

**MINUTES OF A WORK SESSION AND REGULAR
VINEYARD CITY COUNCIL MEETING
240 East Gammon Road, Vineyard, Utah
February 22, 2017 at 6:00 PM**

Present

Mayor Randy Farnworth
Councilmember Tyce Flake
Councilmember Julie Fullmer
Councilmember Nate Riley

Absent

Councilmember Dale Goodman

Staff Present: Community Development Director Morgan Brim, City Building Official George Reid, City Manager/Finance Director Jacob McHargue, City Attorney David Church, Utah County Sheriff's Deputy Collin Gordon, Public Works Director/ City Engineer Don Overson, City Recorder Pamela Spencer, Planning Commission Chair Chris Judd, Water/Sewer Operator Sullivan Love

Others Present: Resident and Planning Commissioner Anthony Jenkins, Residents Travis and Michelle Guymon, Alan Searle, Thora Searle, Angela Riley, Lilianne Sanchez, Bryson and Ashley Murray, Brandon Peterson, Greg and Kirsten Mortensen, Amanda Tilley, Casey & Haley Packard, Kaydrie and Chasen Tolbert, Kylie Conterio, Danny and Kaylie Lee, Caitlin Klundt, Ariel Horton, Stewart Park with Anderson Geneva, Utah County Sheriff's Deputy Sean Peterson, Sergeant Cole Christensen and Lieutenant Yvette Rice with the Utah County Sheriff's Office

6:00 PM WORK SESSION

Mayor Farnworth called the meeting to order at 6:00 PM. The invocation was given by Councilmember Flake.

OPEN SESSION – *Citizens' Comments*

Mayor Farnworth called for public comments. Hearing none, he closed the public session.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd – Chair Judd reported that there was a work session planned, for the next Planning Commission meeting, to discuss the zoning changes and to work on the General Plan. He mentioned that had received bids from consulting firms to assist them with Zoning Code and General Plan amendments. He recommended that now that the city had a new logo they should be installing the monument sign in front of the Maverik.

COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

Councilmember Nate Riley – Councilmember Riley reported that they needed to add the Heritage Commission discussion back on to the agenda so they could coordinate activities. He felt that the council needed to determine which activities the commission would be responsible for. Mr. McHargue mentioned that it was scheduled for the March 8 meeting.

Councilmember Julie Fullmer – Councilmember Fullmer reported that they received an update for how the website would look and when it would launch. She said that social media was going well and that everyone was working together to do more posts. Mr. McHargue mentioned that they were putting together a calendar and a plan to coordinate the posts. He added that he met with Orem City and reported that staff would be coordinating posts that Orem could put on their Facebook page to include happenings in Vineyard for those residents who view their page.

Councilmember Fullmer reported that the lake shore cleanup was scheduled to be held on Earth Day, weather permitting. Mr. Brim added that the Earth Day cleanup was to focus on Utah Lake as an asset to the town. He invited the residents to sign up on the website to participate. Mr. McHargue mentioned that they had sponsors for the event and approvals to allow certain types of machinery on the beach for the cleanup.

Councilmember Dale Goodman – Councilmember Goodman was excused. Mayor Farnworth reported that Timpanogos Special Service District (TSSD) was restructuring their board. Mr. McHargue stated that because Vineyard did not have a sewer district to begin with they would not have an automatic seat on the board. He said that he spoke with the County Commissioners and they want one board member from each city and asked Vineyard to fill out an application. He recommended that the city's Water/Sewer Operator Sullivan Love be allowed to sit on the board.

Councilmember Tyce Flake – Councilmember Flake reported that as of today, the legislature had 650 bills and only 25 had passed, so a lot would be happening in the next few days. Councilmember Riley asked about the bills that would affect the RDA. Mr. McHargue replied that nothing had happened on them at this time. He said that he sent a letter from the city and suggested that the Council reach out to them as well.

MAYOR'S REPORT – Mayor Farnworth reported that North Pointe Solid Waste Special Service District would be restructuring their board and possibly require staff to attend. He added that the Utah Lake Commission was also looking at restructuring their board.

STAFF REPORTS

City Manager/Finance Director – Jacob McHargue – Mr. McHargue had no new items to report.

Public Works Director/Engineer – Don Overson – Mr. Overson reported that he was working on hiring new staff. He added that he had hired a new Assistant City Engineer. He reported that he was solidifying bids to do the survey work for the Town Center area. He said they were getting bids for Light Detection and Ranging (LIDAR), an aerial survey system, so they could begin grading the Town Center area for the train station. He reported that they were looking into pulling power from the power plant to supply the WatersEdge and Town Center areas. He reported that they had received the title report and were working on the Alta survey to send to Union Pacific (UP). He reported that he had been in discussions with the Utah Department of

Transportation (UDOT) on the 400 North intersection plans. He said that they would be finishing the design for the Center Street Overpass so that it would be a shovel-ready project.

Attorney – David Church - Mr. Church reported that he received a call from Sue Hronek with Union Pacific (UP), and that UP needed to make a change in the design of the spur line, so the city would be getting an amended contract. He explained that UP needed to maintain an easement in front of Geneva Nitrogen, which would affect the ability to have the spur removed north of the plant. He added that this was to meet safety requirements, but would not change any of the prices they were charging the city for the ground, nor any obligations the city would have. He asked if the city was moving along with the environmental assessment, which would be done at the city's expense. Mr. Overson replied that the contract stated that they were required to do the study if they do a phase 2. Mr. Church said that UP was selling the city the property but keeping an easement. There was a discussion about where the track would need to stay for the nitrogen plant. Councilmember Riley felt that if they could not get the access then maybe they should not move forward with the removal.

Utah County Sheriff's Department – Deputy Collin Gordon – Deputy Gordon presented the 2016 Annual Report. He explained how the calls for service reporting worked. Highlights of the report were:

Calls for Service - comparisons

2015

1773 Total CFS
398 - High Density Housing Area
428 Cases

2016

3271 CFS
1057 – High Density Housing Areas
905 Cases

2016 Breakdown of CFS

371 - Commercial Areas
436 – Single Family Homes
312 – The Alloy Apartments
313 – The Concord Apartments
420 – Edgewater Townhomes
12 – High Density Housing
1,402 – Other areas

Arrest Data

2015

11 DUI's
56 Drug Offenses
44 Alcohol Offenses
62 Other Offenses
214 Traffic Citations

2016

10 DUI's
62 Drug Offenses
19 Alcohol Offenses
94 Other Offenses
317 Traffic Citations

Councilmember Fullmer asked where the homelessness and camping out fit into the categories. Deputy Gordon replied that the city did not have an ordinance so it fell under the State and County Ordinances. Highlights continued:

Investigations - comparisons

2015

30 Cases referred to the
Investigations division
6 went to sex crimes

2016

56 Cases referred to the investigations division

Notable Cases:

Theft of a projector from the Megaplex
Edgewater sex offense case

Community Oriented Policing

- NOVA (Deputy Dutson) –
 - 70 hours at Vineyard Elementary
 - 23 presentations in all three elementary schools
 - 30 extra hours in the schools
- Inmate work crew – 6 days & 152 hours
- Volunteer in Police Service (VIPS) – 80 hours

Goals for 2017:

Expand the VIPS, RadKIDS/Women's Program into the city.

NOVA – a program taught to 5th and 6th graders, which was similar to the DARE program but with an expanded scope. Deputy Gordon said that it addressed drug abuse, peer pressure, bullying, etc.

Deputy Gordon introduced the newest Sheriff's Deputy for Vineyard, Deputy Sean Peterson, a 10-year veteran with the Sheriff's Office. He also introduced Lieutenant Yvette Rice and Sergeant Cole Christensen who were the new administrators over the contract city programs.

Deputy Peterson gave a brief history of his work experience.

Lieutenant Rice explained that her administrative stewardship fell to the cities. She stated that if the city had any concerns with contracts, complaints with the deputies, etc. they could contact her or Sergeant Christensen. She mentioned that she had been with the Sheriff's Office for 26 years. She added that the administration was happy with their partnership with Vineyard.

Sergeant Christensen stated that the deputies serving in Vineyard were the best that serve in the Sheriff's Office. He mentioned that Deputy Dutson's work with the students was some of the best they had seen. He suggested that people view the "YouTube" presentation done at Vineyard Elementary.

Community Development Director – Morgan Brim – Mr. Brim reported that they had started a new program where they were trying to support the opening of new businesses in the city. He said that this was helping to develop relationships with the businesses. He reported that they had a meeting with commercial developers to go after the types of businesses they would like to see come into the city. He added that they were working with the owners of the land west of the Megaplex who were going to submit building permit applications. There were two buildings with four tenant spaces each.

Mr. Brim reported that they had a meeting with the Utah Lake Commission, where he found out that you can ride horses on the lake shore. He suggested that this amenity might play into the parks plan.

Mr. Brim explained that they were expediting the Vineyard Site Plan and Landscaping Standards and hoped to have a draft soon.

City Recorder – Pamela Spencer – Ms. Spencer reported that they had the mayor and two council seats up for election. She invited anyone that was interested to run for an office to see her the first week in June. She suggested that everyone make sure they were registered to vote and that their names and addresses were correct on the voter registration.

Building Official – George Reid – Monthly Building Report - Mr. Reid gave the monthly building report for January. Highlights were:

- \$59,216 January Residential Revenue
- \$ 2,320 Commercial Revenue
- Total revenue exceeded the estimated amount
- 32 Permits issued
- 38 Application received
- 99 Applications in review
- 29 Plans approved
- 473 Active construction sites
- 781 Inspections

Mr. Reid mentioned that he was still looking to hire senior building inspectors. He said that there was a Plan Review bill, SB 241, in the legislature. He explained that if the bill passed, it would make it so that if plan reviews were not completed, in 14 days for residential and 21 days for commercial from time of submittal, then building officials waived their right to review the plans. He said that Code Officials Legislation Affairs (COLA) and the Utah League of Cities and Towns(ULCT) were opposed to the bill. He added that the earliest it would be heard was Friday morning.

DISCUSSION ITEMS – no items were submitted.

ITEMS REQUESTED FOR FUTURE AGENDAS

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

Mr. McHargue explained he had sent council the application for review. Stewart Park with Anderson Geneva asked the RDA Board to expedite the application.

6:53 PM REGULAR SESSION

CONSENT ITEMS

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

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO REMOVE THE CONSENT ITEM FOR FURTHER REVIEW. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

BUSINESS ITEMS

11.1 DISCUSSION AND ACTION – Homesteads Development Agreement

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

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

Mr. Brim gave a brief background on fence regulations. He said that there were 275 homes either completed or near completion in the Homesteads Development. He explained that there were two sets of standards and felt that was where most the confusion was coming from. He stated that community members and developers were looking at the Zoning Ordinance, which he felt was vague and some of it was not enforceable. He stated that if you live in the Homesteads Development you had to follow both the Zoning Ordinance and the Development Agreement. He said that the agreement suggested using fencing materials such as wrought iron, brick, masonry, or wood to separate property lines. He added that it restricted solid white vinyl, chain link or other wire fencing. He said that the problem was with the solid white vinyl fencing not being allowed. He mentioned that they could have slats or colors other than white. He said that they conducted a windshield survey (drove the city) to count the houses that were in compliance and those that were not. He said that there were 78 home that contained fences, 48 of those homes were in compliance, 30 were non-compliant.

Councilmember Fullmer stated that this was the way they were currently interpreting the regulations. She said that other planners could have been interpreting it differently and that was why the residents had received different information.

Mr. Brim showed photos of different types of fences. He explained that the staff worked on a complaint basis and they had not received any complaints at this time. He said if they were to enforce the regulations on one property there would be 29 other properties that were not in compliance. He said that they would have to require them to remove their fence and replace them with ones that were in compliance. He felt there were two options. Option one was to amend the development agreement and have the fencing requirements all located in the Zoning Code. The second option was to maintain the current regulations in the development agreement and have a fencing permit process.

Mayor Farnworth felt that this was going to be a cumbersome process. His issue was that safety was more important than the color. He thought that when they implemented the development agreement they were trying to elevate the community to look more uniform and have more class. He thought they were dealing with color and knew that they were going to have people upset. He felt that making people comply was overwhelming because of time and issues. He said that they went with the idea that people could come into compliance by talking to the city and seeing what they could do to help. He said that they could come in from the beginning and help them stay in compliance and then have a regular standard.

Councilmember Riley stated that they had spent hours debating the fencing. He said that it came down to trying to not have everything in the community be white. He said that the Homesteads Development was an area where they could make it different. He felt it was still a good guideline. He said that they had not anticipated having these types of challenges.

Councilmember Fullmer felt that when they came up with the guidelines they were not enforceable because they did not have a code enforcement officer. She added they now had a code enforcement officer. She explained that a few years ago, there were residents who wanted

the requirement changed and the town did not have the resources to change it. She said that the planner at that time had the developer change the regulation in the CC&Rs and people were telling other people that they could install white fences, which was not true. She explained that there were others who did not know about the agreement or the CC&Rs and installed white fences. She said if they decided not to enforce the requirement, then all of the people who were in compliance would remain so and all of the people who installed white fences would also keep them. She said if they decided to enforce the agreement then there would 30 fences that would have to be brought into compliance. She felt that the greater damages would be to those that had to remove their white fences. Mr. Brim stated that if they were directed to enforce the agreement and there were complaints, then yes 30 people would have to remove their white fences.

Mr. Church explained that there were separate items. The CC&Rs would have regulations that mirrored the development agreement, but were not enforceable by the city. He said what they were referring to was the development agreement, a master agreement for the whole Homesteads Development, which was put together by the town and the previous developer. He said that it was adopted by ordinance and recorded and would be listed in the title report. He added that the developer or the city could enforce the agreement. He explained that the problem that cities had was that the fencing companies did not have to get a building permit and homeowners put in their own fences, so they did not know when fences were going in. The city hoped that people asked and would be compliant and that the developers would know what the agreement was and would tell the homeowners. He said that staff could enforce compliance, which would be hard on them, and make the homeowners tear out their fences. He added that the developer was not enforcing the agreement and the city did not have many complaints. He explained that the idea was that the development would be unique and people would know that they were in the Homesteads Development. He said the question was “has it worked or do they want to change it?” He asked if going forward were they going to tell the new people to be compliant to accomplish the original Homesteads Development Agreement goal. He stated that it may or may not be worth it.

Mr. Brim suggested that they could require a fencing permit. Mr. Church suggested that they inform the people who were receiving building permits about the fence regulation and when they see non-compliant fences going in to stop them.

Mayor Farnworth asked if they were to start enforcing the agreement they were not going to tell people that they had to change their fences. Councilmember Fullmer said not unless someone complained, then they would have to enforce the requirement and tear out 30 fences. Mr. Church replied that they did not have to. He said it was a contractual agreement with the developer and the city could enforce it or the neighbors could enforce it using the CC&Rs. Councilmember Fullmer did not understand the point of having rules if they did not enforce them. Mr. Church replied that he was not sure why they were not being enforced.

Mayor Farnworth said that the important thing to understand was that they had the development agreement and the Zoning Ordinance. He explained that they spent hundreds of hours discussing the development agreement and now they had residents to give them their point of view on what they wanted to see. He added that the city had not yet had any formal complaints. He asked how the city was going to enforce the agreement if the residents were not willing to file a formal complaint.

Mr. Brim explained that the problem was that they had something that required oversight of specific standards and the city did not implement a fencing permit or have a code enforcement officer. Mr. Church explained that the agreement was done seven to eight years before the development actually started. He said it was fair to say that they had not been aggressive in

enforcing the development agreement. He stated there was currently only a third of the development completed and that it was not too late to start enforcing the agreement and leaving the 30 white fences would not change the desired results. Mr. Brim felt that the only issue would be that they would hear from the new residents about the color of fences. He said it would require staff to catalog which fences were currently installed and then do more active enforcement, which would take more staff resources.

Mayor Farnworth opened it up for citizen comments. He wanted two questions answered by the residents: Were they happy with where they lived now and what was their concern with the fences.

Resident Casey Packard living in the Garden subdivision stated that he had a white fence, which was non-compliant, but with the information they were given, he felt they were compliant. He said that he called the city and the county who stated that they were fine to install a white fence. He stated that the rest of the neighborhood hated them because they put up a white fence. He felt that tan fences did not look good on any of the homes in the development. He added that he had cleared installing a white fence with his neighbors on both sides.

Resident Kylie Conterio living in the Garden subdivision stated that she wanted a white fence. She explained that when this agreement was written in 2006, a lot of the neighborhoods were dark colors and white was not in style. She said from a design standpoint for that her house, which was white and gray and black, tan would not look good. She said if the neighbors wanted gray, tan, or white, then there would be an issue with many colors of fences, which would not look good either.

Resident Bryson Murray living in the Garden subdivision said that when they moved in two years ago, it was stated to them that they had to have a tan fence. He said that they wanted a white fence and that the tan fence had cost them more. They were told that the neighborhood would be uniform and the extra money would be worth it. He stated that everyone who was in compliance were promised that the neighborhood would be uniform and but so far, they only 60% had been compliant. He felt that for the people who had put in the off colored fence it was unfair to recant now.

Mayor Farnworth asked the audience to be respectful of those that had the floor.

Resident Brandon Peterson living in the Garden subdivision explained that the tan fences were an inferior product and wore down more quickly. He agreed that the tan fence did not look good with his home. He said that 10 years ago homes were a different color palette. He added that he did not care what color his neighbor's fence was. He said that according to the rules he could have one gray post and leave the rest white and be in compliance. He felt that there would be further issues if there was no enforcement. His concern was safety over color.

Resident Alan Searle living in the Garden subdivision stated that when Glen Pettit started the development Dan Allphin made the guidelines very clear. He asked if they needed to dig deeper on all of the requirements. He stated that he was supposed to have a wrought iron fence along the wetlands. He added that a lot of people went with tan because it was the requirement.

Resident Michelle Guymon living in the Garden subdivision said that she understood the frustration of the other residents. She said that they were told they had to install a tan or almond fence and asked to see the Homesteads Development Agreement. She said that the agreement said anything but a solid white vinyl or chain link fence. She felt that if the point was to have it uniform, there were loopholes in the agreement where someone could paint their wood fence

white. If they try to hold to the agreement, people who installed tan would be resentful. She stated that she wanted to live in a community that was not an HOA so she could do what she wanted with the front of her house. She felt that if she put a tan colored fence with her gray and white house it would decrease the value. She said that the people who wanted white fences were the ones trying to get the requirements changed.

Councilmember Fullmer explained that the people who did not want tan fences went to great lengths to get the requirements changed. She said that it was not until this year that she and Mr. Brim found the Homesteads Development Agreement, which was what changed a lot of this.

Resident Angela Riley living in the Garden subdivision stated that they wanted a white fence and could not have one. She said that her husband who used to install fencing did not like the tan because it was weaker and cost more money. She explained that there was also gray vinyl which they could install, so the idea of uniformity was out because most wanting white would go with gray instead of tan. She said that they were going to pay more for a fence color they did not want. She stated that others who wanted white and had to install tan were saying that no one else should be allowed to have white. She felt that there were more residents now to speak out against it and the majority of residents wanted white vinyl. She said that it could not be because of cohesiveness because they could put in other colors of fences.

Mayor Farnworth explained that when they were discussing this agreement they were given the options of the colors and they never thought about what other colors could be installed. Ms. Riley said that she had reached out to Mr. Brim and he told her that gray vinyl could be installed. Mr. Brim explained that the agreement was written to promote variation. He said that it only stated what color they could not have and left it open to wood, wrought iron, rock and other colors of vinyl fences, except white. He felt it was written to include an eclectic mix of fence types. Mr. Church explained that the Garden subdivision may have had CC&Rs that encouraged uniformity, but were separate from the Homesteads Development Agreement, which was where the confusion might be coming from. He added that the CC&Rs did not change the development agreement. The original requirements were to have variation, with specific requirements along the trails and open spaces.

Resident Kaydrie Tolbert living in the Garden subdivision said that if they were trying to please everyone and the people with tan fences were worried about the uniformity and those who wanted white fences installed gray, then they still would not have the uniformity. That would make the people who installed tan fences mad and the people who wanted to install white fences mad because they could have had white fences, so either way it would be a lose/lose if the white was not passed. She asked what the difference was if they could have a white vinyl fence with slats.

Resident Caitlin Klundt living in the Garden subdivision said that she knew that cities operated on budgets that were tight. She stated that she chose Vineyard because of the children and the feel and did not care about the color of the fences. She said that she cared about the cost of forcing the homeowners to become compliant. She stated that it was her preference that the city spend their money doing more things for Vineyard and not ripping out fences that were not in compliance. She felt that there was confusion at the city's and homeowner's level. She said that the best use of Vineyard's limited resources was to put it into economic development and making their community more of what they love and why they chose to live in Vineyard.

Resident Ariel Horton living in the Garden subdivision mentioned that the Mayor said that part of the city's original goals was safety. She expressed that instead of worrying about who they were going to offend and they should be looking at the original goals of the people who created

the Homesteads Development Agreement and how they could be fulfilling those goals, given their current situation. She said if the goal was to make it look different and nice, they were great goals. If maintaining the rules as currently written was the best way to meet those goals, she felt they could agree on them eventually. She said if it was not, then excluding white fences and having it be the only rule was not the best way because it would look funny. She said that there could be different things they could agree on and still make the Homesteads Development look nice. She felt that they needed to agree on the goals and uniformity.

Mayor Farnworth said that what he understood from Ms. Horton's comments was that they either needed to be strong on the development agreement and ordinances or change them vastly to meet everyone's needs. He felt that it would be difficult to decide on what the colors should be and that they could not legitimately enforce them. Ms. Horton said that it went back to what they were trying to achieve when they said no white fences and asked if having no white fences was reaching their goal.

Mayor Farnworth asked how many of the residents had fences different than vinyl. There were a few. Ms. Klundt stated that they were considering installing wood in order to get a white fence.

Ms. Guymon felt that a water stained wood fence would look worse than a white vinyl fence. She explained that a gray fence was about \$1,200 more than a white fence for her yard. She added that clay fences were a \$1 more a square foot than white fences and gray fences were at least \$3 more a square foot than white. She said that if the reason for the development agreement was to create a community and keep house values up and looking nice then she felt that having vs not having a white fence would make a difference. Mayor Farnworth asked if the council were to change the agreement to only allow vinyl fences what would people say. He felt that the argument was about the color of the vinyl fence and that consistency would look as good using straight vinyl.

Councilmember Fullmer asked if Councilmember Riley was saying to stay away from white vinyl. Councilmember Riley felt that he could not answer that because there would be more to it. He said that when they were approving the WatersEdge development, the time they spent discussing fencing in the development was very important. Councilmember Fullmer stated that her concern was that the way that the development agreement was currently worded was that purple vinyl fences would be acceptable. She said that if Mr. Pettit decided to change it in his CC&Rs it would be what he decided, except for what was in the current development agreement, which was not being upheld by code enforcement. Her concern was the greater damages being done by the development agreement and how they were going to enforce it. She asked if they were wanting the fences to match the houses. She suggested that was another option to add to the list, because it did not situate anything. Mayor Farnworth asked if the discussion should be vinyl vs any other style of fence. Councilmember Fullmer replied that she did not want to change anything, but allow other types of fences. The majority of the people in the room stated that they wanted to be able to install white fences.

Mr. Searle stated that his home bordered the wetlands. He asked if they were to remove the requirement to install wrought iron fencing, would that mean he could put a solid fence against the wetlands. Mr. Brim explained that there were two types of fencing. The first was the common fencing requirements against the wetlands, which was the wrought iron typically installed by the developer. The second were the fences that separated the private properties. Mayor Farnworth asked if Mr. Searle was required to install the wrought iron fencing. Mr. Searle replied that in the development agreement it stated that, if they bordered the wetlands or open space, they had to install wrought iron fencing. He said that there were people who installed wrought iron because they could not have white fences. He felt that if they were going to look at

amending the development agreement then they needed to look at the fencing guidelines as a whole because there were more requirements than just color.

Ms. Guymon felt that there would be more people moving in that would want white fences and it was creating a neighbor against neighbor combativeness. She asked if it was worth it. She added that she was ready to put in her yard now and she did not want to put in anything because of the contention. She felt that it needed to be decided now so they could install their yards.

Ms. Conterio said that for people who did want white, they did not care what others did with their backyard; they just wanted to put up a fence. She stated that was there to fight for white fences.

Resident Haley Packard living in the Garden subdivision felt that they had done their due diligence in finding out the fencing requirements. She said that they contacted the city and the county and received approval. She felt that they were now the product of misinformation and were the recipients of the backlash. She said that she had heard things about them being entitled and people saying other means things about them on Facebook. She stated that she did not want to live here anymore if this was what was important to people. She said that whatever they decided, they needed to make it clear because this was their lives and it was becoming neighbor against neighbor.

Mayor Farnworth said that it was hard in government to make this consistent over time because you have changes in political people and their views are different. He said that the town had to outsource the planner and engineer and you could see where misinformation could happen. He added that they were not only dealing with fencing but other issues as well. Ms. Packard felt that Councilmember Fullmer had done a good job with talking with residents. She felt it was good to see the other side of the issue.

Resident Chris Judd living in the Sleepy Ridge subdivision asked if there were fencing plans outside of the Homesteads Development that had similar requirements. Mr. Brim replied that there were requirements for common fencing but that he was not aware of any requirements for the interior fences. Councilmember Fullmer said that there were not any in the other developer agreements. Mr. Judd explained that he worked with developers and understood the purpose of development agreements and fencing requirements. He felt that the interior fencing requirements should be a CC&R issue and not a city issue.

Mr. Church stated that the Homesteads Development Agreement was adopted by ordinance and would have to go through the Planning Commission with a public hearing and then come back to council. He added that it would affect all of the Homesteads developments. He recommended that if there was no new material tonight, that they move it to the Planning Commission. Mr. Judd agreed as Planning Commission Chair. He added that they wanted to do their due diligence. He felt that this could be a financial burden and a waste of the planner's time.

Mr. Peterson stated that not only was the city financially impacted, but the residents were as well. He said he had been delayed by two months moving into his home because of regulations that had never been required by the city before. He said that this caused a financial impact on him and that the lack of consistency was frustrating. He asked what they were going to do to expedite the timeline, because with spring and summer approaching the need was around the corner for them. He was dreading that he had to go through the permitting process for his deck and basement and did not want to go through it with his fences as well.

Mr. Brim asked the council to give him the direction they want him to take. He said that they needed to follow the Zoning Ordinance and if they wanted to go that route it would be an easy amendment to the agreement.

Mayor Farnworth stated that they had to follow a specific process to amend the agreement. He said that the city would expedite it as quickly as possible but they had to follow the legal process.

Councilmember Riley stated that if the process was to bring the rest of the communities affected by the agreement into the discussion then they needed to go through the process. He explained that when they made these decisions and took counsel from the developers there were unintended consequences. He felt that they needed to find a way to uphold the agreement and figure out a way to identify the financial impact. He felt it was shortsighted to only look at how it would impact the Garden subdivision when there were many other neighborhoods affected by it.

Councilmember Flake felt that the Shores subdivision was the most offended because his builder did not tell them anything. He said that he researched it and found what was available. He stated that it was incumbent upon those moving in to be well informed. Laws were put in place for the protection of all and are sometimes unfair. He said that he did not like white fences but they needed to look at it legally. He felt that the decision could be made quickly. He added that there would be some type of fencing required. He said that the residents had put the city in a position where they now had to look at the whole agreement, which could take some time. He also knew that it was going to cost time and money. He added that he did not know if they could enforce some of the variation that would be discussed and if they were willing to spend the money for the legal requirements that would be put in place. He was willing to wait for the findings from the Planning Commission.

Mr. Brim commented that it would depend on what was being requested. He said if they were asking them to look at the whole agreement then they were talking about work sessions and public hearings, which could take several months. Councilmember Flake stated that there were more homes coming in and felt that the city did not have a standard that they could use. They needed to decide what they were going to do so they could enforce it. Mr. Brim replied that if it was not an intense overhaul and they already had a Zoning Ordinance in place, which was not as specific as the development agreement then they already had a quick fix. He said that it could be done in a couple of months with an amendment to the development agreement. He said if they were looking at a broader approach, then it would take several months. Councilmember Flake asked if the Zoning Ordinance addressed the questions raised. Mr. Brim replied no and stated that the Zoning Ordinance regulated height, separation between commercial and residential uses, allowed for all colors and certain materials, etc. Councilmember Flake asked about open areas. Mr. Brim replied that the discussion tonight was about the private fencing separating houses and rear yards. If it was fencing on common areas, then the development agreement would still guide.

Councilmember Fullmer explained that a year or two ago she would have kept to the agreement. She said she had had conversations with the residents and came in with them to try to change the requirement to white. She said if they were to change it, it would make no sense and would not be fair because they already told them they could not change the agreement. She stated that she was not there in 2006, and felt that the white fence was more appealing for their homes. She said that for her, fence color did not make a difference internally. She did not agree with making things that they did not enforce. She said it was hard to make decisions that they tried to get enforced and then they did not get enforced, which caused disturbances. She said that they found out that they could not enforce them because they did not have the personnel to enforce them, then they get the person and they cannot enforce them because of their work load. She said that

someone needed to complain, but they were not willing to complain because they had to put their name on it. It started making the neighborhoods argue and fight with each other and they wanted Vineyard to be a place where people want to live. She did not see changing the exterior of the fences; the way it was already done, it was done nicely. She suggested that they discuss the fencing requirements with Mr. Brim. She said that she was a big keeper of the law and if they could not regulate the law this meeting meant nothing. The whole point of government was when establish something you should be able to keep it. That was safety. All of the damages that were going to be enforced if they do this would be so costly to the city and the residents that it made no sense for her to change it and make more regulations. She wanted to change the wording, especially if the interpretation by those enforcing it showed that they could paint their fences white, etc. She said that they would be compliant if they wanted to come up with a long process, but seeing as the residents were in the bidding stages for their fences, it did not make sense to her. She said that the residents needed to be aware that the residents who came before them went through a big process to get here, it was a tender situation and for them to want to stay compliant, they were good neighbors. She said that they wanted people who were compliant and wanted to follow the law. She felt that it was unfortunate for those who wanted white fences but were compliant and installed tan fences, since those residents would be “burned” if the city now decided to accept white fences. She said that she saw that they were already accepting white fences and different colored fences were going to happen. She did not see a point in extending the meetings and continuing on with the development agreement. They suggested that they change the wording, which would be the least damaging to the city. She was sorry for all of the people who worked so hard before this. She added that she worked on it and if they had done the research two years ago, it would have been on a smaller scale and now the damages would be too much. She recommended that they accept white vinyl because they were already accepting white and allow residents to match the fencing to their homes to get the greatest value for their homes.

Mayor Farnworth stated that they should follow the process and have at least one meeting with the Planning Commission and make it as short as possible and move forward if they can.

Councilmember Flake suggested that they give Mr. Brim the avenue to go with the Zoning Ordinance and amend the development agreement. Councilmember Fullmer stated that she did not know if everyone would be in compliance with the development agreement if they went with gray fences. She stated that Mr. Pettit would be willing to work with the city. She added that the city did not have any jurisdiction over the CC&Rs and the residents would need to contact the developer.

Mr. Brim explained that Planning Commission would be holding a meeting next week and they could include it as a work session for commission discussion only. They could hold a public hearing in about six weeks. There was a discussion about how to notice a public hearing and when they could hold a meeting.

Councilmember Riley stated that he did not have enemies when he first moved here and now he did. He said if they try to short-circuit something because of a few, they would get into trouble over and over again. He said the this was only one of many areas that they had serious issues with compliance. Mayor Farnworth stated that there were a lot of good things that they had done and he was sorry that some things had fallen through the cracks. He added that he had been abused because of his white fence to the extent that people were saying he was using his position.

Councilmember Fullmer agreed that there were a lot of good things happening in the city. She did not believe in not taking accountability for the things that they do not do. She said that when they came in for two years, she was not going to sit there and act like nothing happened. She

stated that she came in to the office personally several times. She added that she was grateful for all of the good things they have done as a city. She said that she made sure to tell people which staff members could answer their questions. She said that they did not have all of the things that they needed and that was why it did not follow the process and they were not compliant two years ago. Mayor Farnworth stated that they needed to tell people that they did not have the staff or the budget and that was why things were falling through the cracks.

Mr. Judd suggested that council allow Planning Commission take the brunt of it and make the recommendations. He felt that they had a good commission that could see all sides of the issues. Mayor Farnworth felt that they needed to educate the people. Mr. Judd felt that the residents were calmer with the commission and understood that they were just making a recommendation.

Councilmember Flake stated that they did not have the wisdom of Solomon and they needed to make sure that they did an excellent job informing everyone on the process they would be taking. He felt that the residents assumed that the council could make a decision tonight.

Mr. Judd said that the commission would welcome feedback from council. Mr. Church stated that they should avoid regulating non-public places other than for safety or harm to neighbors. Councilmember Flake felt they had done it right in the WatersEdge development.

Mr. Church said that in the Homesteads Development the idea was that it would be enforced by the overall master developer. He mentioned that he lived in the most regulated neighborhood in the state. He said that the development was enforced by the Homeowners' Association for his neighborhood, a Homeowners' Association for the entire development, and a Rio Tinto agreement. He said that he could not put in a backyard without putting it through the HOA and the Development Board. He added that South Jordan did not enforce it. He explained that they had strict fence regulations including which type and color and that fences had to be installed. He said that the intent with the Homesteads Development Agreement was to have a master developer.

Councilmember Riley stated that they did not want 5,000 homes with white vinyl fences and if they had not put that requirement in the agreement that was exactly what they would have had. Mr. Church said if they read the development agreement there was a Development Review Committee and CC&R's for each subdivision. He said it was not anticipated that Vineyard would be the enforcer; it was to be the developer along with the neighborhood.

Mayor Farnworth explained that the first developer went bankrupt and they were now working with a different developer. He anticipated that this would not be the last problem in the Homesteads Development. He added that the Development Review Committee was never organized.

Mr. Church suggested that they avoid the interior lot regulations because they were hard to enforce. Councilmember Fullmer felt that the developer did not seem to want to enforce them.

Mr. Reid explained that as the code enforcement officer, if there was a complaint, he would issue a notice of non-compliance on the property to the county. He said that the lenders could choose to call the loan in full and refuse to lend on a non-compliant property. He said that most lenders did not do that, but the issue would be when they went to sell the property. He asked council if complaints came in how he should address them. Councilmember Fullmer felt that they could not address the complaints until the issue had been resolved. Mr. Reid explained that they had to go with the current code. Mr. Church suggested that the mayor could instruct the code enforcement officer, if he were to receive a complaint, to hold off on enforcement until the

Planning Commission finished its process. Mr. Judd asked if Mr. Reid had filed any non-compliance notices previously. Mr. Reid replied that he had not. Mayor Farnworth agreed that Mr. Reid not issue any non-compliance notices until the issues had been resolved.

Mr. Brim asked if they wanted the commission to amend the development agreement, which could be done in two to three months. There was a discussion about holding public hearings and when the meetings could be held.

Councilmember Riley expressed concern with the way it felt when they pushed things through and were not thinking about the long-term consequences. He did not feel that it was the best approach for government to quickly push through things. Mr. Judd said that they might not have a recommendation that night. Mr. Brim said that it would be on the work session agenda first and then an official public hearing.

Mr. Judd felt that they had a lot of good information to use because of the work done on WatersEdge. He said that he would be looking intensely at the fencing plan that they had done.

Councilmember Riley said that when they were working on the Homesteads Development Agreement in 2006 he felt that at times he was in jeopardy while driving home. He explained that they gave density to get an overpass and fire station, which they ended up losing. He felt that they had learned from that experience and would not forget it. Mr. Judd asked the council to give the commission feedback as to why the decisions were made. He added that they did not want to ignore the past, but could not always be governed by it. Mayor Farnworth commented that government changed ordinances all of the time.

Deputy Gordon offered law enforcement services for the Planning Commission meeting.

11.2 DISCUSSION OHV/ATV Use Within City Limits

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.

Mayor Farnworth turned the time over to Utah County Sheriff's Deputy Collin Gordon.

Deputy Gordon reviewed the ordinance which addressed the operation of Off Highway and all-terrain vehicles (OHV/ATVs) within the city limits. He said that it had been allowed in the past and with the rapid growth it had become a safety issue. He read the ordinance.

Mr. Church stated that they could not be more restrictive than the state code allowed. He explained that this ordinance was stating that they were not allowing any non-street legal vehicles on any streets or trails. He said that it did not regulate the use on private property. Deputy Gordon said unless it was trespassing or someone was intoxicated and operating on private property, they would not be involved.

Resident Anthony Jenkins living in the LeCheminant subdivision asked if they could use their four wheelers to plow sidewalks. Mr. Church replied that they would not allowed. He added that enforcement would be reasonable. Deputy Gordon stated that they would be looking at it from a safety standpoint.

Councilmember Riley asked about people using the off-road vehicles to go to a family member's home along Holdaway Road and how it would be treated. He did not want to eliminate all of it.

Deputy Gordon replied that it would be a discretionary item and up to each individual law enforcement officer. Sergeant Christensen said that if it was late at night and someone was running a two-stroke motor, that would not be acceptable, otherwise it would be the same discretion as enforcing the speed limit.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ORDINANCE NO. 2017-03 AS NOTED IN THE STAFF REPORT. COUNCILMEMBER RILEY SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND RILEY VOTED AYE. COUNCILMEMBER GOODMAN WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

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

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.

Mayor Farnworth turned the time over to Utah County Sheriff's Deputy Collin Gordon.

Deputy Gordon gave a brief history, which allowed the discharge as long as it did not violate state law. He felt it was a safety issue. He stated that the new ordinance outlined the removal of some of the ordinance that was in the county code but not needed for the municipality and would restrict the discharge of weapons within the city limits.

Councilmember Riley stated that there were residents who were allowed to get depredation or farm tags. He said that if they were defining a weapon as a high-power rifle and then including a bow, he felt that they needed to modify the definition to remove bows. He explained that there were at least a dozen tags each year that were allowed to harvest the deer population. Deputy Gordon replied that he knew that other municipalities had a law for the discharge of weapons and then adopted a separate law that allowed for depredation hunting with specific parameters and types of weapons. Mr. Church stated that it was a common way that it was handled on the depredation hunts. He asked if they were going to restrict the limited bow hunting and if they were all depredation tags. Councilmember Riley replied that he did not know if they were all classified as depredation tags. Deputy Gordon explained that hunting along the lake required a different license and was regulated by the state. Councilmember Riley explained that there was prime deer habitat that was closer to the farm, not just along the lake. Mr. Judd felt that there would be safety concerns with stating that a bow was not a weapon and having people target practicing in their backyards. Councilmember Riley suggested that they could specify the area they could shoot in. Councilmember Fullmer asked how they would regulate it, because she thought they had to be in the center of the farm to discharge a weapon. Sergeant Christensen said that the issue was with the weapon they were using. Deputy Gordon replied that it would be reckless endangerment.

There was a discussion about where they were firing weapons, different types of weapons, and other cities' regulations. Councilmember Riley asked about pellet guns. Deputy Gordon replied that it would fall under the section defining anything that fires a projectile.

Mr. Church stated that they removed the portion of the county code that did not apply to municipalities and adopted the standard that was consistent with surrounding cities that regulated the discharge of weapons within the community. He read the changes to the ordinance.

Mayor Farnworth asked if it would be left up to the discretion of the officer. Deputy Gordon replied that there would be some discretion. He said that he personally viewed the discharge of weapons differently because of the safety issue. He recommended that they draft the ordinance to address the issues brought up. Mr. Church explained that the discharge of a bow was legal in someone's backyard, but it was illegal if the bow was discharged onto someone else's property. He said that Councilmember Riley was talking about hunting on their own property. He suggested that they allow them to shoot the deer on the farm by leaving out Section b. He added that the code would eliminate hunting of birds on the farm.

Mayor Farnworth asked if the officer could turn a blind eye to it. Councilmember Fullmer suggested that they could zone it and cut out the part that was not being developed.

There was further discussion about the state code. Sergeant Christensen said that they needed to remember that the laws were written for the protection of the people. Lieutenant Rice replied that if there were complaints they would have to investigate. The discussion continued.

Mr. Church suggested that they eliminate Section b. There was a discussion about what to eliminate in the proposed code amendment.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FULLMER MOVED TO APPROVE THE REQUEST BY ORDINANCE 2017-04, BUT ELIMINATE SECTION 13-3-3 B. COUNCILMEMBER FLAKE SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND RILEY VOTED AYE. COUNCILMEMBER GOODMAN WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

11.4 DISCUSSION AND ACTION – Library

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.

Motion: COUNCILMEMBER FULLMER MOVED TO CONTINUE ITEM NO. 11.4 TO THE NEXT COUNCIL MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. ALL PRESENT WERE IN FAVOR. MOTION CARRIED WITH ONE ABSENT.

Councilmember Fullmer stated that people were concerned about homelessness and camping out by the lake. They were asking if there was an ordinance and how the city was enforcing it along with the graffiti and trash. Deputy Gordon replied that it referred to the state code. He said that the camps on the beach had to be in a designated area according to state code. He said that Deputy Peterson would check on the campsite and homelessness. He added that they had used Teens Against Graffiti (TAG), but it might take too long to get them here. He suggested that they use the Public Works Department or volunteers to clean it up. Mayor Farnworth recommended that citizen not do the cleanup alone. There was further discussion about cleaning up the graffiti.

Mayor Farnworth addressed concerns about flooding in the area. He said that they did not live in a flood area. Mr. Love asked that if anyone saw areas around catch basins that were catching water, to let the city know. Mr. Judd said that it was important to explain to residents the

difference between a highwater table and a flood zone. Mayor Farnworth suggested they refer people to the Public Works Department. There was a discussion about flooding and land drains.

CLOSED SESSION

Motion: COUNCILMEMBER FLAKE MOVED TO GO INTO A CLOSED SESSION AT 9:45 PM TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL. COUNCILMEMBER FULLMER SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND RILEY VOTED AYE. COUNCILMEMBER GOODMAN WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

13. ADJOURNMENT

The regular meeting was adjourned following the closed session.

The next regularly scheduled meeting is March 8, 2017.

MINUTES APPROVED ON: May 10, 2017

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER