

**MINUTES OF THE SPECIAL
HOLLADAY CITY COUNCIL MEETING**

**Thursday, April 20, 2006
6:00 p.m.
Council Chambers
4707 South Holladay Blvd.
Holladay, Utah 84117**

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

Hugo Diederich

Steven R. Peterson

Grant Orton

City Staff

Randy Fitts, City Manager

Craig Hall, Attorney - excused

Stephanie Carlson, City Recorder - excused

Ryan Bjerke - Attorney

Citizens: Donna Dahl, Henry Kesler, Vaughn Pickell, Michael Pusey, David Meadows, Rod Kujaczynski, Cathy Green, Kris McDonald, Chas A., Celeste Eggett, Barry Miller, Rebecca Cowden, Heather Linnell.

I. *Welcome* -Mayor Webb

Mayor Webb called the meeting to order at 6:05 p.m. and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Captain Steve DeBry.

III. *Public Comments*

Leslie Chatelain & Becky Cowden. Publically thanked the Council for their support and help to get Meadow Moor elementary reopened. City Council gave them a standing ovation.

Rod Kujaczynski - Spin Cycle. He is a member of the Holladay Village Center committee and they are against Walgreen's in the Holladay Village Center. Submitted a letter from the committee to Walgreen's (*copy of the letter is attached*). As a committee they would like to meet with Walgreen's and give them a non-diluted view of what is happening in the HVC.

IV. *Public Hearing on 2006-07 Community Development Block Grant (CDBG) Funding*
Mayor Webb opened the public hearing at 6:08pm

Celeste Egert - Dir of the Road Home Shelter. They are the largest homeless shelter in Utah and provide shelter nightly to over 450 individuals and 50-60 children. They serve Davis, Salt Lake and Tooele counties and ask all those cities for funding. Requesting \$3,000 for main shelter and \$1,000 for the emergency winter shelter. She thanked the city for their past support.

Council Member Diederich commented that \$3,000 seems like an insignificant amount when you look at the whole picture. Asked where their major funding comes from.

Ms. Egert replied that 52% of funding comes from private contributions the rest comes from governmental entities (federal, state and local). It costs the shelter \$10.58/night to house one person and that \$3000 does make an impact.

Kathy Green - Life Care Bank. She explained that this is a program of the community services council. They assist persons with low incomes and disabilities with free critical/minor home repairs. They work on preventative measures and have assisted a number of individuals in Holladay. They served 58 Holladay residents last year and projected that to increase to 76 this year. Work in conjunction with other groups that do major repairs. They are requesting \$7,000.

Council Member Peterson asked how people find out about this service.

Ms. Green replied that they are involved with other agencies (ie aging services) and do advertising in the city newspapers and sometimes do inserts with the utility bills. When they go in the homes they also do an assessment of what the needs are of that individual.

Council Member Orton asked what specific repairs and assistance they have given to Holladay residents. Ms. Green stated that they have done accessibility and electrical repairs, swamp cooler start-ups and shut downs, plumbing repairs, etc. The program uses a lot of volunteers and community support.

Kristin McDonald - Utah Food Bank. Last year the food bank provided over 960,000 meals to agencies that serve the Holladay area. If they would have purchased that same food at a store it would have cost over \$2.1 million. For every dollar they receive they can provide \$13 worth of food and services. Requesting \$1,000 for boxes and supplies to food to those in need and to process the food from start to finish.

Heather Linnell, Self-Determination. Located at 2225 Murray Holladay Rd and have been here for about 5 years and serve adults with mild to moderate mental disabilities. There are about 17 members of the program that reside here in Holladay and we provide them support and help them find jobs to pay for their own services. Request is for \$15,000 - \$10,000 for overhead expenses and \$5,000 to be used for a grant for new members to help them start in the program and become financially independent. Residents live in apartments, not group homes in the area.

Meheena Jensen - Community Action Program. They provide residents of Holladay with emergency food assistance on an as needed basis from the Murray Food Pantry. Requesting \$10,000 to assist residents with three-day emergency food boxes. At least 500 Holladay residents will receive emergency food

orders and referrals will be made for employment, food stamps, housing assistance, and medical help.

South Valley Sanctuary did not have a representative present.

Mayor Webb closed the public hearing at 6:24pm.

V. *Consideration of Resolution 06-14 Allocating CDBG Funding for the 2006-07 Fiscal Year*

Council Member Peterson moved to approve Resolution 06-14 with the following amounts:

<u>City of Holladay</u>	<u>\$11,000</u>
<u>Life Care Bank</u>	<u>\$7,000</u>
<u>Road Home</u>	<u>\$4,000</u>
<u>Salt Lake Community Action</u>	<u>\$10,000</u>
<u>Self Determination</u>	<u>\$15,000</u>
<u>South Valley Sanctuary</u>	<u>\$5,000</u>
<u>Utah Food Bank</u>	<u>\$1,000</u>

Council Member Pace seconded the motion.

Council Member Orton would like to reallocate some of the money. He does not feel comfortable with the amounts for Self-Determination and South Valley Sanctuary and would like to see those amounts cut and the monies put into studies. So for studies it would be \$16,000, \$12,000 for Self-Determination, \$2,000 for South Valley Sanctuary and \$2,000 for the Food Bank.

Council Member Diederich questioned why Legal Aid did not apply or request money this year.

Council Member Pace spoke in favor of the original motion. The amounts requested are really rather modest and go to help some of the neediest members of our community. Feel strongly that is to fund the requested amounts. Thanked those who gave and for what they do.

Council Member Orton moved for a substitute motion for funding as follows:

<u>City of Holladay</u>	<u>\$16,000</u>
<u>Life Care Bank</u>	<u>\$7,000</u>
<u>Road Home</u>	<u>\$4,000</u>
<u>Salt Lake Community Action</u>	<u>\$10,000</u>
<u>Self Determination</u>	<u>\$12,000</u>
<u>South Valley Sanctuary</u>	<u>\$2,000</u>
<u>Utah Food Bank</u>	<u>\$2,000</u>

Council Member Diederich seconded the motion. The Council roll call vote was as follows: Council Members Diederich, Orton and Mayor Webb in favor with Council Members Peterson, Pace and Pignanelli opposed. Motion failed.

Vote on original motion as submitted in the Resolution. The Council roll call vote was as follows: Council

Members Pace, Peterson, Pignarelli and Mayor Webb in favor with Council Members Orton and Diederich opposed. Resolution 06-14 passed by a majority vote.

VI. Public Hearing on Proposed Amendment to the Zoning Map for Property at 2450 E & 2496 E 6200 S

Mayor Webb reminded those present that this is only for public comment no decision will be made.

Mayor Webb opened the public hearing at 6:35pm

Mr. Allred gave the Council an overview of this rezone petition. The applicant is asking for ½ acre zoning in a 1 acre zone. Planning Commission recommended that this petition be denied and that further study of the zoning of non-conforming lots needs to be undertaken. Planning Commission made it clear that an intermediate type zone of 2/3 to 3/4 would be advisable and prevent the fear of neighbors to put in three lots. Staff recommends approval it is reasonable, fits general plan, the end result of this rezone would have lots of similar size to those around, other lots are non-conforming and is consistent with the development that is around. Showed maps of zoning around this parcel and number of non-conforming lots.

Robert Azarvand - applicant (2658 E 6200 S). Request is pretty straight forward and would like to make his lot the same as surrounding lots. He bought the property believing it was two properties because it has two tax numbers over a year in half ago because that is how it was marketed. He just wants to be treated equally and have the same rights and privileges as those around him and feels he has not been treated fairly and has dragged on too long. Traffic is not a concern and will not be impacted. He will only build two houses and is willing to sign anything to assure that. He submitted a copy of the plan done by a surveyor and there is 1.8 acres.

Roxanne Probst. Purchased the property backing Mr. Kian's property due to the open, wide space. She feels her property value may go down because of the two homes. Holladay City incorporated to stop all the down zoning and to have our own planning. Property values are dependent on adjacent zones. Opposed to rezone both properties.

Tom Lloyd - 6284 Wrenhaven. He lives above the property. First off he asked why the neighbors did not get noticed about this meeting? They have been noticed in the past. Mr. Azarvand's property is ground zero and this area was zoned one acre on purpose. The south side 6200 South has no shoulder to walk on and the street is very narrow. There are other reasons than a map saying it is ok to add homes to 6200 S and there are a number of reasons not to do it.

Mr. Allred replied that by law, council rezone hearing requests goes to the newspaper, posted and on the internet. The Council does not notice the neighbors on zoning changes, only the Planning Commission notices the neighbors. As far as noticing goes for the City Council, policy was followed.

Rick Cambra - 6294 Wrenhaven. He believes the lots should be bigger, not smaller and he is adamantly

opposed to this rezone request. If there is a house there he will be staring at a ridgeline or a gable.

Lee Archer - 2516 E 6200 S. This is his fourth trip here on the same issue. He asked Mr. Allred where he resides and feels his recommendation is not valid because he does not reside in Holladay. He was present at the Planning Commission meeting in February and he does not recall any of the Commission in favor but there was adamant concern to maintain the integrity of the zoning in that area. Need to get away from “spot zoning”. This has been voted down several times in the past by both bodies. We need to protect the value of Holladay. Any zone changes in that area were done by the County, not Holladay. He is also speaking for Ladd Christensen and Doug Deplate to express their opposition to this rezone. Council Member Orton replied that any citizen has the right to make a petition if they meet the requirements.

Vaughn Pickell - attorney for Mr. Azarvand. He defended Mr. Allred’s professionalism and it should not matter where he lives and would not effect his professional recommendation. He is a professional planner also and he cannot find any good, sound reason to deny this request. The land use map seems more reasonable than the zone states. The general plan allows up to two dwelling units in this area, and that his all he is requesting. It complies with the general plan and if it is not allowed it goes against the statements made in your general plan. The de-valuation of property is not going to happen and you need to give fair and equal treatment to all your citizens. This rezone request complies from a land use and legal stand point.

Mr. Allred clarified the Planning Commission’s recommendation for this rezone. They Planning Commissions recommendation was to look at the larger area more than a “no” to the petition.

Henry Kesler - 4597 Aspen Hollow Ln. This is not consistent with the General Plan because it does not keep or preserve the rural characteristics or existing neighborhoods. It was zoned this way on purpose by the city. As for equal and fair treatment would be consistent with other properties with compliant lots in the zone, not property owners in other zones or non-conforming lots within that zone. The motivation for this is economic. Don’t create more non-compliant lots and lets maintain the character of the zoning, neighborhood and City.

Rod Kujaczynski - 1836 E London Plane Rd. As a resident in the north area, there is the same type of density problem. He is asking the council to look seriously at the increase in density for the benefit of developers. Please preserve the zoning and take a strong stance.

Donna Dahl - 2440 E 6200 S. She brought in a petition from neighbors against this rezone and packets for each council member. (many of her comments took place away from the microphone) Supported the incorporation of Holladay for this very purpose of keeping the larger lots.

Eric Shawns -2602 E 6200 S. He and others have worked on this for the past 6-9 months and he has gone around getting signatures against this zoning change. Moved to Holladay to keep integrity of land and he is firmly opposed. He does not want to see zoning creep.

Mayor Webb closed the public hearing at 7:43pm.

VII. *Public Hearing on Proposed Boundary Adjustment with Cottonwood Heights City*

Mayor Webb opened the public hearing at 8:00

Manager Fitts explained this came to light with the Millrock EDA that there was a discrepancy in the boundaries. The boundaries of the Millrock EDA were different than the city boundaries and this just rectifies it and puts in within the city boundaries.

Mayor Webb closed the public hearing at 8:01

VIII. *Public Hearing on Amendment to the Holladay Code Enacting a New Chapter to be Known as Existing Residential Housing*

Mayor Webb opened the public hearing at 8:01:30

Council Member Orton explained that this ordinance. The city feels an obligation to protect those in our community that are less fortunate and who do not have a voice. This proposal intends to protect renters. If you have a rental unit you have to take care of it so as not to endanger those who are renting from you so landlords would be responsible to care for the properties both physically and for safety purposes.

There were no public comments.

Mayor Webb closed the public hearing at 8:03:30pm

IX. *Consideration of Ordinance 06-07 Adopting Chapter 17.30 Pertaining to Groundwater Source Protection, Establishing Standards, Processes for Applications and Enforcement of the Provisions*

Council Member Orton moved to adopt Ordinance 06-07. Council Member Peterson seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pignanelli, Pace, Peterson, Diederich and Mayor Webb in favor. Ordinance 06-07 was adopted by a unanimous vote.

X. *Consent Agenda*

a. *Approval of the Minutes of April 13, 2006*

Council Member Peterson moved to approve the consent agenda. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion carried.

XI. *City Manager Report - Randy Fitts*

* Substantial progress has been made on the municipal center this past week. The steel is being erected in the council & court chamber. We have been hurt by the weather and lost about 10 days. They are painting in the administration area.

* Flood Watch 2006. We are below flood stage and no major problems are expected. Sandbags and sand will be available at Holladay Elementary if needed. County has been clearing waterways.

* Have met with UDOT on the environmental assessment for the Village Center.

XII. Council Reports

There were none

XIII. Adjourn

Council Member Peterson moved to adjourn. Council Member Pace seconded. The meeting adjourned at 8:11pm

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, April 20, 2006

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes Approved: 6-15-06