

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, March 4, 2010  
Mt. Olympus Room  
4580 S 2300 E  
Holladay, Utah 84117**

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**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 - *excused*  
Jennifer Brown – Legal Counsel  
Paul Allred, Community Development Dir

**Others:** Dave Pennock, Rosemary Winters, Marty Slack, Dan Lofgren, Les Chatelain

Mayor Webb conducted the briefing session which was called to order at 5:26 pm.

The Council reviewed the agenda. The Council discussed the Holladay Village appeal. Mayor Webb stated that he has met with the appellants and he suggested forming an independent advisory committee to review the appeal and get their recommendation before voting. He suggested tabling this item. The Council stated that it is important to establish a timeline for this committee so it does not drag out. It was also noted that this item will not go back to the Planning Commission due to their unanimous approval. The business community is also concerned about the loss of revenue if this project stalls.

The Council also discussed the proposed Aix la Chapelle rezone.

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

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

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**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 - *excused*  
Jennifer Brown– Legal Counsel

**Citizens:** Rachel Blackmer, Carl Lindley, Meghan Maughan, Jack Foreman, Scott Kiser, Britta Berkey, Pam Roberts, Brian Maxwell, Roger Borgenicht, Steward Ralphs, Darrin R., David Chisholm, John Adamson, Roger Evans, Helen Redd, Bob Neslen, Paula Lowry, Carrie Stephens, Sharron Horsey, Robert Hintze, Robert Hill, Debbie Evans, Julie Chatterles, James Hall, Charles Hansen, Kerry Steadman, Stan & Jean Markman, Paul & Marilyn Whitehead, Kyle Nielson, Pat & Frank Child, Henry Kesler, Mark Quinn, Wendy Zigler.

**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 Frank Child.

**III. *Public Comments***

6:08:25 Mayor Webb stated that he has met with the appellants over this past week and appreciates their concern and interest. As a result of those meetings and a sense to do what is right, the city will table taking action on appeal tonight. In the meantime an independent advisory committee will be formed to review the appeal and report back to the Council. We appreciate the flexibility and interest of all parties on this matter.

*Helen Redd- 2487 Haven Ln.* It has been an exciting day in local politics and I thought it was only fair if I put your names and numbers that I put mine on the newsletter went out today to the citizens. She has had overwhelming response by email and phone calls. If we every thought this project was widely accepted by the citizens, a settled issue I think after today and the calls I have taken today that it is not the case. She would be happy to share those names and numbers with you, but the Council is also receiving the same calls and email. The proposal that the Mayor discussed is the right thing to do and is pleased to endorse that course of action. This committee is the most positive outcome that she could've asked for. She thanked Mayor Webb for his many

hours spent with her and Mr. Neslen since their appeal was heard by the Council. This is a difficult time for the city and it takes a leader with political courage to examine and solve the concerns of the citizens. Time is an issue and things need to happen on that site and in this city, but this project will affect Holladay for the next 50 yrs. It is only right to be expedient and to take the time to do it right. Ideally, I believe that solutions to local problems should be found by the citizens who live in those communities where the problems exist. She looks forward to contributing to the upcoming process in a positive, effective and dedicated manner. She urged support of this plan and have confidence that the citizens of Holladay are the ones know what is truly best.

*Bob Neslen* has worked with Mayor Webb and Helen Redd to come up with incredible list of individuals who live and work in Holladay to serve on the advisory committee. He too has received a number of emails and phones calls today supporting our cause. The Mayor, Council and Cowboy Partners have bent over backwards to work with us on this appeal. Scott Safford notified him today of a few errors in the newsletter they sent out. The apartment unit mix is 43 – two-bedroom and 32 one-bedroom units for a total of 75 apartments. There was never an intention to put 12 luxury condos on this site. He also stated that the developer would like to have more retail space and street parking they just can't find a way to put more retail on the site. As you can see, we are moving in the right direction and will get a better project. He apologized for the errors in the newsletter. This appeal and newsletter has all been done with private money. He hopes we are able to start anew and leave behind the hateful atmosphere and move forward appreciating others differences.

*Scott Kiser – 2240 Murray Holladay Rd.* He is disappointed in the decision to reevaluate this project. This project has been going on for six years and there have been over a hundred meetings. Having an 11<sup>th</sup> hour stay is terrible. Delaying is a bad decision and we need to move forward as soon as possible. Consider also that there have been many who have already put in many hours to address this issue and expressed there opinions.

*Frank Childs- 2034 Waldo Ave.* He hopes the Planning Commission has been involved in bringing this project forward.

*John Adamson – 2465 E Kentucky Ave.* He was a member of the initial task force, convened by the previous administration, which saw the first proposal from Cowboy Partners for the Village Center. It was a plan that was woven into a larger traffic pattern and had to do with revitalizing the merchant community, adding a very little mixed-use residential. Projects do change over time but all those initial conditions are gone. As you convene this committee we need people who will represent the citizens. If you go back to the original purposes and drawings you will see the divergence.

*Debra Evans – 4565 Wander Ln.* When we incorporated we wanted to be an individual community, maintaining our way of life. Original plan was a true center, with walkways, shops, places to eat. Do we have to have apartments stuck in the middle of the village? I hope not. The citizens of Holladay do not like to be misled or lied to and we like to have a say. There are other sources of revenue than apartments. Come up with something we can be proud of and a good resource for shopping and choices of places to shop.

*Dr. Robert Hill -4137 Holloway Dr.* He proposed changing the name of the Planning Commission to the Zoning and Code Oversight Committee. The Planning Commission is not charged with planning but oversight that the code and zoning are properly done.

Council Member Palmer clarified that when he was on the Planning Commission, it was the Planning Commissioners that created the original Village Plan, the Overlay Zone and the eventual Village Center Zoning Ordinance. The role of the Planning Commission is advisory to the Council. The Planning Commission reviews applications for conformance to zoning and recommends changes to zoning ordinances. They were fully involved in the General Plan and zoning from the very beginning.

#### **IV. Public Hearing on Community Development Block Grant (CDBG) Funding**

##### **Mayor Webb opened the public hearing at 6:32 pm.**

*Britta Berkey – Big Brothers, Big Sisters.* They are requesting \$1,932 to be used for recruitment, screening, training and matching Holladay youths with mentors. There are 28 kids from the Holladay area in the program. The Community based mentoring program matches youth with a mentor for a year, with individualized attention two-four times a week. During this time, the children gain new skills, explore new interests and spend valuable time with a trusted adult. Also Big Brothers, Big Sisters will be relocating their donation center to Holladay (1875 E Murray Holladay Rd).

*Roger Borgenicht – ASSIST.* They are requesting \$10,000 to continue operation of the Emergency Home Repair program for low income residents and persons with disabilities in Holladay. This will help to provide critical home repairs (plumbing, electrical, etc.). The average income of the people we helped last year in Holladay was \$1500/month and 100% of those were elderly.

*Julie Adams-Chatterley – Utah Food Bank.* They are requesting \$2,000 for the 211 Information and Referral program. Citizens are able to call one number and get connected, to a real person, who will help them find the appropriate community resource (i.e., food, housing, health care, etc.). Based on zip codes, over 1,600 calls to 211 were from Holladay residents.

*Stewart Ralphs – Legal Aid.* Legal Aid provides free legal assistance to all victims of domestic violence to obtain protective orders and stalking injunctions. They represent clients for about \$210/case and last year 29 were from Holladay. Their request is for \$2,000 to help pay a portion of staff salaries.

*Meghan Maughan – Road Home.* The Road Home shelter is the largest provided of shelter in the City. They provide emergency assistance, shelter and case management for people experiencing homelessness. The downtown Salt Lake shelter is open year-round, 24/7; the winter shelter is in Midvale and operates from November – March. Last year they served 44 people from Holladay and have seen an increase in demand overall, especially for families. They are requesting \$2973 for the shelter and \$1,227 for the winter shelter.

*Sharron Horsey – 3986 El Dorado Dr.* She is speaking in support of the Road Home's grant request. There has been an increase of 79% in the number of families served by the shelter. She extended an invitation to the Council to tour the Road Home, if they haven't already.

*Rachel Blackmer – English Skills Learning Center (ESLC).* The Center teaches English to immigrant and refugee families and has been doing so for over 20 years. The adults they serve are typically low-income, with language and cultural barriers that hinder their success in integrating within their community. They are requesting \$2,500 to help support the agency staff. Last year they served 15 Holladay residents.

There being no more comments, **Mayor Webb closed the public hearing at 6:52pm.**

## **V. Reports**

### **a. Salt Lake County Sanitation Report**

*Pam Roberts, Division Director* reviewed the services provided by Salt Lake County Sanitation. They currently serve over 80,000 homes with a service fee of \$11/month. Some of the services provided the people may not be aware of include: curbside box collection for new residents, container replacement and repair and an assist program for residents with special needs. They also offer two blue recycling containers at no charge to residents and are picked up bi-weekly. They have implemented an Administrative Control Board, which is a policy body that meets monthly. In Holladay, they have a 17.70% diversion rate, which means they divert green waste and recycling materials from the landfill. They have also begun a five-flex schedule with the anticipation of reducing miles traveled.

Council Member Palmer supports the green waste trailers. The only complaint he has is about the neighborhood trailer clean-up program. The postcards need to go to a mailing address, not the property address. He also suggested putting garbage cans all on one side of the street, so the trucks only have to make one pass.

Mayor Webb asked about glass recycling. He has been approached by a company to put containers in Holladay.

Ms. Roberts commented that it is costly and there is no end market. She will follow up with the two companies that do glass recycling and get more information.

## **VI. Consideration of Ordinance 2010-04 Amending the City of Holladay Zoning Map for Property Located at Approx. 2200 E Murray Holladay Rd from C-2 to RM and P Zone (Aix la Chapelle, Holladay Villas and 2210 property)**

Council Member Pace moved to adopt Ordinance 2010-04 as written with the exclusion of the Holladay Park Apartments LLC. Council Member Palmer seconded the motion. The Council vote was as follows: Council Members Palmer, Topham, Pignanelli and Pace in favor with Council Member Petersen and Mayor Webb opposed. Ordinance 2010-04 was adopted by a 4-2 vote.

Council Member Petersen would like to discuss the option of putting Aix la Chapelle in the HV zone.

Council Member Palmer commented it was the intent to solve the immediate problem of mortgage refinancing with RM today then have a subsequent discussion on the HV zone.

Council Member Pace is concerned over the resident's anxiety of going to the HV zone. Zoning it RM is zoning for what is there and is a protection to the community.

Council Member Pace moved to rezone the Holladay Park Apartments (Tiburon) from C-2 to RM. Council Member Palmer seconded the motion.

Council Member Topham is a real property rights advocate and believes that the person that bought this apartment with C-2 zoning paid a premium for the C-2 zoning and changing the zoning to RM would take value away from the owner. There is nothing imminent that is going to be happening to the property and we have time to reconsider. We could table and invite the owner to come in and discuss options.

Council Member Palmer doesn't feel that RM zoning is ideal but it does reflect what is there now. The C-2 zone is our most intense zone and to have that right across the street from the Jr. High and library is not good planning.

The Council roll call vote was as follows: Council Members Palmer, Pace and Pignanelli in favor with Council Members Topham, Petersen and Mayor Webb opposed. The motion fails.

Council Members Topham and Petersen moved to bring this item back to the agenda for a discussion.

**VII. *Consideration of Resolution 2010-10 Regarding Appeal of the Preliminary/Final Site Plan Approval of Application of Holladay Village Assoc. LLC For a Development Located at approx. 4680 S 2300 E.***

Council Member Palmer moved to table Resolution 2010-10 to a work group for additional information. Council Member Topham seconded the motion. The Council voted in the affirmative and the motion carried.

**VIII. *Consideration of Resolution 2010-11 Authorizing Designated Individuals as Signatories on Various Financial Accounts***

Council Member Palmer moved to adopt Resolution 2010-11. Council Member Topham seconded the motion. The Council vote was as follows: Council Members Palmer, Topham, Pignanelli, Petersen, Pace and Mayor Webb in favor. Resolution 2010-11 was adopted by a unanimous vote.

**IX. *Consent Agenda***

***a. Approval of Minutes – Feb. 11, 2010***

Council Member Topham moved to adopt the consent agenda with the changes noted in the pre-meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion carried.

**X. *City Manager Report* – Randy Fitts**

Manager Fitts reported on the following:

- \* the sales tax report for December shows a 3% decrease, which is the lowest decrease in the past 16 months. The franchise tax is down 13%
- \* he has begun working on the budget process, should be an easy one
- \* attended the Council of Governments meeting, there are only three cities that don't abut the Jordan Parkway so there is no input from us needed and there are no real transportation issues either.

**XI. Council Reports**

Council Member Palmer touched on the Tuscany parking issue again and the need to resolve. More discussion will follow in the work meeting.

Council Member Topham discussed the signage on the LA Tart building and what could be done. He will meet with staff afterwards.

**XII Adjourn to Work Meeting**

Council Member Pignanelli moved to adjourn to a work meeting. Council Member Topham seconded the motion. The Council adjourned to a work meeting at 7:27 pm.

**The minutes for the work meeting follow**

## WORK MEETING – March 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 - *excused*  
Jennifer Brown– Legal Counsel

Mayor Webb convened the work meeting at 7:35 pm

### **1. Discussion on Holladay Village Center** **a. Discussion on Appeal**

The Council discussed the parameters and framework for the advisory committee. Mayor Webb has met with all parties and they are working on names of individuals to serve that are experts in development, community members, financing background and others. We will not re-open the project but will look only at the items of the appeal. There is a lot of misperception out there on where we are, how we got here and then the reality. Council Member Pace feels that there is a value to this process. It will help educate those that are frustrated that we have explored all options. But if they want a change in the master plan, we are not going to make those people happy.

Council Member Topham stated that all the changes to the Village have occurred since Council Member Pace and Mayor Webb took office. Once your term has expired you turn it over to others and you leave, but you assume that whoever took your place would have similar views on what should be happening to Holladay. I and a vast majority of people think this project is not appropriate for the center of Holladay and you are boxing in these people by saying that you won't do this and that. What these people are asking is that this project be something that is appreciated and approved of by a majority of people.

Council Member Pace stated that what we have today is an applicant who has filed an application under the current master plan and we are debating whether or not that application should be approved. For those that say this project filed under the current master plan does not meet the original intent or a former plan they may be right, but that is not what is on the table. We cannot hold this developer to yesterdays master plan when that plan is now obsolete.

The parameters for the Holladay Village Advisory Committee are:

1. Timeframe – 30 days, 45 max.
2. Small working group first comprised of: Mayor, Sabrina, Bob Neslen, Helen Redd, staff and Dan Lofgren to review misconceptions and original plan.
3. Scope of inquiry - explore modifications or alternatives to the proposal that are limited to the appeal items (Parking, number of residential units, and the amount of retail and office space). Talk about this project under the master current plan. We cannot hold the developer to an old plan, which is obsolete. Focus on appeal items only. Any proposal needs to pencil out, be realistic and can be built.
4. Mayor will send list of committee members to Council

## **2. Update on Development Projects in Cottonwood Heights**

The Council would like to find a way to become involved in Canyon Resort Residential ordinance and the General Plan amendment to allow 12 story buildings. Both these items will affect and impact Holladay. Mayor Webb will attend the meetings and report back, also he and Council Member Palmer will work on a draft letter, signed by the Council to deliver to Cottonwood Heights expressing our concerns and the impact it will have.

## **3. Discussion on CDBG Funding**

The Council discussed funding options and how to distribute. The Council discussed giving each organization \$500 and whatever is left going to the Road Home. Manager Fitts will follow up with the County on what studies would qualify.

## **4. Review & Discuss Existing Annexation Policy Declaration and Modifications**

Council Member Pace asked that this item be postponed until after the legislative session. The Council also asked for the annexation map.

## **5. Discussion on Land Use Issues**

Council Member Topham discussed his concerns with the following:

### **a. Fencing**

Council Member Topham would like to revisit the ordinance allowing 6 ft fences.

### **b. Signage**

The ordinance was recently changed so that directional signs were not allowed. Council Member Topham would like it changed back and to allow directional signs at the end of the streets. There has been no push back from the real estate community on the ordinance. Most of the real estate business is done on the internet.

### **c. Emergency Generators**

Council Member Topham discussed the need to emergency generators to run essential household items or medical equipment in an emergency. His neighbor has a generator that he can hear and would like to explore the setback requirements. Mr. Allred stated that the generators are a building and safety matter dictated by the International Building Code, not the City. Mr. Allred and Jon Teerlink will visit with Council Member Topham at his home to see if there is a solution.

If any other Council Member would like to pursue these ordinances they need to contact Council Member Topham.

## **6. Legislative Update**

Council Member Pace updated the Council on legislation that may affect Holladay. There is a bill on canals which would require the city to adopt a maintenance schedule or management plan by 2013. The bill to allow small water companies to be tax exempt looks like it will pass. There is also a bill on street funding – over \$110 million in transportation funding is available. One bill would call for a revenue bond to be issued by Salt Lake County and authorized by the State.

## **7. Review of Council Goals**

Council Member Palmer reviewed the goals and asked for updates from the Council. The Mayor discussed the need to call a meeting of the Education Task Force to discuss the Granite School

District budget and school awards program. Also, Council Member Petersen would like to start discussing the 4<sup>th</sup> of July.

#### **8. Calendar**

Council Member Pace will be gone on March 11. Ms. Carlson also informed the Council on the League's Mid Year Conference. She will need to know who will be attending in order to make room reservations and registrations.

#### **9. Other Business**

Council Member Topham discussed the signage issue with the LA Tart building. Mr. Allred stated that the LA Tart people believe there was some miscommunication on the permit. In contact with their attorney and the may file an administrative appeal of the staff's decision to enforce the ordinance on their permit

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

Council Member Palmer moved to go into closed session for the purposes of discussing personnel issues, potential litigation and property acquisition. Council Member Pace seconded the motion. The Council voted in the affirmative and the council convened in a closed session at 9:43 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, Jennifer Brown, and Stephanie Carlson.

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

Council Member Pace moved to adjourn the closed session and reconvene the work meeting. Council Member Palmer 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.

#### **XIV. Adjourn**

Council Member Palmer moved to adjourn. Council Member Pignanelli seconded the motion. The meeting adjourned at 10:12 pm.

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

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Stephanie N. Carlson, MMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved: 3-18-10