blake, Shay, Clint, Jennifer Jones, Aysha Payne, and Jamie Borget; Jamie Johnson with the WatersEdge Homeowners Association; Cindy Wilmshurst and Courtney Meinor with the Utah Department of Human Services; Jason Peery with CircusTriX; Brad Gilson with Gilson Engineering

6:01 PM REGULAR SESSION

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

Mayor Fullmer opened the meeting at 6:01 PM. Councilmember Earnest led the Pledge of Allegiance and Mayor Fullmer gave the invocation. Mayor Fullmer then read the written determination required to hold an all-electronic meeting.

WRITTEN DETERMINATION

This meeting will be an electronic meeting according to Vineyard Municipal Code Section 3.08.030.

I, Julie Fulmer, as the Mayor of the Vineyard City Council, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Utah County and Vineyard City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Utah County, the holding of public meetings with an anchor location as defined in the *Utah Open and*

Public Meetings Act, presents a substantial risk to the health and safety of those who may be present at the anchor location; and

2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the City Council pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*;

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the Vineyard City Council shall be conducted by virtual means without an anchor location.

2. PUBLIC COMMENTS

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

3. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Earnest reported that emergency rooms were filling up and hospitals were urging people to stay home if they felt sick and to reach out to their doctor if they have been sick for a while, instead of rushing to the emergency room.

In observance of Veteran's Day Mayor Fullmer thanked all veterans for their service.

4. STAFF, COMMISSION, AND COMMITTEE REPORTS

4.1 City Manager Jacob McHargue

Mr. McHargue reported that the city had continued discussions on a couple of contracts. One contract was with Union Pacific Railroad on removing the rail spur along Geneva Road, which they were close to having ready. He said that another contract was the design of the water tank, which should be ready to present at the December City Council meeting.

Councilmember Welsh asked where the tank would be located. Mr. McHargue replied that they had two possible locations: one in the city and one in Orem next to the Orem Community Hospital. There was a discussion about the locations.

4.2 Utah County Sheriff's Office – Sergeant Holden Rockwell – Quarterly Report

Sergeant Rockwell reviewed his report. He said that case numbers and traffic stops had gone up and burglaries had gone down. He said that assaults, domestic violence, drug and alcohol cases had also gone up. He said that response times for priority 1 and 2 calls had gone down. He felt that the response times would be reduced even further once the Center Street overpass was open. Sergeant Rockwell mentioned that there had been a change in the deputies who were serving in Vineyard.

5. CONSENT ITEMS

5.1 Approval of the October 28, 2020 City Council Meeting Minutes

Mayor Fullmer called for a motion.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE CONSENT ITEM 5.1. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

6. MAYOR'S APPOINTMENTS

No names were submitted.

Mayor Fullmer turned the time over to resident Dan Stovall living in the Providence subdivision for public comment.

Mr. Stovall said that for nearly two years the residents in the Providence subdivision have had a problem with people from the Lochs, Tucker Row, and the Preserve parking on the streets in their subdivision. He said that they were parking along the entire road, including blocking driveways, and near corners and stop signs. He said that there had been several near-miss accidents involving automobiles, pedestrians, and cyclists on their streets. He felt that this had become a safety issue. He explained that the WatersEdge Master Homeowners Association (HOA) to come up with a plan to restrict parking in their neighborhood and passed an amendment to the WatersEdge Covenants, Conditions, and Restrictions (CC&Rs). He said that they had gathered the required signatures, according to Resolution 2019-14, and had submitted them, along with their plan to the city for approval. They had since been informed that their parking plan may be illegal. He said that the residents of Providence were pleading that the council consider their parking plan and if they found that they could not enact the recommended parking plan, then they were calling upon the council to take immediate and appropriate action upon themselves to solve this issue. The residents recommended that the city enact the following:

1. Minimal overnight parking on the streets for the residents of Providence
2. Complete prohibition of overnight parking on the streets for individuals who do not live in Providence
3. Restrictions that are easily passable and enforced with an agreement with towing companies
4. Restrictions that are easily amendable or repealed once the neighboring subdivision have addressed their own parking deficiencies.

Jeremy Johnson with the WatersEdge Master Homeowners Association explained that they were trying to come up with a solution that would work for everyone. He said that he understood that the issue was whether or not the city could delegate police power. He felt that the HOA did not necessarily need to rely on delegation of the police power. He gave an example of a court case in New Jersey, where they looked at whether or not an HOA could enforce parking on a public street under the contract theory and found that it could. He said that under the contract theory, an HOA could enforce its contract with homeowners. He said the Utah courts had found that the governing documents of an HOA constituted a contract between the HOA and homeowners. He felt that the same principle could apply in Utah. He also felt that the Vineyard towing ordinance would cause problems for them. He said the HOA could hand out citations to homeowners parking on the street, but they did not know who owned the cars. He said that he was open to changes that would make the contract work.

Mayor Fullmer stated that the city would review the issue and continue the discussion during the Parking Discussion, item 7.2.

Resident John Wallace's comments were inaudible, and Mayor Fullmer asked him to submit them in writing.

7. DISCUSSION/PRESENTATIONS

7.1 UTAH STRONG RECOVERY PROJECT PRESENTATION

Cindy Wilmschurst, a Crisis Counselor with Utah Strong Recovery Project, Utah Department of Human Services will present a program for free help for COVID-19 related stress.

Mayor Fullmer turned the time over to Cindy Wilmschurst with the Utah Strong Recovery Project, Utah Department of Human Services.

Ms. Wilmschurst gave a brief explanation of the reason behind the program. She mentioned that it was a federally funded, state-run program. The scope of the program was designed to help anyone affected by COVID-19 with emotional support and crisis counseling and to also provide education and support groups and referrals to other agencies when additional help was needed. If anyone needed help they could call or text 385.386.2289 or email UtahStrong@utah.gov.

Councilmember Judd felt that this was a great cause. Informational flyers were being put on the City's social media and the web sites.

7.2 DISCUSSION - Parking

Staff and City Council will discuss parking issues and restrictions in the city.

Providence Subdivision Parking Issue:

Mayor Fullmer read resident John Wallace's comment, which mentioned that he owned two homes in Providence. He said that these homes were greatly impacted by the overflow parking from the condominiums north of the subdivision. He mentioned that he had a similar experience in Provo, and it was solved by a plan like the one presented tonight. Mayor Fullmer asked if the streets in Provo were privately owned or public streets. Mr. Wallace replied that they were public streets.

Mayor Fullmer asked City Attorney Jayme Blakesley for his opinion on the contract theory. Mr. Blakesley replied that his initial concern was the aspect of loaning or assigning the police to another entity. He mentioned that he had not seen the plan provided by the HOA and would like to review it. He said that he was not aware of municipalities in Utah that had assigned police powers to an HOA.

Councilmember Judd mentioned the Provo had a separate parking enforcement division and asked if the enforcement in Vineyard fell on the Utah County Sheriff's deputies. Mr. McHargue replied yes. Councilmember Judd felt that the city was far from having the funding to create a parking enforcement division. He asked if there was another way to enforce the parking. Mr. Blakesley replied that he would like to review the contract. He said that his concern was what the private and public roles should be. He said that he was reluctant to advise allowing a private entity to have the authority to enforce parking.

Councilmember Judd asked if the HOA wanted to make those roads private. Mr. McHargue replied no. Mr. Stovall stated that they had discussed this in their HOA meetings, and they did not want to make the roads private.

Mayor Fullmer felt that the difficulty would be in how selective they were with the enforcement.

Mayor Fullmer read the comments in the chat. Resident Joe Nettleton mentioned that Orem had parking restrictions around Utah Valley University. Resident Chris Price asked if they could try the proposed plan with an addendum to reevaluate it in a few months. She asked if cities outsourced enforcement all the time. Mayor Fullmer asked for further clarification on the Price comment.

Resident Chris Price asked if it would be possible to try the program to see if it would cause more problems than it would solve with an addendum to reevaluate. Mayor Fullmer replied that they would need to review it first to see if it was a legal possibility. She said that there were other options such as eliminating parking on one side of the street. Mr. Price asked if it would spread the problem further into the neighborhood. Mayor Fullmer replied that it could and that was why they needed to review it further.

Councilmember Judd felt that any action taken would spread the parking problem. Councilmember Welsh felt that they needed to be careful with spill out, but there were other neighborhoods having other issues, and they would be setting a precedent. She also felt that this problem was bigger than just the Providence neighborhood.

Mr. Price felt that this spoke to a much larger problem with several high-density developments going in. He said that there were townhomes and condos with five or six students living in them, which was above the allowed number of unrelated people living together.

Mayor Fullmer said that one thing they had noticed was that the more parking spaces they produced, the more cars that arrived. They found that if they eliminated the parking the market corrected and people who had lots of cars left the area. She said that single-family homes with large lots could have several vehicles without breaking any laws. If they allowed parking lots on the front of lawns, they would do it because they had cars, boats, trailers, etc. She said that it would take a special remedy to fix the problem.

Councilmember Judd said that they were sympathetic to what was going on and wanted to find the right solution.

Mayor Fullmer read additional public comments:

Mr. Stovall mentioned that they had already purchase permits for Providence and were ready to distribute them.

Mr. Wallace mentioned that there were several students parking in the bike lanes until citations were issued and felt that if citations were issued to people parking in front of their properties and on the corners, it would get their attention. They would love to see a bike lane on 100 East. Some of the neighbors were using cones to reserve spots.

Resident Tyler Reese felt that if the city were to ban all on-street parking or made them private, it would punish the residents of Providence. There were also concerns with guest parking. He said that they were open to other solutions other than banning all overnight parking. Councilmember Welsh asked Mr. Reese if a “no overnight parking” policy absolutely would not work in his community. Mr. Reese said that there were certain expectations from the homeowners that had purchased a home in this community, and they would not agree with taking it away. He suggested that they could give some on-street parking to people living in Providence and restrict it to exclude people from outside.

Councilmember Judd asked Mr. Reese if some of the responses from the homeowners were because they had accessory dwelling units (ADUs). Mr. Reese replied that there were ADUs, but they had to put in the appropriate parking on their lot. He felt that most of the homeowners, regardless of whether or not they had an ADU, would want some on-street parking.

Mayor Fullmer read additional comments.

Resident Malaysia Fua felt that streets were not 24/7 parking lots and felt that it was a serious safety issue for her community.

Mr. Wallace mentioned that he visited one of the condo residents and there were four men living there with seven vehicles. Mayor Fullmer suggested that residents need contact their HOA to enforce it.

Resident Alex McIntosh asked if it would be possible to allow parking on the north side of Vineyard Loop Road. Mayor Fullmer replied that a precedent set was to not allow parking on the collector roads.

Resident Julie Cox felt that they were losing sight of the fact that there was not enough parking in the Lochs subdivision, so those residents were parking in Providence. Mayor Fullmer felt that this was a twofold issue. The first solution would be the HOA's enforcement of overage of parking and other solution was that the HOAs could issue parking permits for each of the units. She mentioned that the city had been working with the HOAs to solve their parking issues.

Resident Naomi Jenkins felt that there was enough parking in the Lochs, but that they needed to stop renting to people who had more cars than there was space. Mayor Fullmer mentioned that owners were subleasing to other people and that was what made enforcement difficult.

Resident Aysha Swagmoney agreed that there was an overflow of parking in Providence because the Edgewater Townhomes had insufficient parking as well.

Resident Jesse Blake expressed concern that with the number of cars in their neighborhood, that one of their children would be taken from them.

Resident Clint (last name unknown) said that cars that were not getting permits were the ones ending up in their neighborhood.

Mr. McIntosh asked if the city would be enforcing the street parking restrictions for when the snow fell to allow plows to clear the road. Mayor Fullmer asked residents to call dispatch if they see people who were not following the code.

Resident Shay (last name unknown) felt that it was important to avoid a blanket policy. Mayor Fullmer agreed with her comment.

Resident Jennifer Jones asked if anyone from the city had come to their neighborhood to see the problem for themselves. Mayor Fullmer replied that they had multiple times and were watching the problem.

Mr. Stovall asked if towing operations were exclusively a police power. Mayor Fullmer asked for clarification. Councilmember Judd said that currently enforcement was through the Sheriff's Office. Mr. McHargue said that in the Leisure Villas subdivision they had people from other neighborhoods who were parking in their neighborhood, so they adopted a "no overnight parking" policy. He explained that this did not require that it be an all-or-nothing policy. He said that a "no overnight parking" policy would not work in Providence. The City Attorney Jayme Blakesley's initial reaction was that it was not legal for the city to hand out police powers. Mr. McHargue proposed that they schedule a follow-up meeting with Mr. Blakesley and review the policy and bring it back to the next City Council meeting as an agenda item.

Mayor Fullmer read additional public comments:

Clint asked if homeowners could legally limit who they rent to, based on the number of vehicles or size/type of vehicles. Mayor Fullmer felt that this was a private property question. Mr. Blakesley replied that they could put that into a lease.

Mr. Price mentioned that a bus had been parked overnight by his backyard with people sleeping in it who used his lawn as a toilet for themselves and their dogs. Mayor Fullmer suggested that they call dispatch so the sheriffs could take care of those types of problems.

Resident Ryan Erdmann stated that the current city code was very restrictive for larger lots with ADUs to keep parking off the street and felt that this was a dated law that would be easy to fix. He suggested that they allow homeowners to put concrete in so that renters had a place to park, instead of denying them this right with their own property.

Clint said that it was a problem for rentals that were not ADUs as well.

Resident Alani Fua asked if the city had been through the neighborhood between 9:30 pm and midnight. He said that the problem was not during day. There were cars blocking the sidewalks and corners so children could not see when crossing the street until it was too late.

Mr. McIntosh mentioned that they had someone park a trailer in front of their home for nearly six weeks. After four weeks he called dispatch to report it and the trailer sat there for another two weeks before it was moved.

Mr. Fua asked for an email contact where he could send a picture of cars lined up on their street. Mayor Fullmer replied that there was a “report a concern” tab on the City’s website. (Mr. McHargue included his email on the chat.)

Ms. Cox said that she had three generations living in her home and her concern about parking was focused on safety and cleanliness.

Clint said that the issue was not that the owners wanted to restrict renters, he did not think they did. He asked if the city could enforce owners to do that.

Sergeant Rockwell explained the authority to tow vehicles and that they rotated through towing companies. He added that the towing companies were not part of the Sheriff’s Office. He said that the deputies were doing their best to enforce the laws.

Mr. McHargue suggested that people send him an email and he would add them to the group.

Councilmember Judd summarized that the next step was that Mr. Blakesley would review the residents’ request and work with Mr. Johnson and Mr. McHargue to find a solution. Mayor Fullmer added that staff would also be bringing back additional information. This would happen at the next City Council meeting. Mr. McHargue said that this would be ready for the next City Council meeting which would be December 9.

Edgewater Parking Issue:

Councilmember Earnest explained that he had received an email from resident Aysha Payne living in the Edgewater Townhomes asking why the bike lane on 400 North was not available for parking. Councilmember Earnest said that it was a dead-end road and would alleviate people parking in dirt fields. He added that this would be a short-term fix. Mr. McHargue explained that he had looked at the area and had discussions with the department heads and Sergeant Rockwell on the parking enforcement. He felt that they would be setting a bad precedent because they did not allow parking on through streets. He said that it was not currently a through street, but the road would go through eventually. He felt that if they allowed parking now and then take it away later, it would cause more problems.

Councilmember Judd said that he had also spoken with Ms. Payne about her concern. He felt that it was not the city’s responsibility to add additional parking to solve the HOA’s problem. He said that the plan was to never allow parking on a commuter road.

Mayor Fullmer felt that if they were going to have more high-density housing the city must exhaust every opportunity for the people who had agreed to meet certain requirements to meet those requirements and to do all that they can to make sure they were enforcing their obligations.

Councilmember Judd felt that this was a great opportunity for the HOAs to come up with a solution by partnering with the commercial development for shared parking. Mayor Fullmer added that people moved into developments believing they could park on the streets.

Mr. McIntosh said when he moved into Edgewater, the builder told him that they would be able to park on the street. He said that he was also told that they could rent to as many students as possible. Then they redlined the streets in the development so they could not park on the street. He added that moved to Providence because the parking was an issue and now Providence was seeing the same problems. Councilmember Judd agreed with Mr. McIntosh, but Edgewater was a private development and the HOA was the one who redlined the roads. He said that allowing people to park on the commuter roads during construction was a mistake because now people felt that they had the right to park on them. He felt that the city needed to be more proactive in signing the roads earlier in the process.

Mr. Brim said that they were never supposed to allow parking on the internal roads because they were not wide enough to meet fire code standards. Councilmember Judd said that they had worked with the different developments to help them find additional parking.

Mayor Fullmer said that they were working with the HOAs and encouraging them to look at their plans to figure out an alternative. Mr. Brim mentioned that Edgewater was looking at the retail strip to provide shared parking. There was a discussion about shared parking.

Councilmember Earnest said that there was a large street (400 North) that would be empty for potentially two years and felt that the city should allow the residents to park on it. He expressed concern with people having to park in muddy dirt lots when they could be parking on the street. Mayor Fullmer said that they were meeting with the HOA to see what their plan was before they made a decision. She said that part of the problem in Providence came from having Vineyard Loop Road open to parking during construction. She said that the concern was, do they do that again for Edgewater and cause more problems.

Councilmember Earnest felt that it would be unique opportunity for the HOA to make arrangements with the commercial businesses to share their evening/overnight parking. If the HOA was willing to work with the developers to make those arrangements, then he was open to allowing parking on 400 North. Councilmember Judd said that if the HOA could get a signed agreement with the other parties then it would be a great start. Mayor Fullmer suggested that the city start having those discussions with the HOAs. Councilmember Welsh agreed. Councilmember Flake was not in favor of subsidizing the private owner's problems. The owners needed to come up with a solution.

Mayor Fullmer read another comment:

Mr. Wallace said that this should be a lesson for the future, to not be so generous with high density developments without requiring higher density parking. He did not want the city to give up the bike lanes. Mayor Fullmer felt that it was an important lesson. She felt that it was a constant goal to have the right amount of parking, with the right amount of enforcement. She said that they understood it and were sympathetic to it.

Ms. Payne said that she had been in contact with the city and her landlord since July about this issue. She said that people were subleasing their homes to college students and this was a given because of the proximity to UVU. She said that there were, at any given time, about 160

cars parked in the dirt lot. She felt that if they opened street parking in Edgewater it would alleviate the issue in Providence. Mayor Fullmer said that as a city they did not want to push students out or marginalize the population. She said that state code only allowed four unrelated people to live a home and for students it is only three unrelated. Sometimes people were subleasing to seven students, which was overwhelming the parking. She added that they were trying have the HOAs enforce the code so that there was enough parking for the homeowners. She invited the residents to come into the city offices and see what they had done towards the parking issue.

8. BUSINESS ITEMS

8.1 PUBLIC HEARING – Zoning Text Amendment 15.38 Parking Regulations & 15.060.020 Definitions (Ordinance 2020-15)

Community Development Director Morgan Brim will present an ordinance which proposes modified language allowing the Planning Commission the ability to reduce onsite parking requirements for specified nonresidential uses. Additionally, this ordinance increases front yard parking coverage allowances and amends the method used in determining front yard areas. 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 JUDD MOVED TO OPEN THE PUBLIC HEARING AT 7:43 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

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

Mr. Brim explained that this ordinance as regarding front yard parking coverage and a parking study.

Parking Study

Mr. Brim said that there were categorical uses in the code and that the amendment would allow for a parking study to be done to possibly allow for a site-specific sub-use with modified parking. He said that the applicant, Jason Peery with CircusTrix, had submitted an application for an indoor pickle ball facility. Mr. Brim turned the time over to Mr. Peery.

Mr. Peery explained that they had a large indoor recreation company. They wanted to bring an indoor facility to Utah. Their proposal was to have the ability to modify parking requirements as needed. There would only 68 players if all the courts were being used. Tournaments would double turnout up to three times the number.

Mr. Brim said that Planning Commission would be the approval authority and the study would be done by a professional who had demonstrated experience in conducting parking studies.

Mayor Fullmer called for public comments.

Mr. Brim explained that there was a second part to the ordinance.

Front Yard Parking

Mr. Brim said that this section would increase the overall parking allowance on front yards on single-family homes. He said that this would provide a space so people could go all the way to the side yard. There was an overall cap at 65 percent of the front yard. The ordinance required the area opposite of the garage to remain open.

Brad Gilson with Gilson Engineering said that they found that homeowners were adding parking for an RV pad, etc., on the side of their homes and this ordinance would help solve problems, allowing the builder to add extra hardscape as an option at the same time they were building the home. There was a system of checks and balances to make sure the plans were in compliance. Mr. Gilson showed different site plans.

Councilmember Judd felt that ADUs provided “affordable housing.” He asked if these areas were mainly for ADU parking. Mr. Brim replied that that was one the reasons; the other was that a lot of the residents had three-car garages and lot of toys and this would help with the drive approach to the garages. Mayor Fullmer asked if this would be accepted for every lot size. Mr. Brim replied that it was specific to single-family detached homes and would apply to most lot sizes. He added that there were a lot of homes that were non-conforming. There was a discussion about the percentages.

Councilmember Welsh said that by opening more parking it would allow more ADUs. Councilmember Judd asked what the current parking requirement were for an ADU. Mr. Brim replied that was five parking spaces. There was a discussion about ADU parking and lot percentages.

Councilmember Welsh expressed concern with people pouring cement over the park strip. Mr. Brim explained that the code stated that any work occurring in the public right-of-way, including the park strips, required a right-of-way work permit. They were not allowed to pave over their park strips.

Councilmember Judd asked how many additional ADUs would this amendment allow.

Mayor Fullmer read a public comment:

Mr. Stovall asked if there was a maximum occupancy restriction for an ADU or if it was the same as a single-family dwelling (a family, or 4 unrelated individuals). Mr. Brim replied that ADUs needed to follow the same code and the way to address the occupancy would be through the parking regulations. Mr. Stovall asked if all tenants of an ADU were required to have off-street parking. Mr. Brim replied that every ADU was required to have two on-site parking spaces but were not required to use them. Enforcement was done on a complaint basis.

Resident Jamie Borget living in the Maples said that he was building a home in the Hamptons and the site plan showed that he could not have a full-size driveway going to his third car garage. He said that he was a proponent of the change.

Mayor Fullmer called for further comments.

Councilmember Flake seconded the public comment. He said the someone contacted him because he wanted to put an RV pad in and was having the same problem. He felt that this change would address any number of issues in a better way.

Mayor Fullmer asked for questions on the first section of the ordinance.

Councilmember Judd said that he liked the idea of having a required a study but wanted to know what would happen when the use changed. Mr. Brim replied that they would have to go through

the building permit and business license process. They would be able to catch the change and address the parking issue then. They would have to provide a site plan showing the parking spaces.

Councilmember Welsh asked if they reduced the parking requirement would that free up space to develop more business space. Mr. Brim replied that in the instance with Mr. Peery, he would have had to purchase more property than they would have needed.

Mayor Fullmer asked if the Planning Commission could require different types of parking availability than was requested. Mr. Brim said the code would allow the Planning Commission to set a minimum requirement for a single instance. He said there were other things written in the code that would allow for parking sharing.

Councilmember Judd asked what the minimum standard was for a traffic engineer. Mr. Brim explained that it would not require an engineering license; an architect could do the traffic study. There was a discussion about the requirements. Councilmember Judd stated that he would like it to be a licensed traffic engineer. Assistant City Engineer Chris Wilson suggested that it be an active licensed professional engineer (PE).

Mayor Fullmer asked about PEs having different specialties. Mr. Wilson replied that an engineer would follow a “code of ethics”. He said that he would be able to tell how in depth they went, and staff may require more information from them. Mr. Brim said that the language was included that they would have to demonstrate their experience with parking studies.

Councilmember Judd asked if they would have the right to reject a traffic study. Mr. Blakesley said that they could only reject it for objective reasons not because they disagree with the conclusion. He suggested that they get a second opinion. Councilmember Judd asked if the city engineer’s opinion would be sufficient. Mr. Blakesley replied that they could use the city engineer if they were giving their professional opinion. He said that a third option would be to have the applicant substitute the original study with something more credible. Mr. Wilson felt that study could be skewed to what the client wanted.

Councilmember Welsh asked if the final approval would be through the Planning Commission. Mr. Brim replied that it would be done through the site plan approval process. He said that they could change it so that City Council had final approval, but he felt comfortable having Planning Commission approve it. There was a discussion about having Planning Commission making the final approval.

Councilmember Flake said that he was uncomfortable with the parking allowance stopping at the Planning Commission. Mr. Brim said that it would be an easy change to make.

There was a discussion on how to approve the ordinance.

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

Motion: COUNCILMEMBER JUDD MOVED TO CLOSE THE PUBLIC HEARING AT 8:31 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Fullmer called for further questions or a motion.

Mr. Brim read the suggested wording for the motion: With the amendment to require a PE license and change the approval process to state that the Planning Commission provides a recommendation to the City Council and the City Council will be the approval authority.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ORDINANCE 2020-15 WITH THE AMENDMENT TO REQUIRE A PE (PROFESSIONAL ENGINEER) LICENSE AND CHANGE THE APPROVAL PROCESS TO STATE THAT THE PLANNING COMMISSION PROVIDES A RECOMMENDATION TO THE CITY COUNCIL AND THE CITY COUNCIL WILL BE THE APPROVAL AUTHORITY. COUNCILMEMBER JUDD SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

8.2 PUBLIC HEARING – Zoning Text Amendment 15.34.030 Accessory Buildings, 15.12 Establishment of Districts and Zoning Tables and 15.34.150 Home Occupations (Ordinance 2020-16)

Community Development Director Morgan Brim will present an ordinance which proposes adding provisions allowing accessory structures to be used with approved home occupations, allowing detached accessory structures within established side/front yard areas of a single-family zoned lot and clarifies setback requirements for residential swimming pools. 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 JUDD MOVED TO OPEN THE PUBLIC HEARING AT 8:34 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mr. Brim explained that this amendment addressed accessory structures, side yards, and home occupations. This would allow accessory structures to be used for home occupations and allowed for detached garages on side yards. He said that they still needed to meet the setback of the house. The size of the building would be capped at 25 feet in height. This amendment would only be applicable to about five or six properties. He gave a visual of a lot that would allow for garages on corner properties. There was a discussion about placement of accessory structures on different types of yards.

Councilmember Welsh asked if there was provision to allow homeowners to pour cement beyond the 65 percent rule. Councilmember Judd asked if a homeowner could request a variance. Mr. Brim replied that they would not qualify for a variance.

The City Council requested that Mr. Brim clarify the language and bring the ordinance back to them at the next meeting.

Mayor Fullmer called for a motion to continue the item.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE ITEM 8.2 ZTA 15.34.030 ACCESSORY BUILDINGS, 15.12 ESTABLISHMENT OF DISTRICTS AND ZONING TABLES AND 15.34.150 HOME OCCUPATIONS (ORDINANCE 2020-16) TO THE FIRST MEETING IN DECEMBER. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. MOTION CARRIED UNANIMOUSLY.

8.3 DISCUSSION AND ACTION – Utah Outdoor Recreation Grant

City Manager Jacob McHargue will present options for use of the Utah Outdoor Recreation Grant. The mayor and city council will take appropriate action.

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

Mr. McHargue explained that since they had received the initial grant from the state, they had received a larger grant from Utah County. The state was allowing the city to combine both plans for the grants and align them with the Downtown Vineyard code. The state was also granting the city a six-month extension to spend the money. Staff would create a new plan which would show what they wanted to do with the money, such as adding a turnaround in the Vineyard Beach area and moving the parking lot so that it did not impede with the North Promenade.

Mayor Fullmer called for a motion to continue the item.

Motion: COUNCILMEMBER JUDD MOVED TO CONTINUE ITEM 8.3 UTAH OUTDOOR RECREATION GRANT TO THE NEXT MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. MOTION CARRIED UNANIMOUSLY.

8.4 DISCUSSION AND ACTION - 2021 Meeting Schedule

City Recorder Pamela Spencer will present the recommended City Council meeting schedule for the 2021 calendar year. The mayor and City Council will take appropriate action.

City Manager Jacob McHargue explained that the council would be approving the meeting schedule for 2021.

Motion: COUNCILMEMBER JUDD MOVED TO APPROVE THE 2021 MEETING SCHEDULE AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

9. CLOSED SESSION

No closed session was held.

10. ADJOURNMENT

Mayor Fullmer called for a motion to adjourn the meeting.

Motion: COUNCILMEMBER JUDD MOVED TO ADJOURN THE MEETING AT 8:53 PM. COUNCILMEMBER WELSH SECONDED THE MOTION. MAYOR FULLMER, COUNCILMEMBERS EARNEST, FLAKE, JUDD, AND WELSH VOTED AYE. MOTION CARRIED UNANIMOUSLY.

The next regularly scheduled meeting is December 9, 2020.

MINUTES APPROVED ON: December 9, 2020

CERTIFIED CORRECT BY: /s/ Pamela Spencer

PAMELA SPENCER, CITY RECORDER