

City of Woodland Hills, UT

City Council Meeting

Minutes

Tuesday, December 14, 2021 at 6:00 pm

Attendees: Mayor Wendy Pray, Council Member Kynaston, Council Member MacArthur, Council Member Ottley, Council Member Malkovich and Council Member Pratt; Public Works Dir. Corbett Stephens, Fire Chief Craig Nothup and Jody Stones, City Recorder. Finance Director Chris Helvey participated via Zoom.

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

Meeting Location

690 South Woodland Hills Drive, Woodland Hills Utah

6:00 PM Work Session

1. Interviewing of Applicants to fill City Council Seat Vacated by Council Member Ottley

Minutes:

Dec. 13. 2021 05:00-1:20:01

The city has received three applications to fill the city council seat being vacated by Council Member Ottley.

Each applicant was given four minutes to give a statement. Resumes of the candidates are on the city website and included in the agenda packet.

Jeff Burger- Mr. Burger stated he and his wife have been residents of the city since 2017. Both of them have been involved in the community for a number of years. He decided that he could either be part of the problem or part of the solution.

2. Consideration of ADU (Accessory Dwelling Unit) Ordinance

Minutes:

01:50:00

Chairman Frandsen noted following a publicly noticed public hearing held by the planning commission, the planning commission is recommending the council adopt an ADU ordinance. The ordinance the planning commission is proposing is similar to one adopted by Salem city.

Council discussed the requirement of an additional .45-acre feet of water having to be provided as part of the permitting process and the potential impact of not requiring the additional water.

The city council was of the opinion to omit the requirement of the additional water

share, but to closely monitor the water usage of those homes with ADU's.

Mayor Pray clarified that this ordinance would apply to residents who are renting out a portion of their home as rental income and would not apply to mother-in-law apartments.

Chairman Frandsen advised everyone that there is an area in the city that currently does not allow ADU's in their CC&R's.

Council Member Kynaston is opposed to the city requiring additional regulations.

3. Proposal to Amend City Fencing Ordinance for R1-19 zone- Planning Commission Chair Wayne Frandsen

Minutes:

02:36:00

4. Update on Litigation Matters

Minutes:

Dec. 13, 2021 1:20:54

Craig Smith, City Attorney for the City of Woodland Hills.

Mr. Smith informed the council that Mr. and Mrs. Fuja have filed some additional appeals against the city. There are two parties that are being impacted, the Adam's and the Fuja's. The city is trying to enforce city code and ensure the IRC/IBC code is being followed. The Adam's are trying to complete landscaping but are running into the hurdles. The city has retained David Alter to review documents submitted by the Adam's engineer. Mr. Smith spoke to the different appeals and the city's decision to extend the temporary occupancy of the Adam's. He feels that the city has been considerate and has tried to engage the technical individuals that the Fuja's have hired. Before the snow fell, the city, the expert engineer and Mr. Smith were optimistic that the final work needing to be done on the Adam's home could be done prior to the end of the year. This now does not appear to be possible. Mr. Smith mentioned the Fuja's took exception to his last report to the council and have filed a report with the Utah State Bar.

Council Member Malkovich mentioned a question from a resident regarding a state ombudsman report.

Mr. Smith explained 15 plus years ago the state decided to create a property ombudsman office. The role of the property ombudsman is to help a property owner navigate land use regulations and imminent domain. A non-binding opinion can be given by either a staff member of the property ombudsman's office or an attorney. Mr. Smith happens to be one of the attorneys for the property ombudsman's office. The bar complaint the Fuja's filed against Mr. Smith is related in part to the statement he made regarding the opinion the Fuja's received from the ombudsman's office. The opinion was looked at and he feels there are areas that may have not been considered by the private property ombudsman. The private property ombudsman did conclude that it would not be appropriate for the city to require the building to be altered. The Fuja's believe the house is too tall. There is a building estoppel that prevents the building from having to be altered. Mr. Smith and the city expert

engineer are of the opinion that the city has not done anything that is dangerous to the occupants of the house or neighboring properties. Mr. Smith also mentioned that the city is not bound to follow the opinion of the ombudsman.

Council Member Malkovich asked how many appeals there are now.

Mr. Smith noted there is one with the city appeal board and one with the IRC/IBC Appeal Board. There is also one with the Fourth District Court and an additional one with the Utah Supreme Court. He mentioned he has also heard there is potentially a few other appeals in the works.

Jeff Burger asked about the finding of the ombudsman's report and material facts that the city is in possession of.

Mr. Smith mentioned nothing has been held back and the city has responded to the GRAMA requests. The city has no interest in hiding anything.

Mayor Pray called for a break at 7:50 p.m.

Mayor Pray reopened the work session at 8:03 p.m.

5. City Council Reports

a. Council Member Kynaston

Minutes:

02:47:20

Council Member Kynaston reminded everyone that Santa will be making his way through the city this Saturday. The route that he will follow will be posted on the community Facebook page.

i. CWPP- No report was given.

ii. Public Safety- EMS Captain Rachel Skinner reported the EMS department held elections this year. Richard Larsen was appointed as the Asst. Captain. The department feels Mr. Larsen has the experience and the background needed for the position. He will also be serving as the training officer. Brian Hutchings will serve as the Equipment and Supply Officer, and Jennifer Adams will be serving as the Scheduling Officer. Council Member Kynaston brought up the recent incident involving an individual having someone knock on their door early one morning and the response time of the sheriff's office.

iii. Parks, Trails and Recreation- No report was given.

b. Council Member MacArthur

Minutes:

03:04:00

i. South Utah Valley Animal Shelter- No report was given.

ii. Public Works- Chairman Sovine reported on the last public works committee meeting. The committee's focus has been on addressing the drainage problem. The committee would like to thank Council Member MacArthur for all his work and ask that he continue to serve on the committee after his term on the council is done.

c. Council Member Malkovich

Minutes:

03:10:30

- i. Utah Lake Commission- Council Member Malkovich reported there is a bill being forwarded to create a Utah Lake Authority. She has talked with the state representative and expressed concern regarding city representation.
- ii. Emergency Management- Council Member Malkovich is having a meeting with state representatives to discuss a house bill which requires every city to have an emergency management individual as well as four emergency plans. She is asking for appropriation money to bridge the gap.
- iii. Communications Board- Council Member Malkovich reported a newsletter has been sent out almost every week for the last couple of months.

d. Council Member Ottley**Minutes:**

- (pt.2) 00:06:45
- i. 911 Special Service District- Council Member Ottley noted the district is experiencing some retention issues. Work is being done to better define their systems and processes. The city should expect to see a rate increase in the upcoming year.
 - ii. Solid Waste District- The new transfer station is being worked on and construction is slated to start around the turn of the year. Recycling is being sold and the district is seeing a profit. A simplified recycling program has been adopted.
 - iii. Events and Volunteers- Council Member Ottley commended the committee for the wonderful job they did on the tree lighting event that was held in the park. Mayor Pray suggested a banner be put at the mailboxes leading up to the event next year.

e. Council Member Pratt**Minutes:**

- (pt.2) 00:12:30
- i. Public Works Water- Np report was given.
 - ii. Finance Committee-Last months meeting was cancelled due to a conflict.

f. Mayor Pray**Minutes:**

- I. SESD- A ruling was given by the supreme court concerning the lawsuit between SESD and Spanish Fork, Salem, and Payson. Each of the cities can provide service to any property in their annexation boundaries. There are still some questions that need to be answered regarding reimbursing SESD for previously installed infrastructure.
- ii. MAG/COG- Mayor Pray reported MAG is busy reviewing the trail applications that were submitted for the grants.

6. Possible Items for Upcoming City Council Meetings**Minutes:**

Council Member Pratt reported on the proposed development agreement with Summit Creek. After several meetings, their lawyer came back with a draft. T Mayor Pray convened the work session at 9:50 p.m.

Adjourn

City Council Meeting

Call to Order

Mayor Pray called to order the City Council meeting of the City of Woodland Hills at 9:50 p.m.

Council Member Ottley offered the pledge of allegiance.

Council Member MacArthur offered the invocation.

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.

7. Public Comment

Minutes:

Benn Brindley- Mr. Brindley works with the Summit Creek Development. He expressed his appreciation on the update Council Member Pratt gave regarding the development agreement. He wanted the council to know that it is important for the developers to get a development agreement in place. He was of the opinion that an agreement would be done by the end of the year and he would like to continue to push forward and get one in place.

Steve Dickert- Mr. Dickert is also a developer of Summit Creek. He believes the city and developers can get an agreement done in less than a day.

Bucky Gay- Mr. Gay is also a developer for Summit Creek. He echoed what Mr. Brindley and Mr. Dickert stated.

Council Member MacArthur noted the city attorney received a copy of the revised agreement just yesterday. There is some hesitation in Council Member Pratt and his mind as they both feel there are still some big issues that need to be addressed.

Council Member Pratt explained logistically it does not work to have an agreement adopted before the end of the year. The alternative the council is looking at is having

the city attorney look at drawing up a document with the language the city needs.

Consent Agenda

8. Approval of November 9, 2021, City Council Minutes

9. Approval of November 16, 2021, City Council Minutes

Minutes:

MOTION: Council Member Pratt made the motion to approve the employee handbook and the November 16, 2021 minutes.

SECOND: Council Member Kynaston seconded the motion.

Motion passed unanimously.

10. Approval of Employee Handbook

Business and Discussion

11. Resolution Adopting September 2021 Check Disbursements

Minutes:

MOTION: Council Member Pratt made the MOTION to approve Resolution 2021-14

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

12. Resolution Adopting October 2021 Check Disbursements

Minutes:

MOTION: Council Member MacArthur made the MOTION to approve Resolution 2021-

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

13. Rezone Request for 80 W. Valley View

Minutes:

MOTION: Council Member Pratt made the MOTION to forward the rezone request for 80 W Valley View Way to the planning commission. SECOND: Council Member

MacArthur seconded the motion. VOTE: Motion passed unanimously.

14. Ordinance Establishing a Time and Place to hold 2022 City Council Meeting

Minutes:

Ordinance 2021-29 Establishing a time and place to hold 2022 city council meetings.

MOTION: Council Member Mallkovich made the motion to adopt ordinance 2021-29.

SECOND: Council Member Ottley seconded the motion.

MOTION: Motion passed unanimously with a roll call vote.

15. Ordinance Adopting City Code 10-17-1 Accessory Dwelling Units

Minutes:

MOTION: Council Member Pratt made the motion to table the ordinance. SECOND:

Council Member Ottley seconded the motion. Council Member Kynaston requested the

council read HB 82. VOTE: Motion passed unanimously.

16. Ordinance Adopting a Fencing Standard for R1-19 zone

Minutes:

MOTION: Council Member Kynaston made the motion to adopt Ord. 2021-30. SECOND: Council Member MacArthur seconded the motion. Roll Call Vote: Motion passed unanimously.

17. Appointment of an Individual to Fulfill the Unexpired Term of Council Member Ottley

Minutes:

Mayor Pray mentioned the term the individual would be filling is two years and one month.

Council Member Ottley asked Mr. Munn about Mr. Munn's proposal for the seat to being a dedicated seat and only for the purpose of operations and organization. He asked if he were to be elected would he be willing to serve in any other way?

Mr. Munn felt the seat needs to be dedicated and if appointed, he would not accept other assignments from the city.

Council Member Kynaston appreciates and likes each of the candidates. He would like the council to consider Mr. Hillyard as he has dedicated so much of his time campaigning for the city.

Council Member Pratt felt the council was discussing items that are under the mayor. It is not a good position to say as a council member I will only do x.

Council Member Ottley expressed the same opinion of Council Member Pratt.

Council Member MacArthur felt it is difficult to be a father of young children and serve on the council.

Mayor Pray feels there are some citizens who have some unrealistic expectations of those who serve on the council.

Council Member Pratt believes the council is over analyzing things.

Council Member Kynaston nominated Ben Hillyard.

Council Member Pratt nominated Rod Munn.

Council Member MacArthur nominated Jeff Burger.

Council Member Ottley voted in favor of Ben Hillyard.

Council Member Malkovich voted in favor of Ben Hillyard.

Council Member MacArthur made the motion to appoint Ben Hillyard.

Ben Hillyard was appointed as the new city council member.

The city council of the City of Woodland Hills was adjourned at 10:41 p.m.

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: December 13, 2021

Jody Stones, City Recorder

Zoom Meeting Information

Meeting ID: 418 658 6561

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