

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 2, 2009
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION & WORK MEETING- 5:00 – 7:00 pm

ATTENDANCE

Mayor Dennis Webb- excused
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Barry Topham
Grant Orton

City Staff

Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Craig Hall, City Attorney
Clarence Kemp – City Engineer

Mayor Pro-tem Pace conducted the briefing session which was called to order at 5:34 pm. The Council reviewed the agenda.

Mr. Hall stated that he has prepared the ordinance for the Rezone request and that the applicant and his lawyers have the restricted covenants ready if this passes tonight. He also reported that the two real estate agreements were ready to move forward. The Council had questions regarding the resolution on the billboard. Mr. Hall stated that this resolution gives consent only to relocate. The height of the billboard, terms of lease and cost sharing has not yet been determined. It will be a flag board not a monopole sign. Reagan has been out on the site with mock billboards to see where placement would be best.

The Council and staff reviewed the tree ordinance and made some minor edits to grammar and formatting. Staff will make those minor changes and will have a clean copy to the Council for their meeting.

Mayor Pro-tem Pace called the work meeting to order at 6:00pm and introduced Tim Harpst from Salt Lake City to discuss traffic mitigation/calming. Mr. Harpst gave the Council a number of brochures to look over and to modify and use. He stated that if you develop a traffic calming program; include it in your General Plan. A traffic calming program should include: goals, eligibility requirements, priority, application process, tools you will use, funding and procedures. Some traffic calming tools to try are: enforcement, education, resident participation and construction (humps, street narrowing, bike lanes etc..). Salt Lake City uses only speed humps because they are easier to use and less expensive than the other options. The pace car, lawn signs and neighborhood speed watch are the most effective tool for citizens.

The Council thanked Mr. Harpst for his time, help and input.

Council Member Orton moved to recess the work meeting. Council Member Topham seconded the motion. The work meeting was recessed at 7:00pm

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**April 2, 2009
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 7:00pm

ATTENDANCE

Mayor Dennis Webb - excused
Grant Orton
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: Marty Slack – UFA, Marilyn & Paul Whitehead, Doug Beplate, Chas Archer, Rulon & Donna Dahl, Sharron Horsey, John Freeman, Liane Stillman, Craig Smith, Carol Hintze, Robert Azarvand, Raili Jacquet

I. *Welcome*

Mayor Pro-tem Pace called the meeting to order at 7:08 pm and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Council Member Pace.

III. *Public Comments*

There were none.

IV. *Consideration of Ordinance 09-04 Amending the Zoning Map of the City of Holladay Regarding Property Located at 2496 E 6200 S from R-1-43 to R-1-21 (Azarvand)*

Council Member Palmer commented that since the public hearing he has reviewed the General Plan and feels that this area and zoning accurately represents what was intended when the city incorporated. He is not in favor of downsizing.

Council Member Palmer moved to deny Ordinance 09-04. Council Member Orton seconded the motion.

Council Member Orton stated that he was involved in the original drafting of the General Plan and zoning ordinance. He does not see a need to change the zoning.

Council Member Pace is sensitive and anxious to preserve the character of the community which is our greatest assets. Land use is not set in stone, but how do you accommodate change and also preserve

compatibility and character? This applicant has made every effort to do what is compatible with the area. He supported this request last time because he is asking for no more than what his neighbors have and to suggest that because he did not subdivide his property before the city incorporated is like saying "I have mine, but you can't have yours." Therefore he will be opposing the motion.

Council Member Palmer commented that the County had zoned this area as one acre and Holladay didn't change the zoning.

The Council roll call vote was as follows: Council Members Orton, Pignanelli, Topham and Palmer in favor with Council Member Pace opposed. Ordinance 09-04 was denied by a 4-1 vote.

V. *Consideration of Ordinance 09-05 Amending Section 13.76.600 and Various Subsections of the Code of Ordinances Pertaining to Street Tree Protection*

Council Member Pignanelli moved to adopt Ordinance 09-05. Council Member Palmer seconded the motion.

Council Member Topham commented that the Council had an extensive discussion during the pre-meeting and we have received a clean copy that reflects those comments and clarifications changes.

The Council roll call vote was as follows: Council Members Orton, Pace Pignanelli, Topham and Palmer in favor. Ordinance 09-05 was adopted by a unanimous vote.

Mayor Webb arrived at 7:21pm

VI. *Consideration of Resolution 09-09 Authorizing the Placement of a Billboard on Property Owned by the City of Holladay Located at the Corner of Murray Holladay Rd and Highland Dr*

Manager Fitts provided the background on this issue. This has been a four year process that began with the redesign of the Village Center and noticed that the billboard was in close proximity to the new road that was proposed to be put in. The Council and staff have spent years looking to move this sign and examined every angle we could think of, also knowing we were under stipulations from Reagan Billboards that it had to be within a certain distance. The location came down to a piece of property that the city owns, the street between the old Dee's and Holiday Oil. It is not the most desired location but we don't have much choice.

The other choice was to eliminate the sign which would've cost the city \$2-3 million, so it needed to be located. We need to act quickly to relocate because the notice to proceed has been signed and we are beginning to mobilize. The billboard is tentatively scheduled to come down in less than a week.

Council Member Pignanelli realizes that because of monetary extremes we have to do this as a city. She appreciates all the efforts of the Council and staff has done to help look at relocating this sign to another area. She will be voting against this Resolution because it is in her area and many of her constituents do not want it there.

Council Member Palmer suggested added another Whereas that reflects the Manager's comments that it is cost prohibitive to condemn or purchase the billboard.

With that addition; Mayor Webb moved to adopt Resolution 09-09. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Palmer and Mayor Webb in favor with Council Member Pignanelli opposed. Resolution 09-09 was adopted by a majority vote.

VII. *Consideration of Resolution 09-04 Authorizing the Execution of a Real Estate Sales Contract with Wagstaff Investment LLC for the Sale of Approx. 1685 sq ft Located at the Corner of Murray Holladay Rd and Highland Dr*

Mr. Hall reported that all the parties involved have agreed to the form and content of the contracts. There is one minor change in the square footage it should be 1475 sq ft. Mr. Hall also commented that Mr. Wagstaff is prepared to move forward and sign the contract. Council Member Topham asked that the appraised value of \$50,000 also be added.

Council Member Orton moved to adopt Resolution 09-04 with the changes. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Pignanelli, Palmer and Mayor Webb in favor. Resolution 09-04 was adopted by a unanimous vote.

VIII. *Consideration of Resolution 09-05 Authorizing the Execution of a Real Estate Sales Contract with the State of Utah- Division of Facilities Construction & Management of Approx. 12, 980 sq ft located at the Corner of Murray Holladay Rd and Highland Dr*

Mr. Hall mentioned there was a change to the square footage to 7,353 sq ft with an appraised value of \$200,000. This will also leave a portion out for the billboard and flood control. The State will incorporate the billboard into their landscaping plan and will maintain.

Council Member Orton moved to adopt Resolution 09-04 with the changes. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Pignanelli, Palmer and Mayor Webb in favor. Resolution 09-05 was adopted by a unanimous vote

IX. *Consideration of Resolution 09-08 Allocating CDBG Funding for the 2009-2010 Fiscal Year* (7:32:10)

Mr. Hall stated the CDBG funding are given to cities based on a formula. They are intended to support low to moderate income programs. The money allocated to Holladay is \$51,000 and of that only 15% or \$7,791 can be allocated for soft costs, which is much less than the amount requested from different agencies.

Council Member Palmer moved to adopt Resolution 09-08 with the proposal he submitted in the pre-meeting.: \$1,299- Big Brothers/Big Sisters, \$618 – South Valley Sanctuary, \$2,473 – Road Home, \$928 – road home winter shelter, \$618 – Legal Aid, \$618 YWCA Crisis Shelter, \$1,237- Rape Recovery Center, \$10,000 – Assist, \$7,000 – Utah Food Bank, \$7,500 – Columbus Community Center and \$24,252.20 – Holladay for studies. Mayor Webb seconded the motion.

Council Member Orton expressed some concerns. He also submitted a proposal for the Council's consideration. He has no problem with the hard cost recommendations but on the soft costs he suggests giving \$500 to Big Brothers/Big Sisters, \$2,973 given to Road Home and the winter shelter \$1,227. He also has a philosophical difference with the amount of money we are giving to the Columbus Community

Center. They are getting a disproportionate amount of money compared to the others. Although it is in Holladay they serve six individuals and asking for \$7,500 so they can rehabilitate a kitchen. These residents were brought in from outside the city and he feels we have an obligation to try and help people that are within the City of Holladay with this grant money.

Council Member Topham commented that is his understanding that these funds are distributed based on community income level. Since Holladay has a higher income level, we receive less funding. He feels we have a lot of needs in this community and he has a hard time giving money out of the area when there are needs right here in Holladay. He would like to limit the amount of funds we distribute to 25-30%.

Council Member Pignanelli feels that Holladay is part of a larger community and if we have fewer needs, then we have an obligation to share. We never know when some of our residents will have a need to use these services. The Columbus Center request is one-time money, its part of Holladay and they are good residents.

Council Member Palmer clarified why some requests were not funded. The food box program was something the Council wanted to support but because they made a hard cost request for \$5,000 we increased that to \$7,000. The other two were ones that are new and had not previously been funded. The Council had a discussion that in these hard economic times we wanted to look at the basics of food and shelter.

Council Member Pace stated that there are critical needs in the community as a whole and we benefit and are obligated to support the challenges that face the broader community.

Mayor Webb asked Council Member Topham if there was any organization in Holladay that we could look at supporting.

Council Member Topham stated it is more of a philosophical thing. Holladay is suffering economically and we should retain these funds for the benefit of our citizens. The Council seems to think that our community is way outside of Holladay but I think there is plenty of need right here in Holladay to expend these funds. We have a lot of need in our own community and we are giving a lot more, percentage wise, to these organizations than other cities.

Mayor Webb expressed interest in being more pro-active, finding needs and organizations in Holladay.

Council Member Orton proposed the following modifications: \$500 to Big Brothers/Big Sisters, \$2,973 given to Road Home and the winter shelter \$1,227. Council Member Palmer made an amended motion to accept the modifications. Council Member Orton seconded the amended motion.

The Council roll call vote was as follows: Council Members Orton, Pace, Topham, Pignanelli, Palmer and Mayor Webb in favor. Resolution 09-08 was adopted by a unanimous vote.

X. Consent Agenda

a. Approval of Minutes –March 12 & 19, 2009

Council Member Topham moved to approve the minutes with minor edits. Council Member Orton seconded the motion. The Council voted in the affirmative and the minutes were approved.

XI. City Manager's Report – Randy Fitts

Manager Randy Fitts reported on the following items:

- The CERT drill on Saturday was well attended and we received good feedback.
- The Governor has signed the “Notice to Proceed” for the federal funding in the Village. This money was lumped in with the stimulus package, but it was an earmark.
- The city held a meeting for the merchants in the Holladay Village – one in the morning and one at night. The businesses are now looking at forming a Holladay Merchants Assoc.
- Fibertel is working hard to clean up the damage from a sewer backup into Leslie's Bakery building. Leslie's had to close and there is about \$20,000 worth of damage.
- Holladay will be hosting a meeting of all Mayors to review and discuss the stimulus money and package.
- Working with Pat Jordan on funding for the fire station.

Council Member Pace is pleased with the progress being made in the Village.

Council Member Palmer asked about the parking agreement with Tuscany. Manager Fitts stated the agreement is for Tuscany not to use city owned land for parking.

XII. Council Reports

Council Member Topham reported that he received a letter from Greg Rinders regarding the Wren Hollow ditch and would like some action taken. Another letter was from Bud Smith asking about opening Spring Creek up in the Village Center.

Council Member Palmer received a couple of letter from concerned citizens on the rise in various petty crimes. Capt. Bertram has been in contact with some of the citizens. There is constituent in his area that is building a “modern” home and only wants to build it to 26ft in a 35ft zone, but he cannot because of our graduated height requirement. He asked the Planning Commission to look at this issue.

Council Member Pace expressed concern with the proposed Old Mill IV building. He is outraged that they came back with a 12 story building after helping the developer accommodate his needs with the last building. This is an issue of compatibility across the street from two-acre zoning. He would like to see the Council take some formal action opposing this building. This issue went before the Cottonwood Heights Planning Commission last night. When this was presented the developer stated that the building would work at six stories but we'd just make more money with 12.

Liane Stillman, Cottonwood Heights City Manager. We, as a city, understand the impact this building has not only on the city but further reaching, thus the project has been slowed down. There are a number of areas that need closer scrutiny and examined further. A six story building is permitted there and would sit lower. There need to be a lot more answers, an education process and Holladay's input is important to Cottonwood Heights. An application has been filed and to qualify for LEEDs designation six stories is not financially viable.

Council Member Palmer asked about the traffic study that was done when Old Mill III was built. He can't believe that from the past traffic studies that this will work. Look at traffic in 25 years when all the buildings are up and tenants are in.

Ms. Stillman stated that they are going to bid on 30th East improvement and will be able to see if that improvement helps or what it does to the intersection.

XIII. *Recess to RDA Meeting*

Council Member Palmer move to recess to an RDA meeting. Council Member Orton seconded the motion. The Council voted in the affirmative and the meeting recessed at 8:28pm.

XIV. *Reconvene in a Work Meeting*

There being no further business. Mayor Webb moved to adjourn the Council meeting and convene to a work meeting in the Mt. Olympus Room. Council Member Topham seconded the motion. The meeting adjourned at 8:35 pm.

The minutes for the work meeting follow

WORK MEETING – April 2, 2009

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer
Barry Topham
Grant Orton - excused

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

Mayor Pro-tem Pace reconvened the Council in a work meeting at 8:43 pm. Council Member Orton was excused.

Discussion on Police Services

Members of the Cottonwood Heights Police Department and City Manager Liane Stillman were in attendance for this discussion.

Manager Fitts reported that he has been looking at options for police services. He has met with Murray City, South Salt Lake and Cottonwood Heights. Murray has not interest, South Salt showed a little interest but with concerns, while Cottonwood Heights was very interested. The other options – self provide or keep the status quo. The Unified Police District Board (UPD) met today and they are starting to get numbers on assets and fund balance. The Board is modeled after the Unified Fire Authority (UFA) with a representative from the four contract cities and three County Council Members.

The Council would like to have both Cottonwood Heights and the County make a presentation to the Council that provides detailed data and compares apples to apples. The City is being served well right now with man power, level of service and control so that would be the basis to go off of for the presentation is the current status quo. They also asked Manager Fitts to gather data based on cost and level of service and quality, plus a secure guarantee contract for five years. Also, how the UPD model differs from the current Sheriff's model.

Manager Fitts reiterated that this is nothing against Capt. Bertram or the Sheriff's department. They have been great to work with and Capt. Bertram is an outstanding officer and Chief.

Community Events

Michele Bohling updated the Council on upcoming City events.

April 25 – Hands on Holladay Spring Clean up. There have been over 900 flyers delivered to six Stakes, the Interfaith Council has been notified and is helping with publicity in their various religious organizations. We are anticipating over 300 people.

Other upcoming events include the Safety Fair on May 28, Summerfest and the Heart of Holladay Run on June 13. There was discussion on cutting the Symphony for the 4th and only doing fireworks due to costs. The Council asked Ms. Bohling to look at getting some sponsors for the Symphony. They feel this adds to the evening and is a nice tradition to continue.

Ms. Bohling also discussed Heritage Day on September 12. The event would begin at 2pm with a classic/antique car show, youth games, dunk tank, magic show, BMX bike demonstration etc. Dinner would be a 5pm and that would be the only cost to citizens is to buy food. For the evening from 8-9pm a Battle of the Bands type activity and then from 9- 10pm a more adult concert with a small fireworks show to end the day. These are just some ideas and she would like the Council's feedback and input.

Discussion on Proposed Agreement for 2009 Municipal Elections

Stephanie Carlson, City Recorder, passed out the proposed cost sheet from the County. The cost is based on the assumption that there will be both a city-wide primary and a city-wide general election. The amount is a not to exceed cost and Scott Konopasek, Salt Lake County Elections Director, believes the actual cost to the City will be 20-30 percent less than the estimated cost. Ms. Carlson also stated that all the cities in Salt Lake County are contracting with the County for services. The other option is to go back to paper ballots. The Council feels that the election process needs to be done right and is vital to our citizens. They asked this item be put on the next agenda for approval.

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

Council Member Palmer moved to go into closed session for the purposes of discussing personnel issues, potential litigation and property acquisition. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the council convened in a closed session at 10:13 pm.

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

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 at 10:38 pm. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pignanelli, Pace, Palmer, Topham and Mayor Webb in favor. The motion to adjourn and reconvene in the work meeting passed by a unanimous vote.

XI. *Adjourn*

There being no further business, Mayor Webb adjourned the meeting at 10:40 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday April 2, 2009.

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 5-7-09