

City of Woodland Hills, UT

City Council Meeting

Minutes

Tuesday, June 28, 2022 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 on Tuesday, June 28, 2022. The Public Hearing will begin at 6:00 p.m. with the Work Session and City Council meeting to follow. Meetings are held at the Woodland Hills City Center, 690 South Woodland Hills Drive, Woodland Hills, UT 84653.

Public Hearing

The City Council will be taking public comment on the proposed Master Development Agreement for Summit Creek between the City of Woodland Hills and Panthera Development LLC

1. Public Comment

Work Session

2. Discussion with residents concerning the adoption of Ordinance 2022-14 defining yard-front, yard-side, and yard-rear.

Minutes:

Dalton Wright noted he appreciated the mayor and city council reaching out to him and allowing him an opportunity to give his opposing opinion of the recently passed Ordinance 2022-14. He expressed that he moved to Woodland Hills many years ago because he appreciated the privacy and was impressed with the beauty and uniqueness. He noted that the city's original vision created and mitigated potential risks, including altered slopes. He spoke about the 2018 wildfire that threatened the community. He read a paragraph from a geotechnical engineer that suggested the city not do away with the words "open space." He has been told builders and developers are not pushing for it. So why now? He does not feel individuals are offended by Mike and Pat Reid's garden, and he does not believe having a swing set in a side yard is a violation of "open space." He thinks that the passing of the law changes the uniqueness of Woodland Hills. He quoted the definition of "open space" before the passing of Ordinance 2022-14. He believes the idea of open space has worked for the city while acknowledging open space often refers to public areas. He added that he would like to work with the council instead of moving forward with a referendum.

Mayor Winder appreciates Mr. Wright mentioning a legislative solution. He requested that sponsors of the referendum realize that the council can only speak to why they

passed the ordinance and not to the ordinance itself.

Mr. Wright conveyed that no constructive comment would be used against the council.

Council Member Pratt spoke to the "why now." He referenced the founding document being the WHPOA charter. He added he has read the original documents, which specify a natural environment and trees not being cut. Seven or eight years ago, the city's residents voted to disband WHPOA, which he was against. When the charter was dissolved, the rules or charter were in limbo. The goal during codification was to bring those things into the city code. He feels strongly that Woodland Hills should stay the way it is, but to do so, some things in the code need to change.

Sharon Wright mentioned she asked Council Member Pratt to undo the ordinance. She has learned that if it does not get fixed now, it will open the city to potential legal problems. She feels the ordinance was not well thought out or publicized. The law as it was, "open space," gives definite parameters. "Don't build a dream home if the lot does not accommodate it."

Susan Hendricksen said she is not in favor of a referendum, but if the council is unwilling to repeal the ordinance, it is a hill she is willing to die on.

Rod Sager commented he agreed with Dalton and Sharon's comments.

David Stones expressed he is in favor of the ordinance. He has lived in the city for 23 years and moved to Woodland Hills for the same reasons others mentioned. When he moved to Woodland Hills, there was not the litigious attitude that seems to be prevalent in the city over the past few years, and he is disappointed in those who support the attitude.

Planning Commission Chair Wayne Frandsen commented that the goal of the planning commission was to clarify the definition. Some residents expressed that using the term "open space" was restrictive in how it applied to yards. Again, it was not changing but allowing what is and has been done for years.

Jennifer Adams would like to know if the council repealed the ordinance and put the words "open space" back into the definition for yards, would it be used to target those in the community who may not fit others' interpretations?

Brian Hutchings expressed he is discouraged by what is happening in the city. He agrees the feeling in the community has changed and added that the city council is sometimes forced to take the blinders each of us as homeowners are wearing off and address the issues. He appreciates the planning commission's work on the ordinance.

Sherry Burger thinks of open space as trails and zoning. If her understanding is correct, how does it affect the public land that the city owns?

Ted Mickelsen agrees with the comments about preserving what the city can, but sometimes the city is put in a situation because of state laws. He noted that often changes in city code are not driven by a community but rather by the state.

Council Member Hillyard added he appreciates the conversation that he had with both Susan Hendricksen and the Wrights. He would be happy to vote or shift if the ordinance made the city vulnerable to their primary concern. Still, he is not convinced that the change in the definition brings the city into a state of vulnerability. He has

some problems with the words "generally undisturbed."

Council Member Pratt has heard the consensus; everyone wants to maintain the look and feel. If the council was to repeal and believes it is the best decision, something needs to be changed as the prior definition in his mind is inadequate. The planning commission held the necessary meetings, including a public hearing. The city council has also done the same. He expressed that so much of the angst and animosity that has occurred in the city over the past three years is flat-out wrong. He believes that the city could be more productive if the animosity were to go away.

Council Member Kynaston thanked Dalton Wright for how he said what he did. There are people he cannot talk to because he fears how it might affect the city. He feels some people want to bring the city down. More important than the ordinance, he wants help to fix what is broken. He expressed that the initial referendum and the statements that the council could not be trusted upset him. He has concerns about protecting the city from burning down. Tall grass that is not groomed or mowed can impact the city. Defensible space is essential, and if the area is the term that keeps the city from burning, he is all in favor of it. He agrees the council can use help and trusts the planning commission.

Council Member Lunt spoke about her love for Woodland Hills and how she relaxes once she enters the city. She voted for the ordinance because she believed almost everyone in the city would not comply with the old ordinance. The council is working hard to enforce the ordinances on the books. The way the prior ordinance was written was not enforceable.

Council Member Malkovich spoke about growing up on Lake Cor'de'Lane. Thirty-five years ago, when she came to Woodland Hills, she wanted a lot of trees. The quality of life and the neighbors are important. She never feared for her children. The change from open space to area was practical. The council must look at the community as a whole. The city does not require a homeowner to obtain a permit for a swing set because we want people to be able to choose what they want to do on their property. The other thing that was alluded to was the Urban Wildlife Interface Law. Most people want to maintain as many trees as possible. When the Type 1 team came in to help during the 2018 fire, they commented on how important defensible was. She spoke to having trees in the middle of the road many years ago and having to cut them down to protect the city's residents.

Mayor Winder appreciated everyone's comments. He acknowledged he is not a voting member of the council. Sometimes residents choose sides in the community. He feels the underlying issue is not the changing of the ordinance but rather the issue that is going on between Tannin and Megan Fuga and their neighbors. He noted the city is neck-deep in appeals that the Fugas have and continue to file. He indicated that the claims and allegations are burying the city.

Sharon Wright feels everyone can come to a general understanding that undisturbed does not mean bringing in truckloads of dirt. She is disappointed that the council is not listening when the Fugas say something.

Mayor Winder politely corrected Sharon Wright and noted she misrepresented what

he said. He feels strongly that a few residents have dug into their side, and the elephant in the room cannot be ignored.

Council Member Lunt expressed she was shocked by the referendum.

Council Member Malkovich spoke to the different topographies in Woodland Hills.

Jennie Adams asked the council for the opportunity to finish their home. She is frustrated that people feel they did not come here for the same reasons everyone else has.

John Adams voiced that he and his family do not feel safe. All they wanted to do is build their home and feel they have to jump through hurdles others are not required to just because of who their neighbor is.

Sherry Burger would like the concerned citizens to know what a path moving forward looks like.

Mayor Winder explained the process in place to change an ordinance.

3. Discussion of Proposed Master Development Agreement for Summit

Minutes:

Council Member Pratt invited the council to ask questions and comment on the proposed development agreement.

Council Member Lunt asked for clarification on 2.9 and the developer receiving reimbursements.

Council Member Pratt conveyed that the developer is specifically talking about the improvements needed on the roads being vacated. Summit Creek is willing to make the improvements, but if it is legal for the city to seek reimbursement, the city would be obligated to do so. He stressed the word "if."

Council Member Kynaston understands it is a ten-year term. He hopes this agreement helps and does not hurt the city. He was glad to see pole sirens were included in the agreement. He had concerns over traffic calming mechanisms.

Council Member Pratt spoke to traffic calming mechanisms on Summit Creek Drive and stressed the city would determine if they were necessary and not the developer.

Council Member Malkovich would like the siren poles installed sooner rather than later.

Council Member Pratt explained the development agreement does not take away from the subdivision plat process.

Council Member Malkovich had questions concerning trail access and connectivity.

Benn Brindley explained the HOA owns the trails throughout the Summit Creek community, and due to liability issues, they are unable to allow individuals outside of the HOA to use the trails.

Council Member Pratt mentioned the city has an easement on Summit Creek Drive and could potentially look at putting a trail on the easement.

Benn Brindley added Summit Creek is willing to give the city an easement to the property above the water tanks as an alternative or additional site for trails.

Wayne Frandsen explained the PTR Committee has been looking at all the properties the city owns and potential areas where the city might have trails.

Steve Dickert spoke about the subdivision impact fees and why they are included in the development agreement.

4. Creation and Charter of Beautification Committee- Council Member Malkovich

Minutes:

Council Member Malkovich indicated the agenda should have stated the proposed charter was for a Community Watch Committee.

5. Request of Parks, Trails, and Recreation Committee to install bollards at the entrance of the switchbacks.

Minutes:

Council Member Hillyard explained the purpose of the bollards would be to restrict the size of ATVs allowed on the trails to 50 inches for safety reasons.

Council Member Lunt stated it is a standard width that is becoming more and more acceptable.

Brian Hutchings commented there might be a potential need for search and rescue to be able to get up the switchbacks with vehicles wider than 50".

As the PTR Committee Chair, Sherry Burger asked that the council make a procedural decision and move forward with installing the bollards.

Chairman Frandsen advised the council that what the committee is requesting could potentially be a land-use issue and that the request would best be handled procedurally.

Mayor Winder understands how the switchbacks are used is a volatile issue, and it would be good to explore if restricting access needs to follow the land-use guidelines.

6. Formal Indemnification Request from Corbett Stephens, Public Works Director.

Minutes:

Mayor Winder informed the council that the city and Corbett Stephens have been served with a Notice of Claim. An ordinance is in place that protects city employees in their job capacity.

Resident Maurice Rokovitz sent a statement that he would like to put in the records. He is concerned about indemnifying an employee who has acted illegally and who he believes has abused him.

Mayor Winder spoke to the fact that there is plenty of evidence showing Mr. Stephens has done his job as he should.

7. April 2022 Financials and Check Disbursements-Chris Helvey

Minutes:

Mayor Winder noted Chris Helvey was not on the call but he might be able to answer high-level questions.

8. May 2022 Financials and Check Disbursements-Chris Helvey

Minutes:

No comments.

9. Proposed Ordinance Creating a Fee Schedule for Misdemeanor Violations of the City of Woodland Hills City Code to be Included as Part of the City Fee Schedule

Minutes:

Deputy Dutson explained that he is working with the city recorder to sync some of the city ordinances with the State Core System, allowing the sheriff's office to issue fines. Council Member Hillyard spoke about Class B and C misdemeanors. He would like to hold a public hearing to change the classification of a few of the violations included in the fee schedule for misdemeanor violations.

10. Proposed Resolution Amending the City Fee Schedule increasing the monthly sewer fee passed by the Payson City Council.

Minutes:

Council Member Hillyard commented that he and Corbett Stephens are working to decrease the increase that Payson City Council recently passed by looking at the city taking on the cleaning of the sewer system.

Council Member Pratt explained part of the fee increase is due to Payson being responsible for the maintenance of the system.

The increase passed by Payson City Council was 35%.

11. Utah County Sheriff Contract

Minutes:

Mayor Winder explained that the city's concerns have been discussed with the sheriff's office, and the contract in front of the council is on the agenda to be voted on.

12. Department and City Council Updates

a. Deputy Dutson- Utah County Sheriff's Office

Minutes:

Any topics that residents would like to have Deputy Dutson address can be sent to Council Member Malkovich.

b. Corbett Stephens-Public Works

Minutes:

No report.

c. Council Member Hillyard- Public Works/Roads

Minutes:

No report provided.

d. Council Member Kynaston- Public Safety

Minutes:

Council Member Kynaston gave a shout-out to DWR and their response time to a

recent call-out. He is working with Craig Northup on a fire roadside assessment plan which would allow them to perform a curbside review of each property. They also want to improve the roads as fire breaks, and they will look at trimming the trees back.

Council Member Pratt spoke about the confusion that happened during the 2018 evacuation.

Council Member Kynaston added crews would be out Friday-Monday patrolling the city for fireworks.

e. Council Member Lunt-City Events/Parks and Trails

Minutes:

Council Member Lunt expressed her appreciation for individuals who are willing to serve. PTR is working on a city map that will help identify where additional trails might be constructed.

f. Council Member Malkovich- Communication Committee

Minutes:

Council Member Malkovich spoke to a need for volunteers with a working knowledge of Mailchimp. For the summer, the committee is going to a monthly newsletter. She is working with a few individuals on writing a charter for the Community Watch Committee.

g. Council Member Pratt- Public Works, Water/Finance Committee

Minutes:

No report.

h. Mayor Winder- Personnel

Minutes:

Mayor Winder reported personnel is continuing to work hard and move forward.

13. Possible Items for Upcoming City Council Agendas

Minutes:

Public hearing for change in misdemeanor violations.

Charter for Neighborhood Watch

Council Member Kynaston would like the council to discuss the possibility of considering paying the firefighters for chipping.

Council Member Hillyard would like to have a policy or procedure for sending city communications out.

Mayor Winder closed the Work Session at 8:48 p.m.

Adjourn

City Council Meeting

14. Call to Order-Mayor Winder

Minutes:

Mayor Winder called to order the city council meeting at 9:01 pm.

15. Pledge-Council Member Pratt

16. Invocation-Council Member Kynaston

17. Public Comment

Minutes:

Steve Dickert wished to clarify section 2.9 of the proposed development agreement. It only pertains if the city requires them to do something outside the project, the city would then be required to reimburse for the upgrades.

Wayne Frandsen mentioned Council Member Ottley had the assignment to work with Randy Larsen concerning the deer population. Council Member Lunt has agreed to work with Randy Larsen.

Mr. Frandsen spoke about his working relationship with Corbett Stephens and how Mr. Stephens is always looking out for the city. He has the utmost respect for his knowledge. In law enforcement, officers talk about someone having your back, and if there were someone he had to be in a fox hole with, he would want to be with Corbett.

Council Member Lunt spoke about how her opinion of Mr. Stephens has changed since she has been on the city council.

Consent Agenda

18. Approval of the April 2022 Financials

Minutes:

Council Member Pratt made the motion to approve the April 2022 financials.

Council Member Lunt seconded the motion.

Motion passed unanimously.

19. Approval of the May 2022 Financials

Minutes:

Council Member Pratt made the motion to approve the May 2022 financials.

Council Member Lunt seconded the motion.

Motion passed unanimously.

Business and Discussion

20. Decision: Proposed Development Agreement for Summit Creek

Minutes:

Motion: Council Member Pratt made the MOTION to APPROVE the Development Agreement.

Second: Council Member Kynaston seconded the motion.

Vote: Motion passed.

21. Decision: Beautification Committee Charter

Minutes:

No action taken.

22. Decision: Request for bollards at the entrance of the switchback trails

Minutes:

Tabled

23. Decision: Formal Indemnification Request for Corbett Stephens

Minutes:

Motion: Council Member Malkovich made the MOTION to APPROVE the Indemnification request of Corbett Stephens.

Second: Council Hillyard seconded the motion.

Vote: Motion passed.

24. Decision: Resolution Approving the April 2022 Check Disbursements

Minutes:

Motion: Council Member Pratt motioned to approve the April 2022 check disbursements.

Second, Council Member Lunt seconded the motion.

Vote: Motion passed unanimously.

25. Decision: Resolution Approving the May 2022 Check Disbursements

Minutes:

Motion: Council Member Pratt motioned to approve the May 2022 check disbursements.

Second, Council Member Lunt seconded the motion.

Vote: Motion passed unanimously.

26. Decision: Ordinance Creating a Fee Schedule for Misdemeanor Violations of the City of Woodland Hills City Code

Minutes:

Motion: Council Member Hillyard motioned to approve Ordinance 2022-21.

Second, Council Member Malkovich seconded the motion.

Roll Call Vote: Motion passed unanimously.

27. Decision: Resolution Amending the City Fee Schedule Increasing the Monthly Sewer Fee

Minutes:

Council Member Hillyard motioned to adopt Resolution 2022-25.

Council Member Pratt seconded the motion.

Vote: Council Member Lunt voted nye. Council Member Hillyard, Pratt, Kynaston, and Malkovich voted yea. Motion passed.

28. Decision: Approval of Sheriff Contract

Minutes:

Council Member Kynaston motioned to approve the Utah County Sheriff's Contract.

Council Member Malkovich seconded the motion.

Motion passed unanimously.

Council Member Lunt motioned to move into an executive session at 9:15 p.m.

Council Member Hillyard second.

Vote: Unanimous.

Mayor Winder called the work session to order at 9:17 pm.

Closed Session

An open meeting can be closed for the following purposes:

- Discussing an individual's character, professional competence, or physical or mental health
- Strategy sessions to discuss collective bargaining
- Strategy sessions to discuss pending or reasonably imminent litigation
- Discussions regarding security personnel, devices or systems
- Investigative proceedings regarding allegations of criminal misconduct

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: June 27, 2022

Jody Stones, City Recorder

If you would like to be noticed of City Council or Planning Commission Agenda's, minutes and/or documents on the agenda when they are made public. Please go to the Utah Public Notice web page and sign up to subscribe to Woodland Hills. When these items are available you will receive an email notifying you.

Here is a link to the web page: <http://www.utah.gov/pmn/index.html>

Zoom Meeting Information

<https://zoom.us/j/4186586561?pwd=c2ZmelpjellxSDA0ZXNKaVEyTHNxUT09>

Meeting ID: 418 658 6561

Passcode: WH2022

One tap mobile

+13462487799,,4186586561#,,,,*056452# US (Houston)

+16699006833,,4186586561#,,,,*056452# 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: 056452