

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 15, 2010
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION & WORK MEETING - 5:00pm

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Barry Topham
Sabrina Petersen

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder - *excused*
Craig Hall, City Attorney
Clarence Kemp, City Engineer

Mayor Pro-tem Palmer conducted the briefing session which was called to order at 5:28 pm.

The Council reviewed the agenda. Council Member Topham discussed his concerns about the Class D liquor sales. He doesn't feel we need a business like this in the city and the hours Council Member Palmer suggested discussing his concerns in the public meeting.

Council Member Pace suggested modifications to the Growth Principles resolution. He would like to see wording added that this is a set of non-binding advisory guidelines that *may* be considered.

The Council then discussed the minutes and concerns with the March 18 minutes. Council Member Pace had some comments and would like to see this item continued for further discussion.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 15, 2010
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting - 6:00pm

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
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Barry Topham
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City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder- *excused*
Craig Hall, City Attorney

I. *Welcome*

Mayor Webb called the meeting to order at 6:08 pm and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Randy Fitts, City Manager.

III. *Public Comments*

Matt Bohls – 1816 Severen Dr. – Spoke about a safety issue. There are about 40 kids playing in and around the neighborhood. Severen is an uphill street with a posted 25 mph speed limit however there are four-five cars above this limit per day. The neighborhood is in favor of speed bumps or signage to slow traffic and he has collected 20 names on a petition to support this. Council Member Pace suggested enforcement through warnings/tickets be issued first then flashing speed signs as a solution.

IV. *Public Hearing on Proposed Text Amendment to Add Class D Liquor Sales to the List of Conditional Uses to the ORD Zone and to Extend the Hours of Operation for Retail Type Uses From 10am to 2am for the Class D Liquor licensees only.*

Mayor Webb opened the public hearing at 6:14pm

Jill & Lisa Kristauferson - Kristauf's Martini Bar – They are still planning to move forward with the Trio joint venture and anticipate construction will take a couple of months. They were put on the list last fall for a Class D Liquor License. They have a license available every other month and they look at record, experience, and how many are already in the area. They plan to open at 4:30 and close at 2:00am. They have a Class D Liquor License at their current location with these hours. Applicant confirms state law allows them to open as early as 10:00am but the law requires that they must close at 2:00 am and cannot close any earlier.

Karen Hipple: She owns three homes in the valley; Park City, Sugarhouse & East Millcreek. She is a small business owner for 25 years and looking forward to having something close to canyons

to entertain clients with a quick drink and bite to eat. This joint venture in this area feels like an excellent location away for Holladay residential and would be a great asset.

Chris Anderson: He has known Jill & Lisa Kristofferson both personally and professionally for many years and has worked with them numerous times. At their current location they enjoy a very symbiotic relationship with Takashi. Their joint venture with Trio in Holladay would be beneficial in the same capacity. It is a classy establishment similar to Market Street Grill across the street. He supports the project 100%.

Nick Clark - representing the Sheflins, the owners of the Old Mill property. If parking is a problem they own two office buildings to the east and they will allow them to use those lots in the evenings for valet parking. Please consider revenue from building permits as well as the renovation of Trio. The owners are completely behind the venture.

Council Member Pace clarified with Mr. Hall that in restaurants you must order food and a drink, 70/30 in favor of food. At this establishment you could order a drink solely, without food which is what a Class D liquor license allows. Most other restaurants have a Class C liquor license.

Mayor Webb commented that further discussion planned for next work meeting and vote scheduled for first Thursday in May.

Mayor Webb closed the public hearing at 6:26:12pm.

V. *Public Hearing on 2009-10 Budget Amendments*

Manager Fitts spoke about a small budget amendment proposing to reallocate CDBG funds. Statute says you can use up to 20% of your allotment for wages in administering those costs. We could use up to \$10,000 but are only using \$3000. Tonight we are amending the general fund, adding \$3000 to the general fund then adding a new line item for scholarship funds for \$3000. Mr. Hall added to distribute the money there are administrative steps we must go through that will not be done before the end of the school year. Schools may be contacted that it is in process for the coming year.

Mayor Webb opened the public hearing at 6:28:35pm asked for public comment and with none closed the public hearing at 6:28:45pm.

VI. *Consideration of Ordinance 2010-05 Amending the City Budget for the Fiscal Year Beginning July 1, 2009 and Ending June 30, 2010*

Council Member Pace moved to approve Ordinance 2010-05. Council Member Palmer seconded the motion.

Council Member Topham noted that \$3000 could be better used in public improvements and does not meet the “Doug Short rule.”

The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Palmer and Mayor Webb in favor with Council Member Topham opposed. Ordinance 2010-05 was adopted by a majority vote of 5 to 1.

VII. *Consideration of Resolution 2010-14 Revising the Allocation of CDBG Funding for the 2010-2011 Fiscal Year*

Council Member Pace moved to adopt Resolution 2010-14. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Palmer, Topham, Pignanelli, Pace, Petersen, and Mayor Webb in favor. Resolution 2010-14 was adopted by a unanimous vote.

VIII. *Consideration of Resolution 2010-15 Adopting the Wasatch Choices 2040 Growth Principles for Transportation Planning*

Council Member Pace moved to adopt Resolution 2010-15 with the following amendments: striking the last whereas column, inserting the words “nonbinding advisory” before the word guidelines in the last paragraph and changing the word “adopts” to “recognizes”. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Topham Palmer and Mayor Webb in favor. Resolution 2010-14 was adopted by a unanimous vote.

IX. *Consent Agenda*

Council Member Pace moved to approve the minutes from April 8th and withhold the minutes from April 15th for further modifications. Council Member Palmer seconded the motion.

Council Member Topham noted page 3, the first full line he would like the following phrase added; “said he had emailed other council members about his reservations including concern for the financial condition of the City,” then conclude as written.

Council Member Pace moved to adopt with the minor editorial changes noted. Council Member Palmer seconded. The Council voted in the affirmative and the motion carried.

X. *City Manager Report - Randy Fitts*

Mr. Fitts received a letter from FEMA notifying us that we were not one of the recipients of the Fire Station Grants and that only 2% of the applicants qualified for the grant and \$700,000 went to Cedar City. This was very disappointing. One thing on the grant application criteria that did not help our application was our state’s number for unemployment. Many other states were much higher than Utah.

XI. *Council Reports*

There were none.

Mayor Webb excused himself from the work meeting and asked Council Member Palmer to conduct in his absence. The Council invited Jani Iwamoto to give her presentation to the Council now as opposed to during the work meeting.

One of Jani Iwamoto’s constituents and neighbor, Howard Diederich, asked about the property located at 2300 E. & 4500 S for a community garden. She found it was Salt Lake City property and spoke with Mayor Becker’s office, Jeff Niermeyer and Randy Fitts about a project for Holladay City, Salt Lake County, Salt Lake City and Granite School District. Prior to running for office, Ms. Iwamoto worked on organizing schoolyard gardens. Salt Lake City has graciously agreed but felt that land was not good for gardening so they suggested a three acre piece of land

east on 4500 S. across from Howard Driggs and the LDS Stake Center. There is a commitment of 5-10yrs when Salt Lake County will not need it before putting in an aqueduct. There has been talk about putting in the refugee garden, adding the Schoolyard garden and then with property left over the Salt Lake County Urban Farming Community Garden.

Ms. Iwamoto introduced Zee Ming Min Ye representing the Salt Lake County Refugee Program who brought handouts about the refugee program and talked about the opportunity for refugees to work the land as they usually live in apartments. Holladay has allowed 14 families to garden at the Holladay Community Garden and gave them the means to feed their families and a venue to sell the produce to support their families.

Howard Driggs Elementary and Olympus Jr High are on board with the school gardens. Olympus Junior is a bit too far to garden due to the distance but willing to cook the food, distribute to schools and give leftovers to homeless. Curriculum from Berkeley approved by Principals, Granite School District and parents would allow class structure for this. The County does not have a Community Garden yet and could take over when school is out.

Jeff Niermeyer representing Salt Lake City stated that they do not yet have funding to build the water tank designed for this site. Additionally, other improvements to the Big Cottonwood/Tanner project may alleviate the need. Salt Lake City currently has an agreement with Holladay to do maintenance on this site and did not want to move forward with this project without Holladay's approval. The access to this site would come off of the small dead end street behind the property and there may be come neighborhood concerns. There are two people who have permits for gardens already and we don't want to interfere with their use. What is the process, liability, contractual issues? Mayor Webb inquired about watering issues. Salt Lake City is willing to install a meter off the 6 inch water main, but who pays for the water? There are no active irrigation companies in this area.

Lon Hinckley has one of the gardens on the property and Council Member Petersen suggested he should be contacted. She also suggested possible use of church parking lot and crosswalk.

Council Member Topham expressed concern that residents on the dead end road will not like the traffic/access.

Council Member Pace confirmed that there would be three separate gardens; school, refugees, and County. He commented that neighbors will be more receptive to not cutting down trees for the project. He said not to overlook the property at 2300 E. & 4500 S. for botany programs for the High School or Junior High. He would like to see this site productive as well.

Council Member Topham inquired as to why this property has been vacant for so long? Jeff Niermeyer said it's being held vacant for a ground water well site.

Council Member Palmer recommended solving soil concerns by composting leaves. Council Member Pignanelli voiced her support of the project.

Ms. Iwamoto announced this will be going before the Salt Lake County Council on April 27 and invited the Council to attend.

Paul Fetzer addressed the Council and commented that he, Missy Larsen and their Interfaith group would be a perfect match for the neighborhood garden project as they could have 50 people till the land during the Holladay Clean-up on the 24th. Mr. Niermeyer stated they would need liability indemnity under the existing maintenance agreement with Holladay to make this happen on such short notice. In addition, his company Fetzer Architectural Woodworks produces a 10 yard dumpster of the finest hardwood sawdust every week that could be used for mulch. He also has experience with drip systems and says the volume of water should not be a concern for these gardens.

XII. *Adjourn to Work Meeting*

Council Member Pignanelli moved to adjourn to a work meeting. Council Member Palmer seconded the motion. The Council adjourned to a work meeting at 7:05 pm.

The minutes for the work meeting follow

WORK MEETING – April 15, 2010

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer
Barry Topham
Sabrina Petersen

City Staff

Randy Fitts, City Manager
Stephanie Carlson, City Recorder - *excused*
Paul Allred, Community Development Dir
Craig Hall, City Attorney

Mayor Webb convened the work meeting at 7:13 pm

1. 2010 Legislative Update – *Dave Spatafore*

Mr. Spatafore reviewed the past Legislative session and went over just a few of the bills that pertain to the City. There were a number of education funding bills, but the bill that passed phases out equalization. Overall equalization is going to be an issue as long as you have people that feel underfunded. There was a canal safety bill HB 60 which requires more communication and reporting from the canal companies. There was no significant billboard legislation this session or a lot of planning and zoning. Mr. Spatafore then discussed the 911 fees and three-digit vs. ten-digit calls into VECC. The current funding and budgeting stay intact for this year, it will be an issue during the interim. The Council thanked Dave for all his hard work on the city's behalf.

2. Discussion on Village Center

a. Discussion regarding status of development project & plaza

Clarence Kemp stated that changes on the plaza concept have been communicated to the contractor. They are getting pricing on the planters, which UDOT will not participate in that cost. Council Member Palmer confirmed that no development will occur this year on the Video Vern site, due to the appeal of the Planning Commission's site plan approval. Mr. Kemp asked what that delay means in terms of laying granite pavers and the zero setback. The pavers are

underlaid with concrete and that is one of the problematic things about prematurely placing the pavers. There is an option to take some of the pavers and lay them on gravel base so they don't have to be dug up.

In terms of the eligibility issues and what we need to talk to the State are: 1) as a city we elected to fill in the fountain area, there may be extra cost; 2) the ballards and chains. We may have to put them up because they are required under the federal guidelines. They have already been purchased and if we don't put them up, the city will end up paying for them. He has directed the contractor to install them in such a way that we can take them down without damage.

7.54.43 Council Member Topham commented that he spoke with Corey Pope, head of UDOT, he knew absolutely nothing about this project. He asked Mr. Kemp who it was that told him that funding would be discontinued for this project. Mr. Kemp commented that Betty Purdy is the gatekeeper relative to eligibility and Richie Taylor is the project manager – both are with UDOT-Region 2. Mr. Topham feels we shouldn't be ordering the pavers, because the project may change and more land may be needed. "You people here are so insistent that this project go forward as it should be, when we have hundreds of the best and brightest in Holladay that have been emailing, writing and telling us that this is not what they want, but you four people and the Mayor are going to make it happen. Do you really want 40 units per acre in central Holladay?"

Council Member Pace stated that Council Member Topham views this as all one project, but it is not. There is the plaza and there is the adjoining mixed-use development. There are not four votes on this Council to eliminate the plaza and that has been voted on and we have pavers ordered. Council Member Topham stated that saying there is "no consensus" is untrue. Everyone but Council Member Petersen, Mayor Webb and Mr. Lofgren are in consensus that there should not be apartments in the Village. Council Member Petersen responded that this project is in her district and she views these as two different issues – the plaza and the development.

b. Update on Advisory Committee regarding appeal of Planning Commission approval of the final site plan

Mayor Webb stated that the committee has been meeting on Mondays and Wednesdays, with full attendance. They have talked about parking. The committee has agreed upon five items: 1) the 1.8 acres should be developed; 2) it must be economically viable; 3) it should help create a town center or village, a gathering place, and beneficial use for city residents; 4) it should attract a developer, investors and lenders willing to do the project; 5) it needs to attract retail lease rates that can be supported by Holladay demographics. The lease rates have created the most discussion. The average lease rate is about \$35/sq ft, but by adding residential would bring it down to high teens, low 20's. This would keep out the national big box stores and bring in small scale stores. Parking was another issue. If you ideally could mix the project and do a one level retail it would save the city money because we wouldn't have to put it back into lower level parking because it would not be needed. The committee has a deadline of May 6th to make a recommendation to the Council. There will not be a full Council available until May 20.

3. Discussion on School Awards

Council Member Pignanelli talked about the criteria for the scholarship program, which the Council reviewed. One change is from "post graduate" to "post high school graduate". This

year's selection process will be different than in future years due to our time constraints. Mr. Hall stated that you can tell schools that we are working on a process, but by State Law you cannot give away public funds when there is not a benefit that comes back. There has to be a public hearing and adopted criteria that also states there will be nothing expected in return. The City needs to look at recognizing student achievements with a letter or having them come to a Council meeting. We could also look at doing essay contests also.

4. Budget Discussion

Manager Fitts put together a brief synopsis of the city's financial condition to date and some of the changes. The delinquent property tax is being taken away from the cities. They are giving us this year only the ability to raise the certified tax rate to compensate for the amount of money we would lose, without doing a truth in taxation hearing. The Court revenues are up substantially due to Cottonwood Heights and the tickets they are writing. In regards to the RDA, there is enough to make the bond payment but that is it. Granite School District has reached their contribution limit with the Millrock EDA. There are no raises for employees, no travel and a 6% increase in healthcare costs and 2% increase in retirement. Mr. Fitts is proposing one less officer for the schools and he has proposed eliminating the Council meals. There are very few capital fund projects this year and this budget does not have a lot of fluff.

The City has had the same property tax for 10 years and is it time for a property tax increase? Mr. Hall reviewed the process for a tax increase, if the Council chooses. The Council adopts the tentative budget in May and there would be no need to adopt the final budget by June 22. The city would operate on the tentative budget with a truth in taxation hearing in August after proper notification. After the hearing and a vote to raise the tax the city would then adopt the budget. Budget discussions will be on the agenda over the next month.

5. Update on Development Projects in Cottonwood Heights

Mr. Allred updated the Council on the 12-story general plan amendment. The buildings would be 165-170 ft tall and 190,000 sq ft. Right now there are three study areas for this type of development: Union Park, Old Mill and the gravel pit area. Their Council and Planning Commission will be meeting on this over the next few months and Mr. Allred will attend their meetings in order to keep Holladay updated.

6 Calendar

The Council reviewed the calendar for April and May. There needs to be an RDA meeting scheduled for May 13.

7. Other Business

XII. Closed Session pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition – (If needed)

XIV. Adjourn

There being no further business, Council Member Palmer moved to adjourn. Council Member Petersen seconded the motion. The adjourned the meeting at 9:17 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday April 15, 2010

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 7-15-10