

City of Woodland Hills, UT

City Council Meeting

Minutes

Tuesday, August 3, 2021 at 6:00 pm

Public Notice is Hereby Given that the City of Woodland Hills City Council will hold a Public Hearing, Work Session and City Council Meeting. The meeting will be held via Zoom.

Meeting Location

690 South Woodland Hills Drive, Woodland Hills Utah

Work Session

1. Gates on Public Roads including the Gates on Summit Creek Drive

Minutes:

Mayor Pray called to order the work session of the city council meeting at 6:10 p.m. The council will be hearing public comment regarding the gates on upper and lower Summit Creek Drive.

Public Comment:

Benn Brindley representing Summit Creek expressed his appreciation to the council. He is hopeful that there will be some resolution tonight. He is of the opinion that the developers have provided the city with sufficient enough information to make a decision. He believes the developers of Summit Creek have been responsive to any concerns and/or issues that have been raised or that have arisen while the gates were functioning.

Bucky Gay-Summit Creek. Mr. Gay noted the council has had numerous discussions over the years regarding the gates. As he was driving into the city tonight he was reflecting on when the gates were first built. He expressed that had the developers known that the gates would not be able to function, they would have never built the gates. He hopes the council will make a decision that reflects those who would be impacted the most.

Steve Dickert- Mr. Dickert represents the financial backing of Summit Creek. Mr. Dickert commented that when Mayor Lauritzen was alive, conversations were held and decisions were made between Mayor Lauritzen and the developers that were less formal than they are now. The reasoning behind the gates was to provide the residents of Summit Creek with a sense of security and peace of mind. He added Summit Creek is willing to take ownership of Summit Creek Drive.

Duane Severson- Mr. Severson is building a home on Summit Creek Drive. He would like to see the gates function as per their design.

Dennis Lisonbee- Mr. Lisonbee pointed out there is no precedence to allow private

gates on public roads. He added that a mayor does not have the power to make the decision to allow gates on public roads. A decision like that needs to be made by the city council. Summit Creek is a public road and all the residents of Woodland Hills were promised an additional access road.

Michelle Crump- Mrs. Crump lives on Summit Creek Drive. She commented that when the gates were allowed to be closed she feels the speed at which cars traveled decreased. She suggested residents use one of the other roads out of the city if they do not want to wait for a gate to open.

Hearing no further public comment, Mayor Pray closed the public hearing.

Council Member Malkovich expressed appreciation for the developers of Summit Creek. She has kept track of everyone who has made public comment both during tonight's meeting but also at previous meetings when the gates were discussed. She has had discussions with the other mayors throughout the state, the ULCT attorney and the city's insurance provider. Over and over she has been told that gates on public roads are not a good idea. After a review of her emails, she found an email from Bucky Gay, one of the developers that made public comment during tonight's meeting. The email is dated March 19, 2014. In the email Mr Gay stated the following, " Attached is a monument we would like to put on the new access road right by Ranch Knoll. The site is indicated on the attached map. The gate you see on the attached rendering, we would like to have welded open." Mr. Gay clearly knew from the beginning that the gates were to be welded open.

Council Member Kynaston expressed that it has been an interesting series of months and years. He was on the council during the initial years when Summit Creek Drive and the gates were first being discussed. He is of the opinion that the ownership of the road needs to stay with the city. He recalled the meeting when the Hanks family and Robert Nelson agreed to sell the property that Summit Creek Drive now sits on. He appreciates the public input and the participation from the public during the many public hearings that the council has held. He feels it is not worth reviewing the history, but he wishes the council would have been more proactive when the gates were initially closed. He believes that the residents that live on Summit Creek Drive are the victims, and that if Mayor Lauritzen were still alive he would push for the gates to remain open.

Council Member MacArthur was not on the council at the time gates were being proposed, but he appreciates the history. As the council has discussed the issue back and forth he feels that the decision is clearly up to the council. Going back in time he agrees things may and should have been done differently. He recognized that traffic may have been slowed when the gates were closed. However, emergencies do happen and a gate can impact things in a life and death situation. He agrees with Mr. Lisonbee that there is not a precedence to allow gates on public roads, and he is not in favor of selling Summit Creek Drive to the developers of Summit Creek.

Council Member Ottley is appreciative of the partnership that has been formed between the city and the developers of Summit Creek. Initially he was very opposed to the gates, but as he has listened he can empathize with the residents who bought in

the Summit Creek subdivision. He is also of the opinion that the decision is up to the council and that the decision is very subjective. This led him to create a spreadsheet. In his spreadsheet he came up with a -4, this leads him to be in favor of keeping the gates open. The informality that Mr. Dickert spoke of is part of a city maturing and he believes the city has learned some valuable lessons over the years.

Council Member Pratt was on the planning commission when the mountain villa overlay zoning was passed. Part of the overlay zone included the possibility for gates/monuments. Summit Creek Drive was not just Summit Creeks dream but also the dream of the city. Without Mayor Lauritzen doing the hard negotiations, the road would have never been built. He noted that he has received numerous emails. Some of the emails were very well said and others were very disheartening. Hard conversations need to happen but he would ask that the residents try and be civil in their conversations. For him, it is about the future and the gates cannot accommodate the city growing.

Council Member MacArthur believes at some point the council needs to address safety on Summit Creek Drive.

2. 2021 Road Project Budget Summary Options- Corbett Stephens

Minutes:

Mr. Stephens was excused from tonight's meeting. Ted Mickelsen from the roads committee mentioned that this is a follow up to the discussion the council had at the last city council meeting concerning the road funding project and potentially paving Skylake as part of the road project.

Council Member Pratt wanted to know when Skylake became part of the discussion. Council Member Malkovich explained that she has received numerous calls about the condition of Skylake. There has been significant road damage done to the road that has never been addressed.

Council Member Pratt felt it was never addressed because it really should never have been built on.

Council Member Malkovich commented that the city approved the subdivision and there are buildable lots on Skylake. The city needs to provide access to the lots or be prepared to purchase the property.

Mayor Pray noted an email from Byron Adams, a past city council member.

Council discussed the safety concerns associated with paving the portion of Skylake just above and below the hammerhead.

Council Member Ottley asked if there are any durability issues due to the steepness of the road.

Ted Mickelsen mentioned there may be some issues with possible washboarding and there may be some rippling. The Diana Sackett asked about potential liability for the city.

Mr. Mickelsen explained the city is only pulverizing the road that was previously paved. The slope or grade is not being changed.

3. Final Plat Approval Four Season Plat D- Chairman Wayne Frandsen

Minutes:

Chairman Frandsen explained Robert Nelson, the developer of Four Seasons subdivision, is requesting final plat approval for plat D. Plat D is a 16 lot subdivision. The CC&R's which all of the lots are under state that for any lot whose driveway exits on Summit Creek Road, they must provide either a hammerhead type turn around as part of their driveway or a circular driveway, both of which allows them to exit onto the road, driving the vehicle forward, rather than backing out onto the street. The preliminary plat originally called for 20 lots but 4 lots have been removed. Chairman Frandsen brought to the councils attention to the cul-de-sacs names and that they are being named after members of the Ted Hanks family.

Council Member Pratt expressed the desire to have Summit Creek Drive be a multi-use road. He appreciates the developers willingness to install sidewalks on one side of the subdivision. He would like the council to consider sidewalks on both sides of the road as well as a bike trail. He encouraged the council to delay making a decision on the final plat until further discussions could be had with the developer.

Council Member Malkovich inquired if the city can change what they are mandating if it is not part of the city standards.

Chairman Frandsen is willing to look at the city's development and construction standards for future developments.

Mayor Pray reiterated the need to update the development and construction standards to reflect the city's general plan.

Council Member Ottley remarked the council has previously discussed incorporating the trail plan into the development and construction standards. He recalls Council Member Pratt having been asked to work with the planning commission on making this happen.

Council Member Kynaston is not in favor delaying a decision. The planning commission gave its recommendation based on current city standards.

Commissioner Frandsen mentioned Robert Nelson's willingness to always work with the city.

Council Member Ottley reiterated that Mr. Nelson has expressed in prior meetings that he is willing to do what the city asks and he believes he has done just that with Plat D.

4. Resolution Amending City Consolidated Fee Schedule -City Recorder

Minutes:

Mayor Pray mentioned Waste Management notified the city on July 21, 2021 of an increase in the fee it will be charging per can. The increase went into effect August 1, 2021.

Council Member Ottley mentioned the solid waste district is not raising their dumping fees.

Mayor Pray would like to table approval of the resolution until she can get more information behind why the rates are going up.

5. Update on Security Cameras- Council Member Pratt

Minutes:

Council Member Pratt reminded the council that they already approved the funds to purchase security cameras. He does not believe anything more needs to be done. Council Member Malkovich wanted to be reassured that the needs of both fire and water will be met, and that the public works director has and will be consulted moving forward.

6. Proposed Ordinance Amending City Code Title 10-2-1 Definitions

Minutes:

Mayor Pray stated for the record that public comment was heard at the July 13, 2021 city council meeting.

7. Proposed Ordinance Amending City Code Title 10-11-8 B (5)- Sports Courts

Minutes:

Public comment on the proposed change in setbacks for sports court was heard during the July 13, 2021 city council meeting.

A small clerical change to the ordinance was suggested by Chairman Frandsen. He suggested adding the word "accessory" in front of building to the sentence starting with " All parts of a sport court, including fences, shall be located within the area of a lot where". The new ordinance would read, " Sports Courts- For purposes of this subsection, a sport court is an area for recreational activities that requires a fence to keep balls, etc., from leaving the area. All parts of a sport court, including fences, shall be located within the area of a lot where an accessory building may be constructed as specified in the table in section 10-11-2(B). Fences which are part of a sport court shall comply with this subsection except that fences may not be more than eighteen feet (18') in height above natural grade. The total enclosed area of a sport court shall not exceed seven thousand, two hundred (7,200) square feet. Any portion of a sport court fence higher than six feet (6') must be seventy-five percent (75%) open."

Sherry Burger would like the council to consider restricting lights on sports courts. She mentioned there is a sports courts in the city that has lights that appear to not be in compliance with the city's lighting ordinance.

The council encouraged Mrs. Burger to contact the zoning enforcement officer.

8. City Council Reports

a. Council Member Kynaston

Minutes:

CWPP (Citizen Wildlife Protection Plan)- Council Member Kynaston would like council input regarding placing bins throughout the city for residents to place brush in this fall. A proposed brush clearing form was sent to the council for their review. The proposed form would not be sent to every property owner in the city, but rather the fire department would like to focus on properties where the greatest impact could be made.

Council Member Malkovich had a resident inquire why the city does not just go

in and take care of a violation if a violation is noted.

Council Member Pratt asked under what circumstances has the city ever gone on personal property and cleared brush.

Chief Northup indicated the city has never gone onto private property unless permission was first obtained from the property owner.

Council Member Kynaston added that the city has been lenient in the past.

Council Member MacArthur mentioned a resident has expressed interest in helping with the distribution of the forms.

Council Member Kynaston mentioned Chief Northup, Val Wilding and himself were able to visit a fire station that had the exact truck the fire department has proposed to the finance committee.

Council Member Pratt asked about the sweeping of the streets.

Chief Northup mentioned city employees have been out filling ruts and sweeping the roads. Many of the issues after the recent rainstorm were compounded because of the water project.

b. Council Member MacArthur

Minutes:

Public Works-Roads: Council Member MacArthur believes everything was covered regarding the roads earlier in the meeting.

Animal Shelter- The Animal Rights Coalition has been going around and speaking to city councils of other cities. A request has not been made by the coalition to address the Woodland Hills City Council.

c. Council Member Malkovich

Minutes:

Utah Lake Commission- Council Member Malkovich mentioned Utah Lake has had a number of algae blooms this year. The life jacket program is going good and the lake has received numerous donations.

Emergency Management- Council Member Malkovich reported the city has fared well during the recent rain storms.

d. Council Member Ottley

Minutes:

911- Council Member Ottley had nothing to report.

Solid Waste- Council Member Ottley had nothing to report.

Events- Council Member Ottley announced Bish and Marianne Christsen and Brad and Laken Lunt have agreed to Co-Chair this years Woodland Hills Days. He encouraged the council to be supportive of them and their ideas. Individuals wishing to volunteer can contact him.

An ongoing landscaping project is being worked on at the city offices. Work is being done on the north side of the building. Additional landscaping will take place during September. The split rail fence that will go up around the park has been delayed due to a material issue. He hopes to have it completed prior to

Woodland Hills Days. Aries Grogg has volunteered to help get additional volunteers to help with the various projects going on in the city.

e. Council Member Pratt

Minutes:

Public Works (Water)- The public works meeting scheduled for August has been cancelled.

Finance Committee- The next meeting for the finance committee is scheduled for August 11th at 8:00 p.m.

f. Mayor Pray

Minutes:

Mayor Pray had nothing to report.

9. Possible Items for Upcoming City Council Meetings

Minutes:

Mayor Pray informed the council that LEI has tendered their resignation. The resignation is not immediate. They will give the city time to find a new engineering firm and will work with the city during the transition period. LEI has recommended that the city look at contracting services with Jones and DeMille.

Council Member Pratt asked if there is a difference between using a firm on ad-hoc basis, and that of contracting services with them.

Ted Mickelsen explained there are different ways that Jones and DeMille works with cities. One is based on project, the other is a general services agreement. He is always interested in helping the communities he lives in, but assignments of who would be assisting the city would depend on what the city is in need of.

Council Member Ottley is in favor of a general services agreement.

Mayor Pray asked Mr. Mickelsen to send the city a copy of a general services agreement that Jones and DeMille uses.

Council Member Malkovich indicated she has reached out to other cities and they all mentioned Jones and Demille would be a good fit for Woodland Hills.

Mayor Pray noted she has been thinking about a theme or a slogan for the city. She put forth "Woodland Hills Cares, Woodland Hills Servies, Woodland Hills Strong."

Sherry Burger asked if the parks, trails and recreation committee might give a report.

Council Member Kynaston mentioned the parks, trails and recreation committee has put together a dark sky survey that will be sent out to the residents.

Mrs. Burger added a potential need for maintenance of the water bars.

Chief Northup reported the avalanche that happened earlier this year damaged the geo fence that was installed as part of the mitigation project. He is getting a quote to fix it. The water bars that Mrs. Burger spoke of are in great shape.

Adjourn

The meeting was adjourned at 8:45 p.m.

City Council Meeting

Call to Order

Mayor Pray called to order the City Council meeting at 8:52 p.m.

Pledge of Allegiance: Council Member MacArthur

Invocation: Council Member Malkovich

Public Comment

During this time, members of the public and staff may address the City Council regarding any items within the subject matter jurisdiction of the City Council. Comments from the audience will be limited to two (2) minutes per speaker; unless authorized by the Mayor, the time limit may not be extended by utilizing another member's time. There will be no debate or action on items not listed on the agenda.

10. Public Comment

Minutes:

Steve Dickert- Mr. Dickert would like the council to consider making Summit Creek a private road with public access. He noted that they are moving forward with a concept plan for the remainder of their development.

Sherry Burger- Mrs. Burger expressed gratitude to the city for the job they did in sweeping their road.

Brent Bateman- Mr. Bateman represent the developers of Summit Creek. He wanted to make two points. He appreciates the comment made by one of the council members that the best way to behave is civilly. He believes the city does have the right to make the decision, but he would encourage them to work with the developers.

Consent Agenda

11. City Council Minutes from June 22, 2021 City Council Meeting

Minutes:

Motion: Council Member Pratt made the motion to approve the minutes. Seconded Council Member MacArthur seconded the motion. Vote: Motion passed unanimously.

Business and Discussion

12. Gates on Public Roads including the Gates on Summit Creek Drive

Minutes:

MOTION: Council Member Ottley made the MOTION that the gates currently built on Summit Creek remain open and not be functional.

Council Member MacArthur would like to give a heads up to Summit Creek on what the future is looking like. He suggested the council possibly make a statement that the council is not open to functional gates on public roads.

Council Member Ottley withdrew his motion.

MOTION: Council Member MacArthur made the MOTION that moving forward the gates on Summit Creek be opened and that they remain open. Additionally, it is the desire of the council that gates not be allowed on public roads; and the council invites the residents and developers of Summit Creek to put together a group that will put forth some ideas to ensure safety on Summit Creek Drive.

SECOND: Council Member Ottley seconded the motion.

Council Member Kynaston asked if there was any interest on the councils part to look at putting gates at the bottom of Woodland Hills Drive. He appreciates the developers offer to purchase the road.

VOTE: Motion passed. Council Member Kynaston was opposed to the motion. Council Member MacArthur, Malkovich, Otlley and Pratt voted yea.

Vote results:

Ayes: 4 / Nays: 1

13. 2021 Road Project Budget Summary Options**Minutes:**

MOTION: Council Member Pratt made the MOTION to accept option #4 on the document sent to the council by Ted Mickelsen. To pave Skylake and complete West Loafer.

SECOND: Council Member Malkovich seconded the motion

Council Member MacArthur added the financial director is not worried about the additional expense.

Vote: Motion passed unanimously.

14. Approval of Plat D Four Season Subdivision**Minutes:**

MOTION: Council Member Kynaston made the MOTION to approve Plat D of Four Seasons as submitted and approved by the planning commission.

SECOND: Council Member Ottley seconded the motion.

Council Member Malkovich added the city cannot require something that is not currently called for in the development and construction standards.

Council Member Pratt wants to ensure that the east side sidewalk is sufficiently wide enough. He would like to add a bike path to the west side.

Council Member Ottley remembers the disussion that the council had on the preliminary and the request to increase the sidewalk to be the same width as what the LDS Stake Center constructed at the intersection of 11200 South and Summit

Creek Drive.

Council Member Pratt has lingering questions with the plat. He is wanting a sidewalk on both sides of the road.

Council reviewed the plans and determined that there is no sidewalk on the south and west side of the road.

Council Member Kynaston withdrew his motion.

Council Member Ottley asked for clarification on what the council is asking of Robert Nelson. He believes the city has current requirements and the city cannot change those requirements mid-stream.

Council Member Pratt made the motion to table approval and ask Robert Nelson to clarify where sidewalks are located in the subdivision.

Council Member MacArthur seconded the motion.

VOTE: Motion passed with Council Member Ottley voting Nay.

Council Member Malkovich made the MOTION to have a discussion with Robert Nelson to discuss the width of the sidewalks in the subdivision.

Council Member MacArthur seconded the motion.

VOTE: Motion passed with Council Member Ottley voting nay.

15. Approval of Antenna on City Building

Minutes:

A decision was tabled.

16. Resolution Amending City Consolidated Fee Schedule

Minutes:

Tabled.

17. Ordinance Amending City Code Title 10-2-1 Definitions

Minutes:

MOTION: Council Member Ottley made the MOTION to ADOPT the ordinance amending City Code Title 10-2-1 Definitions. SECOND: Council Member MacArthur seconded the motion VOTE: Motion passed unanimously.

18. Ordinance Amending City Code Title 10-11-8 B (5) Sports Courts

Minutes:

Mayor Pray did a formal reading of the proposed ordinance.

MOTION: Council Member Malkovich made the MOTION to approve the ordinance.

SECOND: Council Member Pratt seconded the motion VOTE: Motion passed unanimously.

Adjourn

Zoom Meeting Information

Join Zoom Meeting

<https://zoom.us/j/4186586561?pwd=aDI3NTRzOWVwbG8zdXNCNmVadE03QT09>

Meeting ID: 418 658 6561

Passcode: WH2021CC

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