

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, February 4, 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
Craig Hall, City Attorney
Paul Allred, Community Development Dir.

Council Member Palmer conducted the briefing session which was called to order at 5:24 pm.

The Council reviewed the agenda. The Council discussed options for the proposed rezone on Holladay Blvd.

Manager Fitts introduced Brandon Lyman who is a Detective in the COP unit for the Unified Police District. Manager Fitts will be bringing in officers from the Holladay unit to meet the Council during the upcoming year.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**February 4, 2010
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 6:00pm

ATTENDANCE

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

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

Citizens: David Chisholm, Lance Peterson, Members of Scout Troop 551, Members of Scout Troop 484, Sarah Mitchell, Megan Macky, Boyd Fullmer, Gaycen Young, Jr., Lynne Morton, Tom Howard, Errin Holmes, Lorianne

I. *Welcome*

Mayor Webb called the meeting to order at 6:04 pm and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Thomas Howard, Scout Troop 484.

III. *Public Comments*

Ms. Whites 6th grade class from Morningside Elementary – Sara, Alex, Michael, Carolyn. They are Team Hope, which stands for Helping our Planet Earth. They are working on raising awareness about the effects of idling vehicles and are working with Rep. Moss on resolution HJR5. They have already held an idle free campaign at their school. If you will be sitting in a car for 10 seconds or longer, “turn you key be idle free.” We need to think globally and act locally. Contact your local representatives and tell them to support HJR 5.

Amir Cornell – 1085 E North Bonneville Dr. He purchased property on Lincoln Lane that was zoned R-1-15 and the lot is 19,000 sq ft. He was told at the time that the property did not have area to make two lots. He tore down the existing house and now he is losing money because he cannot build two homes on the lot. He is asking for the Council’s help. Mayor Webb directed Mr. Cornell to meet with Manager Fitts and Mr. Allred.

IV. *Public Hearing on Proposed Rezone for Property at 1968 & 1984 E Murray Holladay Rd from C-1 to C-2 (Café Normandie and Pawits Restaurants)*

Mayor Webb opened the public hearing at 6:21pm. There were no public comments and Mayor Webb closed the public hearing at 6:22pm.

Council Member Palmer moved to suspend the rules and take the agenda items out of order. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion carried.

VII Consideration of Ordinance 2010-03 Amending the City of Holladay Map for Property at 1968 & 1984 E Murray Holladay Rd from C-1 to C-2 (Café Normandie and Pawit's Royal Thai)

Council Member Pignanelli moved to adopt Ordinance 2010-03. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 2010-03 was adopted by a unanimous vote.

VI. Consideration of Ordinance 2010-02 Amending the Zoning Map of the City of Holladay Regarding Property Located at 4802 S Holladay Blvd from R-2-10 to R-M (Oral Design Dental Labs)

Council Member Palmer moved to adopt Ordinance 2010-02. Council Member Pignanelli seconded the motion.

Council Member Topham commented that this proposal is in his district and that he sees no vital need to change the zoning at this time. He would like to wait and see what happens with the Highland Dr. corridor study where some other options may arise. He would also like to see a reverter clause put in place that if the property is sold it would go back to R-2-10. This is not time sensitive.

Mr. Hall stated that such a clause is problematic. The current ordinance and regulations the city has in place will restrict the number of available units that could be constructed on this site.

Council Member Palmer stated that the applicant applied for the rezone back in July. He also reminded the Council that if this application is denied, the applicant is precluded from coming back for one year.

Council Member Topham made a substitute motion to table Ordinance 2010-02. Motion died for lack of second.

The Council roll call vote on the original motion was as follows: Council Members Petersen, Pace, Pignanelli, Palmer and Mayor Webb in favor with Council Member Topham opposed. Ordinance 2010-002 passed with a 5-1 vote.

V. 6:30 Public Hearing on Proposed Rezone for Properties in the Vicinity of 2200 E Murray Holladay Rd (Aix la Chapelle, Holladay Villas)

Mayor Webb opened the public hearing at 6:34:40pm

Megan Macky – 2220 E Murray Holladay Rd #105. The problem still exists that the banks see them as non-conforming hurting their chances for financing. They were told that staff would work with them, but they were never contacted. She feels the RM zone is worse, because it limits it to 16 units/per acre. She is concerned that if the property is rezoned it become a bigger issue when it comes time to sell or refinance. They just want to be treated fair and equitable and is opposed to this rezone.

Boyd Fullmer – 2260 E Murray Holladay Rd #24 (Holladay Villas B). He asked for clarification on what the difference is between the current zone and the one being proposed. He is also worried about financing and feels the Villas will have the same problems as Aix la Chapelle. He feels this could be seen as a taking if financial interest is reduced with the zone change. Is there a real good reason to change or maintain the status quo? He is opposed.

Paul Allred – Community Development Director. He replied to the previous comments. With regards to financing, he has called two brokers and America First Credit Union. Based on the situation they all felt it would work and there would be no problems. On the zoning, the current zone of C-2 is the most intense commercial zone. The Planning Commission felt that the RM zone is the most high density residential zone we have. The Commission also did not want to create a new zone.

David Wright – 2220 E Murray Holladay Rd. He asked is there was anyway to create zone specific to Aix la Chapelle or put stipulations on it. It needs to be conforming.

Mr. Allred commented that reverter clauses are easily challenged and discouraged.

Lorianne – 2220 E Murray Holladay Rd #38. If the zoning does change to RM, then we still are non conforming. Is the city willing to issue a letter of non-conformance?

Irvin Holmes – Holladay Park Apts/Tiburon Apts. He is opposed to this rezone. He is concerned that with the new project and apartments in the Village Center and the fire station it will make his properties less popular to tenants and therefore harder to rent out. He would like his property excluded from the rezone and left commercial.

Lynne Morton – 2220 E Murray Holladay Rd #58. She expressed concerns with the issuance of the non-conformance letter. What happens when this Council and staff are gone, what assurance do they have?

Mr. Allred explained that when lenders call, they ask for the zoning of the property. It is a matter of policy.

Pat Hanson, City Planner, explained that the letter of non-conformance is just a quote from the non-conforming chapter of the ordinance. The only time a letter is not issued is if it's an illegal property. Either way if they stay with the same zone or are rezoned, a letter will need to be issued. Staff was told by residents that they wanted a residential zone designation.

Council Member Palmer stated that when the Village Center zone was formed, residents wanted to be excluded. Aix la Chapelle was zoned C-2 under the County and Holladay has not changed it.

Council Member Pace commented that every city has hundreds of non-conforming uses. State law says that any non-conforming use may continue, the only exception is if you tear it down voluntarily. The zoning of a property is not intended to affect what is there but a blueprint for what you want to be there if it was all torn down. He has never seen a problem getting a letter.

Mayor Webb closed the public hearing at 7:05pm.

VIII. *Consideration of Resolution 2010-06 Amending Policies and Procedures of the City Council*

Council Member Pace moved to adopt Resolution 2010-06. 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 2010-06 was adopted by a unanimous vote.

IX. *City Manager Report* – Randy Fitts

Manager Fitts reported on the following:

- * On February 9 there will be a Town Meeting here at City Hall with all the local state officials.
- * He received a call from a developer in California who heard about what we are doing here in the Village. The WET Company would like to volunteer time and design work for the city.
- * There is stimulus money available from Wasatch Front Regional Council for transportation. He put down Highland Dr for funding
- * Passed out to Council a graph showing the last 18 months of sales tax. We are starting to level off.

Council Member Topham asked about the Community Garden and it was available to be used this year. Manager Fitts stated it should be and that he is also looking into other locations for the gardens.

X. *Council Reports*

Council Member Pignanelli reported that the Youth City Council is doing a project for Valentines Day. They will be visiting a care center in the City and reading to the residents and doing Valentines. The youth that attended Local Officials Day really enjoyed themselves and two of them are working on opposite sides of the proposed cell phone bill.

Council Member Palmer reported on his meeting with the Cottonwood Study group. They had a number of questions and they were please to learn that there was no low income housing going into the Village as they were previously told.

XI *Adjourn to Work Meeting*

Council Member Pignanelli moved to adjourn to a work meeting. Council Member Petersen seconded the motion. The Council adjourned to a work meeting at 7:15 pm.

The minutes for the work meeting follow

WORK MEETING – February 4, 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
Paul Allred, Community Development Dir
Craig Hall, City Attorney

Mayor Webb convened the work meeting at 7:23 pm and asked Council Member Palmer to conduct.

1. Discussion on Holladay Village Center

a. Discussion regarding status of development project

Staff issued the approval letter to Cowboy Partners for their site plan approval. Conditions were imposed for the construction plan .

2. Discussion on Interlocal Agreement from Unified Police Dept

The intent of the documents is to tell the Lt. Governor's office that a new interlocal government agency has been created. There are also some technical changes need to comply with the organizational structure. The Council discussed having the UPD do a press release from the organization regarding funding.

3. Discussion on CDBG Funding

The deadline to submit hard cost funding is Feb. 19. Staff asked Council to begin looking for entities within the city to fund. A hearing will be held on March 4.

4. Legislative Update

Council Member Pace updated the Council on the Legislative session. The budget is dominating most of the discussion. The Legislators are looking at a adopting a worse case scenario budget. The retirement issue is a hot topic. The current proposal will affect new hires and would eliminate "double dipping.". The main concern is it makes public service less attractive. There are bills on canal safety and irrigation companies that are of interest to the City that he is watching also.

5. Review of Council Goals

The Council reviewed their goals from the Annual Planning meeting. The Council put a Council Member in charge of the goals in order for them to "own" it and move it forward. A new list will be provided to the Council by topic and by Council Member.

6. Calendar

Next week is a work meeting. Council Member Palmer will be out of town, but can be available by phone for the first hour. On Tuesday, Feb. 9 there will be a town meeting with all the Legislators representing Holladay.

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

Council Member Topham moved to go into closed session for the purposes of discussing personnel issues, potential litigation and property acquisition. Mayor Webb seconded the motion. The Council voted in the affirmative and the council convened in a closed session at 8:40 pm.

Those in attendance at this Closed Session were: Council Members Petersen, Pignanelli, Palmer, Topham, Pace and Mayor Webb. Also in attendance were: Randy Fitts, Craig Hall, Stephanie Carlson and Clarence Kemp.

Minutes for the closed session were taken and are now on file as a Protected Record.

Mayor Webb moved to adjourn the closed session and reconvene the work meeting. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pignanelli, Pace, Petersen, Palmer, Topham and Mayor Webb in favor. The motion to adjourn and reconvene in the work meeting passed by a unanimous vote.

XIII. Adjourn

Council Member Pace moved to adjourn. Council Member Petersen seconded the motion. The meeting adjourned at 9:33 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday February 4, 2010.

Stephanie N. Carlson, MMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 2-18-2010