



***NOTICE OF A WORK SESSION AND REGULAR
MEETING OF THE VINEYARD CITY COUNCIL
February 22, 2017 at 6:00 PM***

Public Notice is hereby given that the Vineyard City Council will hold a Work Session, and Regular meeting on Wednesday, February 22, 2017, at 6:00 PM in the Vineyard City Hall, 240 East Gammon Road, Vineyard, Utah. The agenda will consist of the following:

AGENDA

WORK SESSION

1. CALL TO ORDER

2. INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

3. OPEN SESSION – Citizens’ Comments

(15 minutes)

“Open Session” is defined as time set aside for citizens to express their views. 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.

4. PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd

5. COUNCILMEMBERS’ REPORTS/DISCLOSURES/RECUSALS

Nate Riley – Mayor Pro-tem – January - March

- Economic Advisory Committee
- Utah Lake Technical Committee
- Heritage Commission

Julie Fullmer – Mayor Pro-tem – April - June

- Youth Council
- Branding Committee
- City Special Events
- Orem Community Hospital Board

Dale Goodman – Mayor Pro-tem – July - September

- Timpanogos Special Service District - Board Member

Tyce Flake – Mayor Pro-tem – October - December

- ULCT Legislative Policy Committee

6. MAYOR’S REPORT

- North Pointe Solid Waste Special Service District - Board Member
- Mountainland Association of Governments
- Council of Governments
- Utah Lake Commission

7. STAFF REPORTS

- City Manager / Finance Director – Jacob McHargue
- Public Works Director/Engineer– Don Overson
- Attorney – David Church
- Utah County Sheriff’s Department – Deputy Collin Gordon – 2016 Annual Report
- Community Development Director – Morgan Brim
- City Recorder – Pamela Spencer
- Building Official – George Reid – Monthly Building Report

8. DISCUSSION ITEMS – no items were submitted

9. ITEMS REQUESTED FOR FUTURE AGENDAS

(Requests for future agenda items are to be submitted to the city recorder the Friday before a City Council meeting. If there will be a cost to the city, project and event requests must be submitted with a fiscal impact analysis or report.)

<i>Item</i>	<i>Requested by</i>
• <i>RDA – Anderson Geneva Application</i>	<i>Gerald Anderson</i>

REGULAR SESSION

10. CONSENT ITEMS

- a) Approval of the January 26 & 27, 2017 Retreat minutes

11. BUSINESS ITEMS

11.1 DISCUSSION AND ACTION – Homestead Development Agreement

(15 minutes)

Planner Morgan Brim will present possible amendments to the Homestead Development Agreement. The mayor and City Council will take appropriate action.

11.2 DISCUSSION OHV/ATV Use Within City Limits

(15 minutes)

Utah County Sheriff’s Deputy Collin Gordon will present proposed changes to the Municipal Code to include OHV/ATV regulations for use within city limits. The mayor and City Council may act to approve (or deny) this request by ordinance.

11.3 DISCUSSION – Weapons/Firearms Discharge and Hunting within the City

Limits

(15 minutes)

Utah County Sheriff’s Deputy Collin Gordon will present proposed changes to the Municipal Code Chapter 13-500 General Police Powers section 13-3 Weapons. The mayor and City Council may act to approve (or deny) this request by ordinance.

11.4 DISCUSSION AND ACTION – Library

(15 minutes)

Jessica Whetman from the State Librarian’s Office will present state requirements for establishing a certified library as well as participation options for the Book Mobile. The mayor and City Council will take appropriate action.

12. 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

13. ADJOURNMENT

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

The next regularly scheduled meeting is March 8, 2017.

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 the city of Vineyard, hereby certify that the foregoing notice and agenda was emailed to the Daily Herald, posted at the Vineyard City Hall, the Vineyard website, the Utah Public Notice website, delivered electronically to city staff and to each member of the Governing Body.

AGENDA NOTICING COMPLETED ON: February 21, 2017

CERTIFIED (NOTICED) BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER



VINEYARD CITY COUNCIL STAFF REPORT

Date: 2.22.2017

Agenda Item: 11.1

From: Morgan Brim

Department: Community Development

Subject: Homestead Development Fence requirements

Introduction:

The city has received several inquiries regarding private fencing regulations in the Homestead Development. The Homestead Development, through the development agreement has restricted the use of solid white vinyl fencing. Several residents have contacted city staff expressing their frustrations and asked for the development agreement to be amended to eliminate restrictions to private fences. Staff has found that several property owners currently are not in compliance. Staff is requesting direction from the council on how to procedure with this issue.

Background Information:

The Homestead Development is large expansive development which includes entitlements incorporating a considerable portion of the south side of the Vineyard. The council approved this development through the provision of a development agreement, adopting Ordinance 2005-05 in December 2005. Ordinance 2005-005 was most recently updated on November 28, 2012. This development agreement established a Planned Development (PD) overlay across the property and entitlements for a mixture of single family and town house residential neighborhoods. The development agreement provided broad allocation for residential density and neighborhood design, as well as detailed requirements for elements like private property fencing.

Fencing in the Homestead Development is regulated by the zoning ordinance as well. The zoning ordinance contains fencing regulations. These regulations primarily focus on limitations to height and buffering between commercial and residential uses. However, Subsection 1623(1) & (2) states:

2. Compatible Design. All walls and fences shall be compatible with the surrounding landscape and the architecture and building materials of buildings on and adjacent to the property.

3. Quality of Construction. All walls and fences shall be constructed in a workman-like manner according to industry standards.

Both of these regulations are not enforceable as they are neither concise nor objective and leave ample room for interpretation. Many residents indicated to staff that when they purchased their



VINEYARD CITY COUNCIL STAFF REPORT

homes they were never informed that fencing materials were restricted in the development agreement. The development agreement provides another layer of regulations that most owner buyers are not aware of.

Windshield Survey:

In preparation for this discussion, staff conducted a windshield survey of all homes in the Homestead Development on February 15, 2017. In this survey, shown in the table below, staff observed a total of 275 homes either under construction or completed. Of these 275 homes, 78 have installed private fences. Staff counted 48 homes with compliant fencing materials and 30 homes with non-compliant solid white vinyl fences. Approximately 61% of fences comply with the development agreement, whereas 39% do not.

The Homesteads Development			
Neighborhoods	Homes Completed or in Construction	Compliant Fences	Noncompliant Fences
The Maples	66	3	6
The Gardens	102	25	1
The Meadows	35	3	0
The Elms	29	3	0
The Shores	43	14	23
Totals	275	48	30

Recommendation:

Staff feels that at this point in time it is important for the City Council to make a policy decision to either change the development agreement to eliminate fence requirements or to maintain the current requirement and develop a mechanism to insure compliance. This is important because Vineyard’s code enforcement policy initiates enforcement measures only through issuance of a complaint. This means that city staff will only expend resources to ensure compliance upon receipt of an official complaint on a city form. We do not accept anonymous complaints. If a citizen were to submit a complaint regarding the aforementioned fencing issue, the city would be responsible for taking action.

Staff feels that the city council should take steps to correct and clarify the matter through one of the following options.



VINEYARD
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VINEYARD CITY COUNCIL STAFF REPORT

- Amend the Homestead Development Agreement to eliminate restrictions to solid white vinyl fences;
- Preserve the current restrictions to solid white vinyl fences and establish a fence permitting process to require a city permit prior to the installation of a fence. This will insure town staff has an opportunity to review all proposed fencing prior to installation and maintain compliance with the Homestead Development Agreement and zoning ordinance; or
- Other options not considered at this time.

Fiscal Impact:

Alternatives:

Attachments:

Homestead DA – Fencing Section

h. Fencing

The fencing materials along the perimeters of the open spaces, if applicable, shall be black wrought iron, black coated chain link, or as determined by the Design Review Committee to enhance the natural environment of the open space.

Other fencing materials such as wrought iron, brick, masonry, or wood may be used to separate individual building lots; but solid white vinyl, chain link, or other wire fencing is prohibited. All fences should be placed to be as unnoticeable as possible and vegetation should be used to mask fences where appropriate.



VINEYARD CITY COUNCIL STAFF REPORT

Date: 02/21/2017

Agenda Item: 11.2

From: Deputy Collin Gordon

Department: Law Enforcement

Subject: ATV / OHV operation within the City.

Recommendation:

To adopt the newly drafted Ordinance to restrict the operation of ATV/OHV's within the city to only those which are registered as Street Legal and which are being operated by licensed drivers.

Background/Discussion:

Historically the city of Vineyard has allowed residents to operate ATV/OHV's on the roadways. Currently the city does not have an ordinance which addresses this issue and/or designates any of the roadways as open to any OHV use, street legal or not.

Due to the rapid growth in the City and the anticipated continued growth I believe the practice of allowing the use of ATV / OHV's on the city's streets has become a public safety issue. With the increase in traffic on the streets, the likelihood of a tragic accident is ever increasing.

Alternatives:

Fiscal Impact:

Attachments:

Ordinance 2017- An Ordinance Adopting a New Part of the Vineyard Municipal Code Clarifying the Regulation of Off-Highway Vehicles in Vineyard

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A NEW PART OF THE VINEYARD MUNICIPAL CODE
CLARIFYING THE REGULATION OF OFF-HIGHWAY VEHICLES IN VINEYARD**

WHEREAS, The Utah County sheriff deputies providing policing services to Vineyard have recommended that the use of Off-Highway Vehicles be more specifically referenced in the Code; and

WHEREAS, The Utah State Code states in 41-22-10.5.

Local ordinances -- Designating routes -- Supervision.

- (1) *A municipality or county may adopt ordinances:*
 - (a) *designating certain streets and highways under its respective jurisdiction:*
 - (i) *as open for general off-highway vehicle use; or*
 - (ii) *as open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use; or*
 - (b) *permitting the use of a street-legal all-terrain vehicle on a street or highway designated for:*
 - (i) *general off-highway vehicle use under Subsection (1)(a)(i); or*
 - (ii) *limited off-highway vehicle use under Subsection (1)(a)(ii).*
- (2) *A municipality or county may not prohibit or restrict the use of a street-legal all-terrain vehicle on a street or highway where the use of another street-legal vehicle is permitted.*
- (3) *A municipality or a county may adopt an ordinance requiring an operator who is under 16 years of age to be under the direct visual supervision of an adult who is at least 18 years of age while using a route designated under Subsection (1).*
- (4) *A route designated under Subsection (1) may not be along, across, or within the boundaries of an interstate freeway.*
- (5) *Except as provided under Section 41-22-10.3, a person may not operate an off-highway vehicle on any street or highway that is not designated or posted as open for off-highway vehicle use in accordance with Subsection (1) or Section 41-22-10.1.*
- (6) *Subsection (5) does not apply to off-highway implements of husbandry used in accordance with Section 41-22-5.5.*

; and

WHEREAS, The Utah State Code states in 41-22-18.

Ordinances or local laws relating to operation and equipment of vehicles.

The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter or the rules promulgated under this chapter, but these

ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter or the rules promulgated under this chapter.

NOW THEREFORE BE IT ORDAINED by the mayor and City council of Vineyard, as follows:

A. PART 11-320. STREETS - TRAFFIC CONTROL of the Vineyard Municipal Code shall be amended to include a new sections 11-321 as follows:

11-321. ADOPTION OF THE OFF-HIGHWAY VEHICLES ACT.

The Off-Highway Vehicles Act, Chapter [22](#) of Title [41](#) of the Utah Code, as amended, is hereby adopted as a chapter of the Vineyard Municipal Code. Provided, however, that any provision of the foregoing having a penalty which cannot be imposed for violation of a City ordinance is not adopted.

B. This ordinance shall take effect upon posting in accordance with state law.

C. After passage and posting the Recorder shall insert the operative provisions of this ordinance into the Code as appropriate and may renumber and reformat such provision, with appropriate references to this ordinance, to fit within the Code book.

PASSED this _____ day of _____, _____.

Mayor

ATTEST:

Recorder



VINEYARD CITY COUNCIL STAFF REPORT

Date: 02/21/2017

Agenda Item: 11.3

From: Deputy Collin Gordon

Department: Law Enforcement

Subject: Discharge of Weapons Ordinance

Recommendation:

To adopt the newly drafted Ordinance to restrict the discharge of firearms / weapons, within the city limits of Vineyard. To remove from the city's code the obsolete sections of the current code, 13-2-16, 13-3-1, 13-3-2, 13-3-3 and 13-3-4.

Background/Discussion:

Historically Vineyard has allowed the discharge of weapons within the city for the purpose of hunting game animals. The city had followed established Utah State Law in respect to the discharge of weapons, 600 feet from building, etc.

Due to the rapid growth in Vineyard and the anticipated continued growth I believe the practice of allowing hunting and the discharge of weapons within the city limits has become unsafe and a public safety issue.

Alternatives:

Fiscal Impact:

Attachments:

Ordinance 2017- An Ordinance Amending Sections of the Vineyard Municipal Code Regarding the Shooting of Weapons within Vineyard City Limits

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE VINEYARD MUNICIPAL CODE REGARDING THE SHOOTING OF WEAPONS WITHIN VINEYARD CITY LIMITS

WHEREAS, the Utah County sheriff's deputies providing police services to Vineyard have recommended that the growth in Vineyard has now mandated that more restrictive regulations are needed on the discharge of weapons in Vineyard.

NOW THEREFORE BE IT ORDAINED by the mayor and City Council of Vineyard as follows:

1. The following identified sections of Chapter 13-500 of the Vineyard Municipal Code shall be amended to delete those words and phrases shown below in cross outs and to include the new language shown below that is underlined:

13-2-16. ~~(RESERVED) Prohibited Targets.~~

~~No person within the incorporated area of Vineyard Town including state and federal public lands, shall use or possess with intent to use as a target, any object, either solid, liquid, vapor, or particulate that will shatter, break apart, fragment, ignite, or explode, that may create a hazard or nuisance to any persons, property, public lands, wildlife, or livestock. This ordinance does not apply (1) to any objects used as targets commonly referred to as clay pigeons, sporting clays, or objects of a similar nature, and (2) any private property owner on his property, or any person on the private property owner's property in possession of written permission from the property owner to engage in recreational shooting activities on the property.~~

~~13-3-2. (RESERVED) Children to be accompanied by adults while hunting with or discharging any weapon. As used in this section, "accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting. A person under the age of 14 years must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian, while hunting with, or discharging any, weapon. A person of at least 14 years of age and under 16 years of age must be accompanied by his or her parent or legal guardian, or other responsible person of the age of 21 years or older and approved by his or her parent or guardian while hunting big game with any weapon. A person of at least 14 years of age and under 16 years of age must be accompanied by a person of the age of 21 years or older while hunting wildlife other than big game, with any weapon or while discharging any weapon. A person under the age of 12 years is not permitted to hunt for protected wildlife except as provided by rules of the Wildlife Board of Utah State.~~

13-3-3. Discharge of weapons.

(a). It shall be unlawful for any person to discharge any firearm or gun of any kind or nature within the Vineyard city limits, whether on public or private property. It shall also be unlawful

to discharge or shoot a bow and arrow, blowgun, wrist rocket, slingshot, or any other type of instrument designed to propel or throw missiles capable of doing bodily harm on public or private property (including developed archery ranges) in such a manner as to endanger persons or property or to cause the projectile or missile to cross into property owned by another when the person shooting the projectile or missile does not have permission to use such property for the purpose of discharging the weapon or device. The provision prohibiting the discharge of firearms shall not apply to peace officers in the performance of their official duties, to the authorized use of established firing ranges or to any other lawful act.

(b) It shall be unlawful to hunt any animal or bird within the City.

~~(a) A person may not, without written permission from the owner or other person in charge, discharge a firearm across, into, or within 600 feet of:~~

~~a house or dwelling, or any structure where an animal is kept or fed including a barn, poultry yard, corral, feeding pen, or stockyard, or orchard, standing cornfield, standing silo, vehicle, or farm equipment.~~

~~(b) Hunting of any wildlife, or the discharging of any firearm is prohibited within the boundaries of all state parks except those designated by the Division of Parks and Recreation (R651-603-5 Utah Administrative Code).~~

~~Hunting with, or the discharging of, a rifle, handgun, or a muzzle loader in, or within one mile of all state park facilities designated "open" including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches is prohibited.~~

~~Hunting with, or the discharging of, shotguns and archery tackle is prohibited within one quarter of a mile of the above stated park areas.~~

~~(c) Nothing herein shall prohibit the possession and use of firearms at an approved Shooting Range during the appropriate hours of operation.~~

13-3-4. RESERVED Night hunting restricted; exceptions, penalties.

~~(a) Pursuant to Utah Code Section 23-13-17 hunting at night is permitted under the following conditions:~~

~~The hunting shall be for coyote, red fox, striped skunk, or raccoon and no other form of terrestrial or avian wildlife. Any artificial light used to spotlight the animal must be carried by the hunter.~~

~~A motor vehicle headlight or light attached to, or powered by a motor vehicle may not be used to spotlight the animal. While hunting with the use of an artificial light, the hunter may not occupy or operate a motor vehicle. The only firearm permitted for night hunting will be a shotgun using shot that is #2 size or smaller.~~

~~(b) The term "spotlight" or "spotlighting" means casting the rays of any artificial light on any highway, in any field, woodland, forest or other land while having in possession a weapon by which protected wildlife may be killed.~~

~~(c) The term "motor vehicle" shall have the meaning as defined in Utah Code Section 41-6-1.~~

~~(d) Nothing in this Section shall prevent any land owner, or the land owner's agent from using an artificial light, or reasonably and carefully discharging a firearm at any time on lands under his control for the purpose of protecting livestock, so long as he does not endanger human life.~~

~~(e) Nothing in this Section shall prevent any peace officer, or conservation officer in the performance of his duties, from the use of an artificial light, or discharging a firearm at any~~

~~time. Nighttime, or night, within the meaning of this section, shall be that time from one-half hour after sunset to one-half hour before sunrise. Any person who violates any provision of this Section is guilty of a misdemeanor and, upon conviction thereof, may be fined in any sum up to one thousand dollars (\$1,000.00), or by imprisonment in the County Jail not to exceed six (6) months, or by both such fine and imprisonment. Nothing in this Section shall prevent a person from night hunting for the express and limited purpose of conducting bona fide scientific research and study sanctioned by the Utah State Division of Wildlife Resources or the U.S. Division of Wildlife Resources, when said person shall have first obtained written approval from the office of the Utah County Sheriff. Nothing herein shall grant any person the right to trespass upon private, Town, state or federal property.~~

2. This ordinance shall take effect upon posting in accordance with state law.

PASSED this _____ day of _____, _____.

Mayor

ATTEST:

Recorder