

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 6, 2009
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION - 5:00pm

ATTENDANCE

Mayor Dennis Webb
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 Webb conducted the briefing session which was called to order at 5:23 pm.

The Council reviewed the agenda. The Council discussed their concerns with the proposed commercial zones and rezone. Tonight is a night to listen to the public's input and the Council can discuss the issue further after the comments have been received.

The Council also reviewed the calendar for the next two months.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**August 6, 2009
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 6:00pm

ATTENDANCE

Mayor Dennis Webb
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
Paul Allred, Community Development Dir

Citizens: Karen Tilelli, Catherine Riall-Reed, Ken & Rene Chidester, Caralee Cumming, John C. Aaygarth, Christine Robinson, Craig Anderson, Ron Spratling III, Jeremy Meier, Mayor Kelvyn Cullimore, Kent Swan, Paul Woods, David Wright, Michael Thomas, Logan Holladay, Paul Fetzer, Jill Bergstedt, Kelly D. Anderson, Michael DeFronzo, Ben & Marianne Forstner, Trisha Topham, M. Gordon Johnson, Helen Clayton, Carol Howell, Renee McCael, Dustin Ward, Omar Leeman, Darryl Brumback, Carol Scott, Mark Sudburg, Robyn Saye, Alisa Parks, Tom Breitling, Jack Foreman, Margarita Villalba, Clark Larsen, Rachel & Brian Maxwell, Brook Larsen, David Chisholm, Gabrielle, Rebecca Hale, Lorianne , Fred Wagner, Megan Markay, Vernon & Florence Stevenson, Beverly Breen, Don Skaggs, Boyd Fullmer, Gaylen Young

I. *Welcome*

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

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Council Member Pace.

III. *Public Comments*

Tom Breitling – 4794 S 2124 E. He spoke about the quick response time of the Sheriff’s Dept. (comments are attached)

IV. *Public Hearing on Proposed New Neighborhood Commercial and to Rename and Restructure the Current C-1 and C-2 Zones*

Mr. Allred provided the background on this proposal. This is an update for the commercial zones and parking standards for the city. The proposal is to separate the commercial uses into three distinct zone categories: Neighborhood Commercial (NC), a new zone that would only be applied to properties on a case-by case basis; Boulevard Commercial (BC), to replace the current C-1 zone; and, General Commercial (GC), to replace the current C-2 zones including the area

around the Cottonwood Mall site. The major concern has been from residents of Aix La Chapelle, which was zoned by the County as C-1. This new zone is just a replacement name and it will not negatively affect them.

6.19.30 Council Member Topham is upset by this proposal. This is not what people in Holladay want. Some of the new proposals are not just name changes to a zone, but will add new standards. The NC zone invites spot zoning and it will spread down Highland Dr.

Council Member Orton commented the staff and Planning Commission on the new use table. He is concerned that previous uses may have been excluded and asked staff and legal counsel to look at that table closely.

Council Member Pace expressed concern about the proposed height that will be allowed in the renamed commercial zones.

Mayor Webb opened the public hearing at 6:25pm.

Brian Maxwell – President of Aix la Chapelle HOA. Aix La Chapelle has been here for 45 years and since Holladay incorporated it has been out of compliance with the zoning ordinance. The zoning designation does not make sense for these units and doesn't reflect the use. There is an unintended message being sent that Holladay doesn't see them in future plans. Many residents are concerned with being able to receive loans if the zone is changed, potentially causing an enormous hardship on our residents. Please consider removing Aix la Chapelle from any rezone plan unless it is residential. (*see attached comments*).

Mayor Webb stated they could petition for a zone change, with the fee waived in order to get the rezone started. The other option is to have the city initiate a petition.

Megan Mackay – 2220 E Murray Holladay Rd #185. She works for a lending company and did some research on this subject. This will affect home lending due to the new rules in lending and will affect property value.

Carol Howell – 9577 S Caledonia, S. Jordan. She is an appraiser and there will be problems with appraisals if this goes through. The lending regulations have tightened and you cannot get Utah Housing money as easily. It is critical to rezone this property residential.

Boyd Fullmer – Holladay Villa B. The residents of Holladay Villa A & B are in the same situation and would like to be included on the rezone petition to be zoned residential.

Ron Spartling, III. 4250 S Rowland Dr. Holladay will grow up and this is a good start, but there will be unintended consequences with this proposal. Holladay needs to hold developers and mandate good development.

David Wright – 2220 E 4800 S. There are other areas in the city that have more than 16 units and he just wants to be in compliance.

Mark Sudbury – 2220 E Murray Holladay Rd #171. People want to keep density down but want to see the city grow. The Council needs to plan for the future.

6.44 *Trisha Topham -2520 Haven Ln.* She owns two properties on Highland Dr and 4500 South. She never received notice of the original zone change. The City does not talk about what the new zoning allows and if people knew they would not be happy.

Rick Whiting, City Planner commented on another alternative for Aix la Chapelle - the HV zone. It has no maximum density and does imply residential use.

Steve Fotheringham – 1887 E 5150 S. He is concerned with the slippery slope of the NC Zone and the use table. He supports the rezone of Café Madrid to NC, but not in other areas.

Council Member Pace commented that if you want to avoid commercial creep you have a General Plan that designates the commercial areas of the city.

6.51 *Jim Johnson – J & J Foods (Taco Time on 6195 S Highland Dr).* He is concerned with the new requirements and if this is putting the burden on property owners.

Mr. Allred commented that existing businesses would not have to make any changes only if a business tears down or modifies their structure will they have to come into compliance

There being no further comments, **Mayor Webb closed the public hearing at 6:53pm.** He thanked everyone for their input and interest in this issue.

V. *Public Hearing on Proposed Rezone for Property Located at 5244 S Highland Dr.*

Rick Whiting, City Planner provided the Council with the background for this request. There has been a rezone request to zone this parcel from residential to commercial in order to relocate her business. This property is not considered suitable for residential use and the majority of neighbors have indicated support for this project. The site used to house the old Poncho Villa restaurant. For the past three years the owners of the property have marketed it as residential but with the location, surrounding uses intersection it is a more viable commercial use. The new proposed NC zone would be the new zone for this parcel because it would allow the setbacks needed. The Planning Commission recommended the rezone.

Council Member Pignanelli stated that there have been a number of proposals for the site over the years, but not one single family use in the past four years. It has become an eyesore for the area.

Council Member Pace asked why the owners abandoned the use.

Mayor Webb opened the public hearing at 7:06pm

Gabrielle McAfee – applicant. She would like to relocate Café Madrid. Her lease is up in December 2010 and she has been looking for a location in Holladay. The contract on the property depends on the rezone. The plans call for a European design building with a bakery.

Les Chatelain – 5498 Edgewood Dr. He supports the rezone. He enjoyed being able to walk to Poncho Villa's and feels it is a great site and good use.

Tom – Spring Lane. He supports the rezone and feels it would improve the neighborhood.

There being no further comments, **Mayor Webb closed the public hearing at 7:10pm.**

VI. Presentation by County Auditors Office

Jeff Hatch – County Auditor. He went over the divisions under the Auditor’s office: accounting and operations, internal audit, management and budget and the tax division. Each division can assist the city in obtaining information and support. Mr. Hatch reviewed some of the current issues his office is involved in. They have assisted with the Unified Police District in providing analysis and the long term viability. They are also involved with the remodeling of the Lion’s Recreation Center.

Council Member Pace clarified the certified tax rate structure. The truth in taxation process is designed to give each governmental agency the same dollars they received the year before. Absent any new growth or inflation taxes should remain the same. If there is inflation in property value the certified tax rate goes down, so the city does not get more money. If you have a deflation in value, the tax rate goes up so the city gets the same amount.

The Council thanked Mr. Hatch for taking the time to come tonight.

VII. Consideration of Resolution 09-27 Authorizing the City Manager to Negotiate with Salt Lake County and the Salt Lake County Sheriffs Dept. and its Officials to Provide Police and Related Services for the City of Holladay (7:21:10)

Council Member Pace moved to adopt Resolution 09-27. Council Member Orton seconded the motion.

Mayor Webb commented that this has been an interesting and complex issue for the city.

Council Member Topham commented that at the public hearing there was one individual who felt like the citizens should get to vote on this issue. Through two emails, he let as many of his constituents know the pros and cons for both the UPD and Cottonwood Heights, as he saw them. He stated he would vote based on his constituents response. He sent out 250-300 emails and got 135 responses - 91 felt we should go with Cottonwood Heights and 44 wanted to stay with the County. He does not know if any other members of the Council went to this effort to try to inform their constituents and find out their feelings or if this is going to be based on personal feelings.

Council Member Palmer stated that he looked at both Cottonwood Heights and the Sheriff Dept and found two very good law enforcement agencies. We would be well served by either organization. The issue came down to risk. As we have seen with the formation of the new Canyon School District, forming an organization like that you really don’t know what can happen. He is confident in the Sheriff’s ability to continue the service we have had the past decade in Holladay.

Council Member Orton stated this has been a long, involved process. He has met with both departments, talked to the officers and has done a ride-along. The dialogue that has gone on has given a disservice to our citizens. A lot of the comments that have come out have been from the heart but they don’t look in depth at some of the real concerns we have. We feel very comfortable with the officers who have and are serving us and Capt. Bertram has done a wonderful job as our Chief and we appreciate him. He found that in talking to officers, we will get good officers serving the city no matter what entity we go with. He is comfortable with the

Sheriff's office and the changes we have been able to negotiate that will be beneficial to our city. He is still concerned about the cost and will continue to watch that.

Council Member Pace commented that this issue has been debated for a long time. His chief concern is that we not introduce any barriers to effective and seamless law enforcement with our neighbors in Millcreek. He does not feel the public would be well served by creating one law enforcement entity on one side of 3900 S and another on the other side. He is excited about the UPD model. We will now have a vote on policy and budget decisions, which is an extraordinary level of control that we have not had before. This model allows for greater local control, while also allowing for a greater cost savings in the sharing of pooled services. Our citizens made it clear, they like the Sheriff's office and the service they are receiving. We have heard our citizens message "if it ain't broke don't fix it" loud and clear.

Council Member Pignanelli stated that when this process began she didn't know how interested she would become. She has toured both facilities and it was a wonderful learning experience. Both agencies would be good for us. She has enjoyed working with the officers and Capt Bertram as they have helped her solve some issues in her area. She has talked with many citizens and received many emails in support of the Sheriff's dept.

Mayor Webb appreciates all the time and effort that everyone has taken to educate themselves and to study the issues. He has been working on this issue for over five years to create an entity that gives us local control and create a community where we are in touch with our citizens through our public safety. "There is no pancake so thin, that there aren't two sides". There are two sides to this issue. The first concern is the Cottonwood Heights community. There are a close neighbor and friend. We are involved on many fronts with them because we have the same border and sit on boards together and he hopes that what either way the vote goes they will not take it as a lack of appreciation. He appreciates them very much, both professionally and personally. The second issue is the new design for governing police services. The UPD Board needs to govern wisely and look at the tax dollars being spent so that every dollar is effectively used. He appreciates everyone for their help and professionalism in researching this subject—Cottonwood Heights, Sheriff's Dept., the Council and citizens for sharing their views. He has talked too many who are in favor of staying with the Sheriff's Dept and giving this new model a try. He will be prudent about the governance of the UPD and the Council will monitor it carefully also.

7.37 The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Palmer and Mayor Webb in favor with Council Member Topham opposed. Resolution 09-27 was adopted by a majority vote.

VIII. *Consideration of Resolution 09-28 Authorizing the City Manager to Negotiate With Cottonwood Heights and its Officials to Provide Police and Related Services for the City of Holladay*

Due to the passage of the previous Resolution, this Resolution 09-28 was not considered and no vote was taken.

IX. Consideration of Resolution 09-29 Approving the Adoption of a Cooperative Agreement by Public Agencies to Create a New Entity, to Consolidate Law Enforcement Services and Provide Rules of Governance Among Salt Lake County, City of Holladay, Riverton City, City of Bluffdale and Herriman

Council Member Orton moved to adopt Resolution 09-29 with the following amendment: add at the end of the Be it Resolved paragraph “with the authority to negotiate minor changes with the other parties to the agreement.” Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Palmer, Topham and Mayor Webb in favor. Resolution 09-29 was adopted by a unanimous vote.

X. Consent Agenda

a. Approval of Minutes – July 2, 6 and 19, 2009

Council Member Pace moved to approve the minutes of July 2, 6 and 19. Council Member Palmer seconded the motion. The Council voted in the affirmative and the motion carried.

XI. City Manager Report

There was none.

XII. Council Reports

Council Member Pignanelli brought to everyone’s attention the article in the Tribune on the roads and the ribbon cutting on August 18 at 6pm for the new road.

XIII. Adjourn to a Work Meeting

Council Member Pace moved to adjourn to a work meeting in the Mt. Olympus Room. Council Member Palmer seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:40pm.

The minutes for the work meeting follow

WORK MEETING – August 6, 2009

ATTENDANCE

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

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

Mayor Webb reconvened the Council in a work meeting at 8:02pm and asked Council Member Palmer to conduct.

Discussion on Amateur Radio Facilities

Mr. Hall stated that the draft he has done is an attempt at a compromise between legal rights and residential nature of these facilities based on reasonable regulations. We cannot prohibit them but we can establish some regulations. The height regulation of 20ft above what is allowed in the zone is a reasonable regulation.

Council asked staff to send a letter and a copy of the proposed ordinance to all those who have registered amateur radio licenses requesting comments. This will be on the August 20 agenda.

Discussion on Proposed Rezone Request & Commercial Zones

Mayor would like to see staff initiate the zone change for Aix la Chapelle and Holladay Villas A & B. He also asked that staff meet with Mr. Mitchell and others to go over the proposed zones. It was loud and clear that those residents do not want to be in a commercial zone.

The Council expressed major concerns with the proposed commercial zones and will need more time to go over height, permitted uses, density and signage. They also asked for a table that shows what is currently permitted in the C-1 and C-2 zones along with what is proposed.

On the rezone request the Council heard the concerns of some citizens about commercial creep while others supported having a restaurant on that site. Staff feels this is the best use for the site and have missed being able to walk to a restaurant. Staff has also proposed that there be deed restrictions that this site can only be a restaurant and the neighbors support that. The Council discussed the need for a general plan amendment or study of the Highland Drive corridor.

Council asked staff to come up two scenarios for this site and what would need to be done if it was zoned C-1 or NC.

Council Member Orton was excused at 9:00pm.

Business Audit Report

Rick Whiting, City Planner presented the Council with the Business Review, Report and Recommendations done by the Community Development department. He went over the summary: 1. There is a 12.5% vacancy rate in the city; 2. the current commercial zoning code is restrictive and inflexible and should be more “situation oriented” and parking needs to be more

flexible, 3. Sign regulations could be improved; and 4. the city should continue to promote Holladay's unique image. As a follow up to the report staff and Council need to revisit the sign ordinance, conduct a fee study for permit and business licenses and work on being more commercial friendly.

The Council thanked staff for their efforts and hard work. This report is very helpful.

Holladay Village Update

Manager Fitts reported that they have poured the cement for the parking on the plaza site and the intersection light on the new road is up. The new driveway for the fire station has also been poured. The City is scheduling a grand opening for the new road on August 18. Construction is on schedule.

XIV. Adjourn

Mayor Webb moved to adjourn; Council Member Pignanelli seconded the motion and the meeting at 9:40 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday August 6, 2009.

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 8-20-09