**WOODLAND HILLS CITY COUNCIL**

**Work Session**

**Woodland Hills City Center, 690 South Woodland Hills Dr.**

**Tuesday, May 13, 2025**

CONDUCTING Brent T. Winder, Mayor

ELECTED OFFICIALS Council Member Ben Hillyard

Council Member Brian Hutchings

Council Member Janet Lunt

Council Member Kari Malkovich

Council Member Dorel Kynaston

STAFF PRESENT Ted Mickelsen, Public Works Dir./Fire Chief -Excused

Chris Helvey, Finance Director- Electronically

Jody Stones, City Recorder

Wayne Frandsen, Code Enforcement and Planning Commission

Mayor Winder opened the work session at 6:01 p.m.

1. **Aaron Lloyd: Request for a Driveway Grade Modification for 105 E. Bridger Circle**

Resident Aaron Lloyd appeared before the City Council to request an exception to the city’s slope requirements, allowing his newly constructed driveway to exceed the maximum allowable grade of 15%.

Mr. Lloyd provided a printed diagram to the council showing the current slope measurements and elevation profile of the driveway. He emphasized that the grading shown on the approved site plan was performed in good faith. He further noted that re-grading or reconstructing the driveway at this stage would be extremely costly.

The council and staff reviewed visual materials that revealed several sections of the driveway surpass the 15% slope limit set by current regulations. Many council members voiced concerns about the potential safety risks, particularly during winter, and the precedent of permitting exceptions after construction. Various solutions were discussed, such as extending the driveway from property line to property line, prohibiting the use of the upper driveway in winter, and building a railing. Besides addressing the driveway issues, multiple tasks must be completed before granting a final Certificate of Occupancy. These tasks include rebuilding the rock-lined ditch, extending and daylighting the culvert beneath the driveway, and providing an updated site plan that accurately shows the modifications from the approved site plan at the time the permit was issued.

Council members expressed empathy for Mr. Lloyd’s position but emphasized that while the code allows for the council to grant an exception, an exception to the code should not be granted lightly.

1. **Dark Skies Presentation and Proposal**

Sherri Burger, representing the City’s Parks, Trails, and Recreation Committee (PTR), provided a comprehensive presentation to the City Council regarding the importance of preserving dark skies and the potential for Woodland Hills to pursue official dark sky certification.

Ms. Burger advocated for increased awareness and stewardship to protect the nocturnal environment. She outlined the benefits of dark sky compliance, including improved community pride, protection of natural nighttime habitats, and positive impacts on human health. Research shows that reduced light pollution can lower risks of anxiety, depression, and even certain cancers. Ms. Burger emphasized that thoughtful lighting supports both environmental and individual well-being.

The presentation included a video from the DarkSky organization, which illustrates the global movement to reduce excessive artificial lighting. A link to the video was provided for council review: <https://darksky.org/what-we-do/advancing-responsible-outdoor-lighting/home>

Ms. Burger shared that there are currently over 160,000 square kilometers of designated dark sky land worldwide across 22 countries and 6 continents — with Utah having a growing number of recognized locations.

She informed the council that the process for becoming a certified dark sky community is relatively straightforward and costs $250.00 to submit an application. A key component of the application is the city’s outdoor lighting ordinance. The current ordinance in place dates back to 1993. In response to ongoing concerns and previous council discussions, PTR has drafted a proposed updated lighting ordinance, which was included in the council’s packet for review.

**Key changes proposed in the updated ordinance include:**

* Clarification that all exterior lighting (excluding properly shielded flagpoles) must be directed downward.
* Encouragement of motion sensors and timers for residential lighting to avoid constant illumination.
* A recommendation that non-essential lighting be turned off by 10:30 PM, aligning with the city’s existing "disturbing the peace" provisions.
* Maintaining the same lumen/wattage limitations as the current ordinance.
* Adding language prohibiting the erection of city street lights, which is not addressed in current city policies. This is proposed as a future safeguard to preserve the city’s rural character unless policy direction changes.

Ms. Burger credited Chairman Wayne Frandsen for mentoring her through the ordinance drafting process. She emphasized the importance of planning for the future with thoughtful policy that preserves the city's nighttime environment.

As for enforcement, She discussed proposed updates to the city's lighting ordinance, necessary steps for certification, and clarified aspects of enforcement, implementation, and resident participation.

Ms. Burger highlighted that Section E of the proposed ordinance would govern enforcement and noted that new construction would be required to include an architectural lighting plan as part of the permitting process. However, she raised a question regarding the legality of requiring such plans due to potential conflicts with state law. Specifically, she cited a Utah state code that prohibits the regulation of “exterior, non-structural, architectural ornamentation.” While there was some disagreement between Ms. Burger and Council Member Wayne on the interpretation of that code, she requested a formal legal opinion to determine whether requiring a lighting plan for new construction is permissible.

Daniel Jensen of Sunrise Engineering clarified that while cities cannot regulate the architectural style of lighting fixtures on single-family homes, they can require shielded light fixtures that are consistent with dark sky principles. He noted that this distinction aligns with ordinances from other Utah cities with Dark Sky status (e.g., Moab, Torrey, Helper, and Springdale), which have successfully required downward-facing lighting for new single-family homes. Existing homes would not be subject to retroactive requirements.

Mayor Winder expressed concern that some language in the draft ordinance suggested a blanket retroactive enforcement deadline. Ms. Burger acknowledged that the language was copied from a sample ordinance and confirmed that it was not her intent to impose new lighting restrictions on existing structures. Compliance for current residents would be entirely voluntary, with an emphasis on education and community outreach.

Council Member Hutchings raised concerns about turning off lights at city facilities at night due to safety and emergency access. In response, Ms. Burger suggested motion sensors as a reasonable compromise that supports both security and dark sky compliance.

The council reviewed examples of acceptable and discouraged lighting. Ms. Burger explained that the goal is to encourage downward-facing, shielded fixtures, especially for driveway posts and outdoor lighting, and noted that most residents already appear to follow best practices. For those that exceed recommended lumen levels, adjustments can be made (e.g., lighting different areas of the home at different times) to stay within the ordinance limit of 10,000 lumens per acre.

Daniel Jensen, representing Sunrise Engineering and serving as a member of the State Board for the Utah Chapter of the International Dark Sky Association, presented an overview of the Dark Sky Community certification process and its implications for Woodland Hills. His presentation followed earlier discussions led by Sherri Burger of the Parks, Trails, and Recreation Committee.

Mr. Jensen clarified that the purpose of Dark Sky certification is not punitive or regulatory in nature but rather intended to promote community pride, preserve a valuable natural resource, and brand the city as a place committed to protecting its night skies. He emphasized that while a municipal lighting ordinance would be necessary, participation by residents is entirely voluntary. The goal is to create a sense of community ownership and awareness, not to enforce lighting changes through penalties or strict code enforcement.

He explained that the first step in the certification process would be for the city or a designated representative to submit an inquiry to DarkSky International to confirm eligibility. Although current certification requirements do not mandate a specific level of nighttime darkness, Mr. Jensen stated that Woodland Hills would qualify based on current sky quality data. He noted that UVU and other organizations could assist the city by using a Sky Quality Meter (SQM) to collect baseline data on the darkness of the night sky, which can be used for future comparisons and long-term monitoring.

A key requirement of the designation is the adoption of a local lighting ordinance aligned with dark sky principles. While DarkSky International has historically left ordinance structure up to local governments, recent demand has prompted the creation of a model ordinance. Mr. Jensen noted that this new template ordinance—available on the DarkSky website—is about 14 pages long but includes provisions for communities with much larger infrastructure than Woodland Hills. Because Woodland Hills lacks features like billboards, industrial zones, or major commercial development, much of the ordinance would not apply. The city could focus on a simplified ordinance aimed primarily at regulating single-family residential lighting.

He noted that public safety provisions are built into the model ordinance to accommodate fire stations, police facilities, and other critical infrastructure. The goal is to strike a balance between preserving dark skies and maintaining necessary lighting for safety and functionality.

Council discussion included whether the proposed ordinance developed by PTR would meet DarkSky International's expectations. Mr. Jensen respectfully stated that he had not fully reviewed the proposed draft and could not guarantee its adequacy but acknowledged that ordinance adjustments are common post-certification. He suggested that the city should be prepared to refine its ordinance over time.

Certification also comes with a small $250 application fee and requires the city to complete minor annual commitments. These include producing an annual report and fulfilling one of several outreach activities. Mr. Jensen explained that acceptable outreach could include two community events (such as a stargazing night, public presentation, or school activity), a targeted public awareness campaign (such as social media posts or newsletters), or educational partnerships with local schools. These requirements are intentionally broad and flexible to accommodate smaller cities with limited resources.

He emphasized that the program’s ongoing purpose is to educate residents and inspire voluntary compliance over time. He described the audit component of certification, which involves cataloging publicly owned lighting fixtures, noting their specifications and condition. He expressed that the audit is not a mandate to immediately replace fixtures, but more of a tool for tracking incremental improvements as equipment is upgraded over time.

As a consultant helping the city re-write the general plan, he wants to ensure that the general plan reflects the City Council’s vision and direction. He expressed uncertainty about whether the council is seeking official Dark Sky Community designation or wishes to tighten existing lighting ordinances. He asked whether this issue should be treated as a land use matter, an environmental initiative, or both. Mr. Jensen invited the council to share their concerns and questions, emphasizing his desire to align the general plan with the council’s collective vision.

Council Member Malkovich responded by stating that including Dark Skies in the general plan could serve as a meaningful long-term policy marker and reiterated that the general plan is a guiding document rather than a binding one. She suggested that the Planning Commission could review the Dark Sky template ordinance alongside the city’s current ordinance and identify ways to restructure the existing code.

Mr. Jensen agreed that the general plan is not regulatory in nature. Instead, it serves as a vision statement that helps guide future decisions. He felt that including Dark Skies in the plan would not obligate the council to implement specific ordinances or actions.

Chairman Wayne Frandsen, Chair of the Planning Commission, voiced opposition to including Dark Skies language in the general plan. He stated clearly for the record that he did not believe Dark Skies was an appropriate subject for the general plan. He added that he had no objection to discussing Dark Skies as a policy matter outside of the general plan and acknowledged that the Council is free to adopt and amend the plan as it sees fit.

Chairman Frandsen also expressed concern that survey data has been presented in a way that overstates true community support. While there was some interest, he cautioned that the numbers, upon closer examination, did not indicate overwhelming support across the city.

Further, Chairman Frandsen raised the question of whether the city already meets the qualifications for Dark Sky designation without any major changes to the existing ordinance. He proposed inviting a representative from the International Dark Sky Association to assess Woodland Hills in person, particularly by evaluating nighttime lighting conditions, to determine if the city’s current lighting is sufficient. He believed that the city might already qualify based on its lighting profile.

He expressed reservations about implementing new ordinances that the city may struggle to enforce, warning that changes could lead to non-compliance, complaints, and the potential for fines or enforcement actions. He emphasized the challenges of enforcement, suggesting that simply updating ordinances is not a guaranteed solution.

Chairman Frandsen stated his preference for modest updates to the city’s existing ordinance, focused on aligning with current technology and LED standards, rather than adopting a comprehensive 14-page model ordinance. While he expressed personal support for the goals of the Dark Skies movement, he urged caution and careful consideration of related enforcement, community impact, and regulatory complexity.

City Council members engaged in a thoughtful discussion with Planning Commission Chairman Wayne Frandsen regarding whether Dark Skies language and goals should be included in the city’s updated general plan. A council member asked Chairman Frandsen directly why he opposed incorporating Dark Skies in the general plan, noting that other elements such as parks, trails, and natural ambiance—amenities frequently cited by residents as reasons they moved to Woodland Hills—are already included in the plan.

Council members expressed that they believe Dark Skies is consistent with the city’s long-term vision and environmental identity. They questioned why preserving the night sky would be excluded from a document meant to serve as a non-regulatory vision for the city’s future. They pointed out that Woodland Hills’ quiet, scenic setting, tree coverage, and minimal light pollution are part of its appeal, and that inclusion of Dark Skies in the general plan could help reinforce that identity and foster gradual public education. Several council members voiced support for maintaining a voluntary approach and questioned whether an ordinance could be framed as educational rather than punitive. The possibility of integrating Dark Skies principles into the city’s nuisance or light trespass codes was raised as a way to encourage compliance without strict regulation.

Council Member Kynaston shared a personal experience, noting that most neighbors who create unwanted light intrusion are likely unaware of the issue. The discussion also addressed concerns about enforcement.

Concerns were raised regarding legal limitations on enforcement. Council members recognized that while it is possible to encourage lighting plans for new construction, current state law prevents municipalities from mandating such plans as part of site plan submissions. The city is restricted to 13 state-authorized site plan elements, and lighting plans are not included. This was affirmed during the discussion as a significant challenge the city must address.

Chairman Frandsen reiterated his earlier position that Dark Skies should not be included in the general plan, emphasizing that while he personally supports the idea of preserving the night sky, he does not believe the topic belongs in a non-regulatory planning document. He also raised caution about the potential burdens of enforcement if ordinances are strengthened, noting that violations would introduce administrative challenges.

Fredrick Felt, a resident of Woodland Hills and professor at Utah Valley University, addressed the council in support of preserving the community’s dark skies. He emphasized that Woodland Hills is one of the few places in Utah Valley where the Milky Way remains visible, cautioning that increased housing and development could threaten this visibility through escalating light pollution.

Council Member Hillyard shared a personal reflection from his time living near the Kalahari Desert in Botswana, where a lack of artificial lighting allowed for awe-inspiring views of the night sky. He described the experience as transformative, instilling a sense of humility and perspective that he believes society could benefit from more often.

However, speaking from his position as a civil servant, Council Member Hillyard also expressed concern about the potential for unintended consequences if a dark sky ordinance is not thoughtfully crafted. He cautioned against the potential “weaponization” of an ordinance by residents using it to target or report others, particularly vulnerable individuals, for perceived violations.

City Recorder Jody Stones noted that it would be helpful to review the ordinance prior to moving forward with the application. After a quick review of the other cities that have the Dark Sky designation, it would appear that there is a requirement to bring all lighting updates in five years. The cost to do so would need to be included in the city's budget.

1. **February 2025 Financials and Disbursements**

Chris Helvey provided a brief financial report to the City Council, noting that a more detailed review of the city’s financials had already taken place during the recent budget retreat and the previous council meeting. He explained that the financial documents presented during this meeting were slightly outdated compared to those reviewed earlier and, as such, would not be discussed in depth. No further questions or discussion followed.

1. **March 2025 Financials and Disbursements**

See above.

1. **Review of 2026 Fiscal Budget Schedule**

Chris Helvey informed the council and public of the upcoming schedule for public hearings related to the Fiscal Year 2026 budget. A public hearing on the proposed FY 2026 budget will be held on Tuesday, May 27, 2025, the Tuesday following Memorial Day. Additionally, a second public hearing will be held on June 24, 2025, during which the council will consider the final adoption of the FY 2026 budget as well as any budget amendments for Fiscal Year 2025.

1. **Large Purchase Requests**

Chris Helvey presented a request on behalf of the fire department to purchase updated extrication equipment, specifically a set of electronic cutters and supporting components such as batteries. The total cost of the equipment is $12,655, and the purchase is within the department’s existing budget. Mr. Helvey noted that the equipment is available through a state contract, which eliminates the need for a formal bidding process.

He described the updated equipment as significantly safer and more efficient than traditional hydraulic tools, requiring fewer components to transport during emergency response. He humorously referred to the equipment as a “very expensive can opener,” but emphasized its vital role in improving response safety and effectiveness.

No objections were raised, and the council acknowledged the importance of the upgrade.

1. **Update on the Sale of Surplus Equipment**

Council Member Hutchings reported that the city has successfully sold a significant portion of its surplus equipment, generating approximately $49,000 in revenue that will be added to the city’s budget. All listed items were sold with the exception of the original utility truck bed, which was removed and replaced with a new one. Although the bed only received a high bid of $550 during the auction, short of its $1,000 reserve, a potential buyer later offered the full reserve amount. Council Member Hutchings sought consensus from the council before proceeding with the sale outside of the formal auction process.

He also provided details on the sale of a skid steer, which had a reserve price of $40,000 but ultimately sold for $47,000, producing a net gain for the city since it was initially purchased for approximately $35,000. However, due to tax code provisions related to out-of-state sales, the city was unable to collect sales tax on the skid steer because the buyer, located in Montana, is using a common carrier for pickup. As a result, the transaction is classified as tax-exempt under Utah law. Council Member Hutchings spent considerable time confirming this exemption with the Utah Tax Commission.

All other equipment sales were taxable, and the city will receive its share of the applicable tax revenue. Council Member Hutchings also noted that more items have been identified for potential surplus sale, including a pallet of unused materials stored in the city building and additional items pending review with the city treasurer. These will be listed for auction shortly.

1. **Proposed Interlocal Agreement and Resolution between Utah County and Woodland Hills to support the Utah County Winter Response Task Force in providing assistance to the homeless.**

Mayor Winder informed the council that the city received a request to participate in an interlocal agreement to support countywide homeless services. The contribution amount is calculated based on population, and for Woodland Hills, the annual amount would be approximately $200. The mayor emphasized that the request is currently voluntary, unlike other counties such as Salt Lake County, where participation has been mandated. He emphasized the importance of contributing fairly to regional efforts and ensuring Woodland Hills plays its part in supporting services, such as warming centers, in nearby communities.

Council members acknowledged that many Woodland Hills residents already volunteer and donate time to assist at such facilities, particularly in Provo, and felt the contribution would reflect the community’s values. After a brief discussion, the council expressed no objections to participating in the agreement and supported contributing up to $500 annually.

1. **Grant Updates:**
2. **Woodland Hills Culvert Project – Phase 1 FEMA-DR-4548-6R:** No update was given.
3. **Ready, Set, Go Grant:** No update was given.
4. **2025 Utah County Recreation Grant Proposal due June 9th:** The City Recorder will work on submitting the proposal.
5. **2025 Utah Outdoor Grant:** No update was given.
6. **MAG Trail Feasibility Grant:** No update was given.
7. **Department Reports**
8. **Public Works:** No update was given.
9. **Fire Department:** No update was given.
10. **Code Enforcement:** Wayne Frandsen addressed the council to clarify public concerns regarding code enforcement following an anonymous response to a recent article he authored in the city newsletter. The article outlined the proper process for filing code violation complaints. In response, an anonymous commenter alleged that Mr. Frandsen was not enforcing city codes and questioned the city's overall enforcement efforts.

Mr. Frandsen stated for the record that code enforcement is actively occurring within the city and that all submitted complaints are followed up on. He affirmed that many cases are resolved informally, while others are still progressing through the appropriate procedures. He emphasized his intent to correct misinformation and ensure residents are aware that the city takes code enforcement seriously and addresses all concerns appropriately.

1. **Mayor and City Council Reports**
2. **Mayor Winder: SESD, MAG/COG:** Mayor Winder had nothing to report
3. **Council Member Hillyard: Dry Creek Transfer Station**: Council Member Hillyard had nothing to report.
4. **Council Member Hutchings**
5. **Mt. Nebo Water Association**
6. **South Utah Valley Municipal Water Association**

Council Member Hutchings provided an update on the Mount Nebo Water Agency groundwater model project, which has been in development for the past several years. Although he was unable to attend the most recent meeting, he reviewed the findings and shared preliminary results with the council.

According to the groundwater model, Woodland Hills and Elk Ridge have the highest historic and projected groundwater levels among all member communities in the Mount Nebo Water District. Both cities appear to draw from the same aquifer, and their levels are significantly higher than those of neighboring jurisdictions.

The current projections estimate that the aquifer will remain sustainably viable through at least 2065 under current withdrawal rates, which is encouraging for long-term planning and water security.

Council Member Hutchings committed to sharing the full report with council members and noted that overall, the data reflects a very positive outlook for Woodland Hills’ groundwater supply.

1. **Council Member Kynaston: Central Utah 911:** Council Member Kynaston reported on a recent meeting, noting that the primary purpose was to vote on the upcoming fiscal year budget, which was unanimously approved. He stated that the city's projected costs increased by approximately $1,800, but no significant concerns were raised during the budget approval process.
2. **Council Member Lunt:** Nothing to report.
3. **Council Member Malkovich- South Utah Valley Animal Shelter:** Nothing to report.
4. **Items for Upcoming City Council Meetings**

Council Member Lunt inquired if Council Member Malkovich would be interested in writing this month's newsletter article, as she had missed last month's.

Mayor Winder closed the work session at 8:25 pm.

**WOODLAND HILLS CITY COUNCIL**

**City Council Meeting**

**Woodland Hills City Center, 690 South Woodland Hills Dr.**

**Tuesday, May 13, 2025**

**CONDUCTING** Brent T. Winder, Mayor

**ELECTED OFFICIALS** Council Member Ben Hillyard

Council Member Brian Hutchings

Council Member Janet Lunt

Council Member Kari Malkovich

Council Member Dorel Kynaston

**STAFF PRESENT** Ted Mickelsen, Public Works Dir./Fire Chief -Excused

Chris Helvey, Finance Director -Electronically

Jody Stones, City Recorder

Wayne Frandsen, Code Enforcement and Planning Commission

1. **Call to Order** - Mayor Winder called the meeting to order at 8:35 p.m.
2. **Invocatio**n: Council Member Malkovich offered an invocation.
3. **Pledge of Allegiance:** Council Member Hutchings led the pledge of allegiance.
4. **Public Comment:** No public comment was heard.

**Consent Agenda**

1. **April 8th, 2025 City Council Meeting Minutes**

**Motion:** Council Member Lunt moved to approve the April 8th City Council Meeting Minutes

**Second:** Council Member Malkovich seconded the motion.

**Vote:** Motion passed unanimously.

**Business and Discussion**

1. **Consideration of a driveway grade modification for 105 E. Bridger Circle.**

The city council discussed the request from the resident at 105 E. Bridger Circle seeking a modification to allow a driveway slope exceeding the city’s maximum grade of 15%. The council expressed concerns regarding inconsistencies in written documentation, a lack of responsiveness from the property owner, and physical site limitations such as steep grading and existing paving that already exceeded allowable slope standards. Safety concerns were also raised, particularly regarding the use of the driveway during winter and the potential impact on emergency vehicle access. City staff clarified that the property owner must apply for an extension of the temporary occupancy permit, as final occupancy cannot be granted until the outstanding compliance issues are resolved.

**Motion:** Council Member Hutchings moved to table a decision until questions can be answered by the building official and the inspector over zoning inspections for new residences.

**Second:** Hearing no second, the motion failed.

**Motion:** Council Member Malkovich made the motion to approve the driveway slope modification, subject to the following conditions:

1. **Negative Grade Requirement**: If the culvert at the base of the driveway is required to be replaced by the building official, then a negative grade must be reestablished at the driveway entrance in accordance with city code and the site plan.
2. **Safety Curb Installation**: A safety curb must be installed along the outer (downhill) edge of the lower portion of the driveway, extending from the base to the second driveway access, with the curb height and specifications to be determined by the building official.
3. **Slope Modification Approval**: A modification is granted for the second driveway to permit a slope up to 21%, to be used at the owner's discretion and liability, with a strong recommendation that it not be used during winter months due to safety risks.
4. **Site Plan Notation**: Rather than requiring a revised site plan, a notation will be added to the existing site plan documenting the approved modifications.

**Second:** Council Member Kynaston seconded the motion.

**Vote:** Motion passed unanimously.

1. **Resolution 2025-10: A Resolution approving February 2025 Fund Disbursements**

**Motion:** Council Member Malkovich moved to approve Resolution 2025-10.

**Second:** Council Member Hutchings seconded the motion.

**Vote:** Motion passed unanimously.

1. **Resolution 2025-11: A Resolution approving March 2025 Fund Disbursements**

**Motion:** Council Member Malkovich moved to approve Resolution 2025-11.

**Second:** Council Member Hutchings seconded the motion.

**Vote:** Motion passed unanimously.

1. **Resolution 2025-12: A Resolution in support of the Utah County Winter Response Task Force's efforts to aid the homeless.**

**Motion:** Council Member Lunt moved to authorize the mayor to sign the agreement and approve up to $500.00 for efforts to assist the homeless.

**Second:** Council Member Malkovich seconded the motion.

**Vote:** Motion passed unanimously.

1. **Approval of Large Purchase Requests and the Sale of Surplus Equipment**

**Motion:** Council Member Hutchings moved to approve $13,000 for purchase of necessary firefighting tools

**Second:** Council Member Lunt seconded the motion.

**Vote:** Motion passed unanimously.

**Adjourn**:

**Motion:** Council Member Lunt moved to adjourn.

**Second:** Council Member Malkovich seconded the motion.

Meeting adjourned at 8:50 p.m.