

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, February 19, 2009  
Mt. Olympus Room  
4580 S 2300 E  
Holladay, Utah 84117**

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**BRIEFING SESSION - 5:00pm**

***ATTENDANCE***

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

J. James Palmer, Jr.

Barry Topham

Grant Orton - excused

**City Staff**

Randy Fitts, City Manager

Stephanie Carlson, City Recorder

Craig Hall, City Attorney

Clarence Kemp – City Engineer

Mayor Webb asked Council Member Pace to conduct the briefing session which was called to order at 5:30 pm. The Council reviewed the agenda.

Manager Fitts went over the budget amendment that was being heard tonight. Craig Hall stated that the two real estate purchase resolutions would need to be continued due to both parties still being in negotiations and meetings.

Mayor Webb asked Capt. Bertram about doing Administrative Road Blocks during the summer and if there was a need. He asked him to report back to the Council on the purpose, outcome and why they are used and needed.

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**February 19, 2009  
Council Chambers  
4580 S 2300 E  
Holladay, Utah 84117**

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**Council Meeting – 6:00pm**

***ATTENDANCE***

Mayor Dennis Webb  
Grant Orton - excused  
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, Anne Fetzer, Pat Cory, Thomas Lloyd, Collin Randle, Jacob Wright, Bryan Wright, Park Lloyd, members of Scout Troop 887, 750 and 551.

**I. *Welcome***

Mayor Pro-tem Pace 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***

*Anne Fetzer – Water Watch of Salt Lake County.* Spoke on preserving Holladay’s only source of pristine water – Holliday Water. This city is blessed to have the highest quality.

*Pat Cory – Water Watch of Salt Lake County.* Spoke on the water issue. The city needs to do all it can to preserve this pristine water supply. She gave a report to the Council on the recent spill for their review and she also has requested the State do a vulnerability study to prevent this type of spill in the future.

**IV. *Public Hearing on Proposed 2008-09 Budget Amendment***

**Mayor Pro-tem Pace opened the public hearing at 6:21pm.** There were no comments and the hearing was closed at 6:21:19pm.

**V. *Reports***

***a. 2008 Audit***

Ian Robbins of Osborne, Robbins and Buhler, PLLC reviewed the audit report for the year ending June 2008 for the City Council. A new item this year is the single audit report which was needed for the federal grants that Holladay received. He then reviewed the compliance letter which showed some immaterial

instances on noncompliance with State audit requirements which were reviewed recommendations with staff and they have been corrected.

Manager Fitts explained that their firm also assists the city with reviewing all the minutes of the meetings and capturing all the transactions entered into by the city and recording these into the financial statements.

With regards to the request made by Councilman Palmer for an explanation of the disbursement of road funds, \$1,282,045 was spend on roads from the General Fund, please refer to page 39 of the Audit.

### ***b. Legislative Update***

David Spatafore provided an update on the legislative session and bills that would affect the city.

- Senate Bill 73-Townships. There are still a number of questions that need to be resolved, one being if a portion on the township wants to annex, who gives them the approval? Right now we are negotiating for a seven member board (two from the County Council, two from the affected city and others who must be elected officials.) Then the questions arises is the vote a majority or super majority. Those issues are still being ironed out.
- SB 131- Unified Police District. This difficult and political bill. The main question is does the board have the ability to levy taxes. If the UPD levies a tax the County Council will have to approve the tax. From the beginning it has been noted that Holladay will not be part of the district but will be part of the department.
- SB 205 – RDA. This bill deals with two issues. The one affecting Holladay is if a project changes, can the TEC revoke on the project and what is a “significant” change. IF dollars or years change, the TEC can rehear the project and vote.

Council Member Pace thanked David for all his hard work on the hill on behalf of the City.

### **VI. *Consideration of Ordinance 09-03 Amending the 2008-09 Budget***

Mayor Webb moved to adopt Ordinance 09-03. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 09-03 was adopted by a unanimous roll call 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***

### **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***

Council Member Palmer moved to table item VII and VIII to the next meeting. The Council voted by a unanimous vote to table.

### **IX. *Consent Agenda***

#### ***a. Approval of Minutes –January 15, February 5 and 12, 2009***

Council Member Palmer moved to approve the minutes. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the minutes were approved.

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

Manager Randy Fitts reported on the following items:

- Attended a pre-bid conference for the Village Center roads. There was a lot of interest in the project
- Met with staff members from Herriman and Bluffdale and their road project bids came in at almost half. That means there is a good bid climate and we should come out well with our project
- Fibertel will begin the conduit work for the burial of power lines the week of March 2
- Spoke to the Rotary Club and Interfaith Council this week and provided them with updates on the Village and other city happenings.

**XI. Council Reports**

The Council strongly encouraged Manager Fitts to get ahead of the curve on the bidding process for all city projects.

**XII. Adjourn to Work Meeting**

There being no further business. Council Member Palmer moved to adjourn the Council meeting and convene to a work meeting in the Mt. Olympus Room. Council Member Pignanelli seconded the motion. The meeting adjourned at 7:44 pm.

**The minutes for the work meeting follow**

## **WORK MEETING – February 19, 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 convened the Council in a work meeting at 7:54 pm.

Council Member Topham commented on the Holiday Water request from a few weeks ago. He feels the Council should support Holiday Water and their request. The Council as a whole was divided and Mayor Webb and Council Members Orton and Topham were going to write personal letters of support.

### **Discussion on City Hall & Park**

James Glascock brought the final conceptual plan that added a horseshoe pit, a walkway through the middle of the field and a reduction in the plaza by 25%. He also showed a seasonal ice rink right next to 2300 E. The Council like the additions and asked that the drawings be put in the newsletter and on the website.

### **Discussion on Proposed Ordinances**

#### **Tree Ordinance**

This item was put on the agenda to decide where the Council wants to go with this ordinance. The City ordinance already contains a section on street trees. The Council does not want to do anything about trees on streams or canals, but want to focus on protecting trees during construction.

Council Member Palmer would like to add the language on heritage trees and a tree board in order for the city to qualify as a Tree city and receive grants. He suggested taking the grading ordinance and adding in the need for a tree plan and procedures to protect.

Mayor Webb feels that if there is no compelling public safety issue, let the citizens govern themselves. There does need to be some kind of penalty if they violate the grading standards.

The Council asked staff to take what they have heard tonight from the Council and bring back a draft for the March 5 meeting and a decision on the 19<sup>th</sup>.

### **Term Limit of Elected Officials**

Council Member Topham asked for this issue to be on the agenda. He feels there needs to be turnover in government and that there are a lot of people out there who would be willing to serve. Council Member Topham's proposal was to adopt an eight year maximum term limit for Mayor and Council Members, with at least an eight year break between any service as Council Member and service as Mayor. The Council discussed the proposal and feels that elections provide that term limit option. Council Member Pignanelli asked about going to three terms instead of two. After some discussion there was no interest from the Council to pursue the proposal as proposed but they would be open to reconsidering another draft with modifications.

### **Update on City Wide Clean Up**

Manager Fitts reported that the letters have been sent out to the Interfaith Council and others. He has mentioned this to the different groups he spoke to this week (Chamber, Rotary and Interfaith).

### **Discussion Regarding Proposed Walk to School Program**

Council Members Pignanelli and Pace would like to see the program take place this spring. In order to make it successful the city would need the support from the District, schools, and the PTA. This would be a city-wide campaign with newsletter articles and letters to the children to support. Mayor Webb will bring it up to the Education Committee and get their thoughts and feelings.

### **Holladay Village**

Dan Lofgren met with the Council and discussed a refined, conceptual plan that moves forward with the parcels he controls. It shows retail on the ground with residential above. If all goes well he hopes to break ground late summer 2009. There is a parking structure that the city will build and pay for as part of the agreement. He updated the Council on Leslie's Bakery; they are working with and waiting on Rocky Mountain Power. Once the power is done it will take them a week to move and now looking at the end of March. The Council strongly encouraged Mr. Lofgren to begin the process with the Design Review Board and Planning Commission.

### **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 Pignanelli moved to go into closed session for the purposes of discussing personnel issues, potential litigation and property acquisition. Council Member Topham seconded the motion. The Council voted in the affirmative and the council convened in a closed session at 10:10 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, Paul Allred and Randy Fitts.

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 10:30 pm. Council Member Palmer 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 Pro-tem Pace adjourned the meeting at 10:31 pm.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday February 19, 2009.*

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Stephanie N. Carlson, CMC

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Dennis R. Webb, Mayor

Holladay City Recorder

Minutes approved: 3-5-09