

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 22, 2010  
Mt. Olympus Room  
4580 S 2300 E  
Holladay, Utah 84117**

---

**BRIEFING SESSION & WORK MEETING - 5:00pm**

***ATTENDANCE***

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

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder  
Craig Hall, City Attorney

Mayor Webb conducted the briefing session which was called to order at 5:21 pm.

The Council reviewed the agenda and discussed the ordinance amendment. Council Member Topham expressed concern over the safety of the community by having this type of establishment in the city. He stated that alcohol is absorbed much more rapidly when there is not food in the stomach. He is against having a bar in Holladay and feels it will set precedence and doesn't like it in our single-family residential community. He would like to see the city put this in the newsletter and let citizens know what is happening and give them another chance to comment.

Capt. Chris Bertram commented that people do consume less alcohol while eating a meal. He also stated he has a very unique approach in handling DUI's. The Unified Police teach classes at the bars and also form a relationship/partnership with the owners and employees. They also conduct underage drinking stings with not only alcohol but also tobacco. Mr. Hall stated that there is a fee structure for licenses and that bars pay more due to a disproportionate fee.

Council Member Pignanelli commented that this establishment will bring in the older, quieter crowd, like the Oyster Bar.

Capt. Bertram took a few moments to introduce Ryan Cummings and his Belgian Malnios bomb dog Bear. The dog is 19 months old and was donated to the UPD.

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**April 22, 2010  
Mt. Olympus Room – City Hall  
4580 S 2300 E  
Holladay, Utah 84117**

---

**Council Meeting – 6:00pm**

***ATTENDANCE***

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

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

**Citizens:** David Chisholm, Raili Jacquet, Capt. Chris Bertram

**I. *Welcome***

Mayor Webb called the meeting to order at 6:06 pm and welcomed those in attendance.

**II. *Pledge of Allegiance***

The Pledge of Allegiance was led by Council Member Jim Palmer.

**III. *Public Comments***

There were none

**IV. *Consideration of Ordinance 2010-06 Amending Title 13 Pertaining to Zoning by Enacting Revisions to Chapter 13.45 Pertaining to Office and Development Zone – Alcohol Regulations and Hours of Operation***

Mr. Hall provided the Council with the background information. The Council was approached last November by the applicants to establish a martini bar in Holladay. The Council gave them the nod to move ahead to start the public hearing process for a text change to the ordinance. They began the process and had a public hearing at the Planning Commission, where they received unanimous approval. The text change allows for a Class D liquor license as a conditional use in the Office Research Development (ORD) zone and changes the hours of operation to between 10am- 2am. If adopted, the applicant's will file an application for a business license from Holladay and a liquor license from the State. The business would also be licensed by the DABC as a, "Class D or Social Club" licensee.

Council Member Palmer moved to adopt Ordinance 2010-06, stating that this is a legal business with a ten-year track record and would be located in our ORD business district where it would support the existing restaurants and hotel as economic development. Council Member Pignanelli seconded the motion

Council Member Topham feels this ordinance would be a hazard to the safety of Holladay residents. Just one death or serious injury resulting from a DUI would make this a very difficult thing for him to look back on. As time goes by the likelihood of an accident is very high. If it does pass, he would like to see the hours changed for garbage collection to 8:00 am instead of 7:00 am.

Council Member Palmer agrees with Council Member Topham that it would be a tragedy if there was a fatal accident. But he feels this is a well-regulated business with hands-on owners. He prefers having people drink in a regulated establishment where they can be monitored rather than drinking unsupervised and possibly driving impaired.

Mayor Webb asked Capt. Bertram about the options the city has to protect our citizens if this business shows signs of the concerns raised by Council Member Topham.

Capt. Chris Bertram stated that if there starts to be problems, they will address the specific problems. The patrol officers will begin doing bar checks and undercover officers will be used. They will also work with the State DABC on enforcement. Finally they will step up DUI enforcement and may conduct DUI check points.

Mr. Hall stated that the city can also conduct a revocation hearing of their business license if there are problems. The city and the police will have zero tolerance. Also, the DABC penalties are very stiff.

Council Member Topham feels that this type of use is not necessary thing for Holladay. It will require an increase in expenditure of police services. The high percentages of fatalities are from DUI's.

Council Member Palmer stated that we previously heard in their 10 year history they have never had a problem. They are well-liked by the DABC and that they are hands-on owners/operators. This liquor license does not change hands if this business fails.. From an economic development perspective it supports the ORD zone.

The Council roll call vote was as follows: Council Members Pignanelli, Petersen, Topham and Mayor Webb in favor with Council Member Topham opposed. Ordinance 2010-06 was adopted 4-1 by a majority vote.

#### **V. *City Manager Report* – Randy Fitts**

Manager Fitts reported on the following:

- He reminded the Council of the clean-up this weekend. There has been a lot of interest in the clean up and the glass recycling the city began offering.
- He also heard from our insurance company and they are concerned about the trees in the back and the hazard they impose.
- There is a very heated discussion regarding VECC and 911 funds. There is a committee being formed to deal with this issue. There needs to be a political solution.
- He talked to the Council about the dinners, the cost and perception. The Council decided to pay for their own meals, starting immediately.

#### **VI. *Council Reports***

Council Member Pignanelli stated that she has heard from a number of contractors about how much they like dealing with the planning department.

Council Member Palmer also praised Doug Brewer for his work on getting a residence on Fardown Ave cleaned up.

Council Member Petersen asked when the restriping of Holladay Blvd would be done. It is very dangerous.

The Mayor suggested having the Council write and sign letters to the staff when they hear of something good.

**VII. Adjourn to Work Meeting**

Council Member Pignanelli moved to adjourn & reconvene the work meeting. Council Member Petersen seconded the motion. The Council meeting adjourned at 6:49pm.

**The minutes for the work meeting follow**

**WORK MEETING – APRIL 22, 2010**

**ATTENDANCE**

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

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

Mayor Webb opened the work meeting at 5:51pm

- 1. Discussion on Holladay Village Center**
  - a. Update on Advisory Committee regarding appeal of Planning Commission approval of the final site plan**

Mayor Webb reported that the meetings are going well and are very thought provoking to all those involved. The committee is aware of the May 6<sup>th</sup> deadline.

- 2. Discussion on School Awards**

Mr. Hall and Council Member Topham discussed the provision in the State Code which requires that a study be done and criteria are in place in order for a city to use its funds for scholarships. The Council needs affirmative finding of any one of the reasons listed in the State Code. The next step is to establish an ordinance on the criteria and conduct a simple study that shows this as a benefit to the community and hold a public hearing.

Council Member Topham would like public input and notice on this in the newsletter and web page. He feels the money should be used for city improvements.

Council Member Pignanelli was surprised that Council Member Topham feels like this. She feels if the public were presented with this idea they would like it. There is no net impact on the General Fund and this item was discussed during the Annual Planning meeting of the Council and everyone was in agreement.

Mayor Webb & Council Member Topham suggested honoring the students this year with an award or certificate until a further study and input could be done.

**Mayor Webb recessed the work meeting to a City Council meeting at 6:00pm.**

Mayor Webb reconvened the work meeting at 6:50pm

### **3. Budget Discussion**

Manager Fitts stated that he has been working on the budget and will begin individual meetings with the Council Members. He will present the tentative budget to the Council on May 3. It will be a bare bones budget with no capital improvements. He has pulled one SAY (Jr. High School) officer out of the UPD budget and where that cut will be is still yet to be decided. Manager Fitts commented that a priority this year would be to build bathroom facilities for the city hall fields. During the spring and summer the fields are heavily used and there are no real facilities.

### **4. Review of Council Goals**

The Council reviewed their goals. Council Member Pignanelli brought up the idea of doing a Taste of Holladay and has already been looking into locations as well as talking with local business owners. On the communication issues, she is still working on getting emails to Ms. Carlson for an email database.

Council Member Palmer talked about the traffic study. He invited Joe Perrin, a traffic engineer, to the recent Highland Dr. corridor meeting. He basically reiterated what we have heard in the past that is we need to decide what our goal is, either for facilitating traffic flow or traffic calming. He also stated that traffic issues are based on perception so we need to educate our citizens. Mr. Perrin will come back with a proposal for the city to help facilitate a traffic study.

Council Member Petersen updated the Council on the Holladay Criterion bike race scheduled for July 3<sup>rd</sup> as part of the 4<sup>th</sup> of July festivities. She is working with the Chamber and members of the biking community to get the race set up. There will be a meeting next week and further information will be available. She is also working on scheduling a time for the playground equipment presentation and ask Council Member Palmer to get that on an agenda for a work meeting. Council Member Petersen also commented that County Council Member Jani Iwamota has contacted her about the community gardens and asked for her help with the PTA and County Council. The Council reminded her that the city is supportive of the project but CANNOT make any sort of financial commitment. They also asked that the neighbors surrounding the garden be notified that this will be coming.

### **5. Open Meetings Training**

Craig Hall provided the annual Open Meetings Training for the Council.

**6. Discussion Regarding Potential Non-Discrimination Ordinance**

The Council received copies of Park City and Salt Lake City’s ordinances. West Valley is still working on theirs. This ordinance would prevent discrimination in employment and housing only. Mr. Hall asked the Council to review the ordinances and let Mayor Webb know how they feel, if it should move forward or be tabled.

Council Member Topham commented that this seems to be legislating for legislation sake. We have not had any problems or issues and he would like to wait and see what happens.

**7. Calendar**

The Council reviewed the upcoming calendar for May and sent dates for budget hearings and meetings. The budget will be presented on May 6 and a public hearing will be held on June 3<sup>rd</sup>.

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

**IX. Adjourn**

Council Member Palmer moved to adjourn. Council Member Pignanelli seconded the motion. The meeting adjourned at 8:30pm. .

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday April 22, 2010.*

\_\_\_\_\_  
Stephanie N. Carlson, MMC  
Holladay City Recorder

\_\_\_\_\_  
Dennis R. Webb, Mayor

Minutes approved: 5-6-10