

City of Woodland Hills, UT
Public Hearing and City Council Meeting
Minutes
Tuesday, November 9, 2021 at 6:00 pm
Amended Agenda

Public Notice...

Public Notice is Hereby Given that the City of Woodland Hills City Council will hold a Public Hearing, Work Session and City Council Meeting on November 9, 2021. The Public Hearing will begin at 6:00 p.m. with the Work Session and City Council meeting to follow. Electronic meeting information can be found on the bottom of the agenda.

Public Hearing

1. Consider a Change to 10-6A-1 to allow the Planning Commissioner Alternate to Vote

Minutes:

Start time 00:11:30

Chairman Frandsen explained the proposed change to the ordinance would allow the planning commission alternate to vote when a member of the planning commission is not present.

No public comment was heard.

2. Consider Repeal of City Code 10-1-4(B) and 10-11-2(C)G

Minutes:

Start time 00:13:25

The proposed change would remove references to the city enforcing CCR's.

Mayor Pray noted that a comment was emailed to the city council from Sharon Wright. A copy of Ms. Wright's email will be included in the minutes.

3. Consideration of ADU (Accessory Dwelling Unit) Ordinance

Minutes:

Start time 00:16:00

Chairman Frandsen mentioned the proposed ordinance is modeled after an ordinance adopted by Salem City and if passed it would put the city in compliance with the state code. The planning commission is suggesting that the smallest zone where an ADU might be considered is R1-19. The other change would require a homeowner to provide and additional .45 acre feet of water to the city. The planning commission has also put together an application that would need to be completed and submitted to the city.

Hearing no questions, Mayor Pray moved onto item #4 on the public hearing agenda.

4. Proposal to Amend City Fencing Ordinance for R-1-19 zone

Minutes:

Start time 00:20:14

The planning commission is proposing the council look at adopting a separate fencing ordinance that would apply to lots in an R1-19 zone where an overlay zone has not been applied. A majority of these lots in this zone are currently in the lower portion of Woodland Hills in the area known as the "flats".

Chad Lyman asked for a better understanding on how the proposed ordinance was researched and if any consideration was given for wildlife corridors. He would like some additional restrictions that would help maintain and reflect the character of the city.

Hearing no additional comments, Mayor Pray closed the public hearing.

Work Session

5. Request for Memorial Bench to be installed at City Park- Watter's Family

Minutes:

Start time 00:23:50

Andrea Lowry, the daughter of Dave and Linda Watter's is requesting permission from the council to place a memorial bench at the city park. Her parents lived in Woodland Hills for forty years and passed away earlier in the year.

Council discussed where to install the bench at the park. .

Council Member Malkovich inquired about when the bench might be installed.

Ms. Lowry would like to install the bench this next Spring.

Chief Northup will work with Ms. Lowry on where the bench will be installed.

6. Proposal to Amend City Code Title 10-6A-1 - Allowing the Planning Commissioner Alternate to Vote

Minutes:

Start time 00:32:00

Council Member Ottley was surprised to learn that an alternate could not vote in the absence of a planning commission member. The other boards that he serves on allow the alternate to vote in the absence of a member.

7. Proposal to Repeal City Code 10-1-4(B) and 10-11-2(C)G- Regarding CCR's

Minutes:

Start time 00:34:00

Mayor Pray encouraged the council to read the email Megan Fuja sent to the city earlier in the day.

Council Member Pratt choose to read Ms. Fuja's email outloud:

Dear City Recorder,

Please have this statement read as part of the Public Hearing regarding the proposed

repeal of portions of City Code 10-1-4(B).

I do not agree with changing this ordinance without putting into place mechanisms for enforcement of the WHPOA CC&Rs which are to be enforced by individual property owners. It is important that the City take care to enact procedures whereby the City will respond to the concerns of individual property owners concerning the WHPOA CC&Rs in the same manner that they will respond to the concerns of a review board for Summit Creek or any other HOA with an active review board. Without this same level of respect for the enforcing authority under each CC&R, the City's actions could potentially dilute the enforceability of the WHPOA restrictions.

Additionally, the change proposed for City Code 10-1-4(B) contains errors and is a fragment sentence. The proposed change currently reads: "Whenever the regulations of this zoning title impose higher standards than are required in any other ordinance or regulation." This is not a complete thought. If the City Council desires to take out references to private restrictions, it should not remove any other portions of the code. Therefore, if the City Council insists upon removing those references (which action I do not support), it should at the very least keep all other portions of the current code intact. This would make the amended code read:

"Whenever the regulations of this zoning title impose higher standards than are required in any other ordinance or regulation, these regulations shall govern, but if the requirements of the other ordinance or regulation are the more restrictive, then those requirements shall govern."

Respectfully,

Megan Fuja

Council Member Pratt commented that the issue seems to be around an active board and is the issue here. In 2014, the WHPOA Board was disbanded and the CC&Rs were left intact without a group to enforce them. He hears what Ms. Fuja is saying in that she wants an individual property owner to be able to come to the city and have them enforce the CC&Rs but it is not the city's job to enforce CC&Rs. Council Member Pratt believes the only way for CCR's to be enforced is to form a property owners association.

Corbett Stephens remarked that he was told years ago the architectural board was the enforcing arm of the property owners association. The only active HOA board he is aware of is Summit Creek, and their HOA reviews plans before plans are ever submitted to the city.

Council Member Ottley feels it is inappropriate for a city to reconstitute an HOA board.

Council discussed additional verbiage that might be included in the ordinance and who has jurisdiction over the enforcement of CC&Rs.

Council Member Malkovich mentioned she has contacted a number of other cities in the state and none of them have anything to do with CC&Rs.

Council Member Ottley recalls the prior city attorney saying the city would be acting illegally if they were to involve or to enforce CC&Rs.

Corbett Stephens added CC&Rs are enforceable as they are, but they are only

enforceable property owner to property owner. Enforcement comes when a resident takes another resident to court and not through the city.

Council Member Pratt reiterated he believes Ms. Fuja is asking that the city be the enforcement arm when CC&Rs are brought to the city's attention. CCR's are part of a separate organization and the city cannot enforce a separate organization's rules.

Mayor Pray felt Ms. Fuja was also asking that the city stop construction until the problem is resolved between property owners.

Council Member Pratt added the city cannot enforce rules of a separate organization.

Council Member Ottley felt Ms. Fuja's email was beneficial and that it helped educate individuals on what a city can and cannot do.

Council Member Kynaston asked if the council should look at incorporating CC&Rs into the city code.

Council Member Pratt noted that the planning commission has been working on it.

Council discussed additional verbiage that might be included in the proposed ordinance.

8. Proposal to Amend the City ADU (Accessory Dwelling Unit) Ordinance

Minutes:

Start time 01:01:20

Council Member MacArthur mentioned a typo in the draft ordinance. It should read "owner of property" and not "owned of property".

The city recorder noted action will not be taken on the ordinance at tonight's meeting.

Council Member Kynaston is of the opinion that the newly adopted state law trumps HOA's and the Summit Creek HOA will need to look at changing their CC&Rs. He does not feel rentals in the city will be "affordable".

Council Member Malkovich indicated the average for Utah County is \$1100 or \$1200/month for a one bedroom.

9. Proposal to Amend City Fencing Ordinance for R-1-19 zone

Minutes:

Start time 01:06:35

Mayor Pray voiced a big concern in allowing all residents in an R1-19 zone to fence in 100% of their property.

Commissioner Frandsen expressed the planning commission felt the need for wildlife corridors was less in the lower portion of the city.

Council Member Ottley does not believe fencing is a way to manage wildlife corridors. He would prefer that the city require a developer to include wildlife corridors in their subdivisions.

Council Member Malkovich is not in favor of the proposed ordinance.

Council disagreed with the proposal and felt there was a need for a wildlife corridor.

Milan Malkovich believes a fence becomes a property line after 20 years.

Council Member MacArthur does not believe Mr. Malkovich's statement to be accurate.

Council Member Ottley would like to send the ordinance back to the planning

commission.

Council Member Pratt agreed with Council Member Ottley's recommendation.

Council continued to discuss fencing regulations that would work for the R1-19 zone and maintaining wildlife corridors.

Council Member Malkovich is not in favor of the lower portion of the city looking like the lower portion of Elk Ridge.

Council Member Ottley would like the council to look at making some considerations for those lots that have already been platted in Four Seasons.

Mayor Pray would like the planning commission to consider looking at the ordinance again.

Chairman Frandsen agreed to have the planning commission look at the ordinance again and bring back a recommendation to the council.

10. Update of Proposed Development Agreement between the City of Woodland Hills and Summit Creek

Minutes:

01:26:53

Council Member Pratt mentioned that he, along with Council Member MacArthur and Chairman Frandsen have sat down with the developers on two separate occasions. An updated development agreement was sent by the developer to the city yesterday. His only concern is the agreement still feels a little one sided. The process is moving forward.

Bucky Gay, developer for Summit Creek appreciates the council working on it and he hopes to have something for the council to approve before the end of the year.

11. Deer Population Control-Council Member Ottley

Minutes:

01:28:42

Council Member Ottley reached out to wildlife expert Randy Larsen. Mr. Larsen's proposal is modeled off one Alpine City has adopted and put into place. The goal is to have a herd of deer that is a healthy size.

Council Member Pratt asked if the city knows if there is an unhealthy herd size.

Council Member Ottley indicated Mr. Larsen feels the herd is unhealthy. DWR has taken the stance they do not want to be involved.

Mayor Pray mentioned when the city contacted DWR in the past, DWR mentioned the city was not at an unhealthy level. She does not feel the city has had a huge increase in deer over the last year.

Council Member Ottley added the city can limit the number of hunters it gives licenses too. Another option is to hire and pay someone to thin the herd.

Sherry Burger asked if the council has really researched the need to thin the herd.

Council Member Ottley voiced Mr. Larsen felt there was a need to thin them. There are also several mountain lions that have been spotted on resident's cameras. The more deer, the more likely the mountain lions expand their territory. The city would have complete control over when the thinning would take place and who would be allowed

to do the thinning.

Chris Helvey noted the presentation from DWR years ago said if a city has deer's, they have cougars and mountain lions.

12. City History Project- Council Member Malkovich

Minutes:

01:38:40

Council Member Malkovich mentioned the city celebrated its 40th year in history right before COVID. The last time a formal history was written was in 1996. The communication committee would like to form a subcommittee that would just focus on the history. The committee would be comprised of residents from all parts of the city.

Council Member Pratt is in favor of a committee being formed.

Corbett Stephens has a binder that was put together by Pat Neely that he is willing to loan to the committee.

13. Update on Fuel Reduction Project at City Water Tanks- Chief Northup

Minutes:

01:41:50

Chief Northup reported John Stout volunteered his time and machinery and worked on stacking the dead wood at the city water tank. When the county is ready to conduct a burn, notice will be sent out to the residents.

14. Election Update

Minutes:

01:43:30

The city recorder reported this year's municipal election was handled by the county. The city was not involved with the sending out, collection or the counting of ballots. Preliminary results of the election are available on both the city and county websites. Final results will be available on the 15th of November. The city council will need to hold a special meeting on the 15th to certify the election results.

15. Proposal to Amend the City Employee Policy Manual

Minutes:

01:46:10

Mayor Pray has finished the job description for the Public Works Director/Building Official.

a. Public Works Director/Building Official Job Description

Minutes:

Prior to the meeting, Mayor Pray emailed to the council the job description for the Public Works Director and Building Official.

16. City Council Reports

a. Council Member Kynaston

Minutes:

01:46:10

CWPP- Council Member Kynaston reported the bins that have been placed throughout the city for green waste are filling up quickly. Chief Northup mentioned there are three bins in the city and residents who would like one in their area should give him a call.

b. Council Member MacArthur

Minutes:

01:50:12 South Utah County Animal Shelter- Council Member MacArthur had nothing to report.

c. Council Member Malkovich

Minutes:

01:50:22

Utah Lake Commission- Council Member Malkovich went on a tour of the Provo River and where it flows into the lake. The June sucker fish has been removed from the endangered list which is unheard of. The fish was native to Utah and has played an important part in the ecosystem. Eventually there will be a 72-mile trail around the lake that will be interactive. Two cities that are exciting to watch are Saratoga Springs and Vineyard. Both cities are considering putting fueling stations and restaurants at their marinas.

Council Member Malkovich reported emergency management takes a substantial amount of time. She will be meeting with the commission of public safety for the state on changing some of the laws that were put in place that require every city to have an emergency management representative.

d. Council Member Ottley

Minutes:

01:56:25

911 Special Service District- Council Member Ottley reported the district is having problems with growing pains and employee retention. The solid waste district had a meeting on the new transfer station. The design for the new district is 90% completed and the project is getting ready to go out to bid. The biggest challenge is the rate of increase of different materials. Some of the materials have gone up \$300k. The area where the building is being built is growing quickly. From the budget standpoint, they are looking at how to afford the building without raising rates. The original cost of the building was estimated at \$30 million. With inflation it is at over \$43 million. Once construction is started it will take 18-24 months.

e. Council Member Pratt

Minutes:

1:59:30

South Utah Valley Municipal Water Association- Council Member Pratt reported there was an emergency meeting held by SUVMWA three weeks ago. The purpose of the meeting was to take a vote on selling a parcel of land.

f. Mayor Pray

Minutes:

02:00:30

SESD- Mayor Pray mentioned the district is working through legal problems with Spanish Fork, Payson and Salem on an agreement. An agreement has almost been reached between Spanish Fork and the district. MAG/COG is in the middle of the evaluation process for submitted projects. The trail project submitted by the city is being looked at. Council Member Kynaston added that the city does not have a trail system that benefits the surrounding communities. Mayor Pray does not feel this is Woodland Hills only chance at a potential grant. Council Member Malkovich noted the annual food drive being held by SESD has been added to the city newsletter.

17. Possible Items for Upcoming City Council Agendas

Minutes:

02:04:30

Council Member Pratt mentioned he had a conversation with Michael Miramontas who is a resident of the city and he has some ideas around economic development and/or lobbying the for state funds. He would like to lobby the state legislature to change the sales tax equation on behalf of bedroom communities. Council Member Malkovich added she is working with the league on it and asked for his contact information. Council Member Ottley would like the state to look at the impact of unfunded mandates the state is placing on small and rural cities.

Adjourn

City Council Meeting

Call to Order- Mayor Wendy Pray

Mayor Pray called to order the city council meeting at 8:17pm.

PLEDGE- Council Member Pratt

INVOCATION- Council Member Malkovich

Public Comment

Public comments are limited to two minutes or less. Comments submitted via email

need to be received prior to 5:00 p.m. the day of the meeting to be included as part of the official record. Emailed comments will not be read aloud during the meeting but will be distributed to the council and included in the official record.

18. Public Comments

Minutes:

02:11:55

Aaron Lowe- Mr. Lowe expressed a concern with the bottom of Summit Creek and work being done on the road. There were a number of dumpsters and vehicles in the roadway. He is requesting that the city talk with the contractors.

Council Member Pratt noted there is limited parking on the roads during the winter.

Council Member Ottley remarked as a snow plow driver he is able to get through most of the time. That being said, there is no guarantee that a car may not be redesigned.

Chief Northup mentioned if the Mayor wants the sheriff to write tickets to contractors parking on the road in the winter he is willing to do so.

Council discussed construction traffic and plowing.

Council Member Malkovich mentioned there is a gap between the sheriff being able to write tickets and the justice court. If the code is not in the county's system, the court cannot enforce a ticket.

Consent Agenda

19. October 26, 2021, City Council Minutes

Minutes:

02:23:00 MOTION: Council Member Ottley made the motion to approve the October 26, 2021 city council minutes.

SECOND: Council Member MacArthur seconded the motion.

VOTE: Motion passed unanimously.

Business and Discussion

20. Ordinance Amending City Code Title 10-6A-1 - Allowing the Planning Commissioner Alternate to Vote

Minutes:

02:23:30 MOTION: Council Member Malkovich made the motion to waive a reading and to adopt Ordinance 2021-27.

SECOND: Council Member MacArthur seconded the motion.

VOTE: Motion passed unanimously.

21. Ordinance Repealing City Code 10-1-4(B) and 10-11-2(C)G

Minutes:

02:24:45 MOTION: Council Member Pratt made the motion and to adopt Ordinance 2021-28 with the full wording not the partial wording in the pack, with the addition a

checklist item is added to the building permit packet and the wording that is part of the overlay zone be included with the building permit.

SECOND: Council Member Malkovich seconded the motion.

VOTE: Motion passed unanimously.

22. Ordinance Amending the City Fencing Ordinance for R-1-19 zone

Minutes:

02:26:28 Tabled.

23. Ordinance Adopting the 2021 Employee Policy Manual

Minutes:

02:26:46 Tabled.

MOTION: Council Member Pratt made the motion to approve the Public Works Director/Building Official Job Description

SECOND: Council Member Ottley seconded the motion.

VOTE: Motion passed unanimously.

a. Public Works Director/Building Official Job Description

Closed Session

24. Closed session

Minutes:

02:28:00 MOTION: Council Member Pratt made the motion to move in to a closed session to discuss employee/personnel matters.

SECOND: Council Member Ottley seconded the motion.

VOTE: Motion passed unanimously.

Council moved in to a closed session at 8:36 pm.

Adjourn

A copy of the foregoing agenda was posted at the City Offices, on the City's website at www.woodlandhills-ut.gov and the State Public Notice Website at <http://pmn.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast so other Council Members and all other persons will be able to hear or see the communication.

Date Posted: November 8, 2021

Jody Stones, City Recorder

Zoom Meeting Information

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

Meeting ID: 418 658 6561

Passcode: WH2021CC

One tap mobile

+13462487799,,4186586561#,,,*85106097# US (Houston)

+16699006833,,4186586561#,,,*85106097# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 418 658 6561

Passcode: 85106097

Find your local number: <https://zoom.us/j/4186586561>