

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, July 10 2008
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

WORK MEETING & BRIEFING SESSION - 5:00pm

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

J. James Palmer, Jr.- excused

Barry Topham

Grant Orton

City Staff

Randy Fitts, City Manager - excused

Stephanie Carlson, City Recorder

Craig Hall, City Attorney

Mayor Webb conducted the briefing session which convened at 5:22 pm and began the work meeting.

a. Update from Rocky Mtn Power

Alene Bentley from Rocky Mountain Power discussed the cost and options of bury the power lines in the Village Center. They looked at the cost of the entire project and also identified specific structures that would be impacted by the city's project. The city's responsibility for costs is around \$1.4 million (trenching, conduits, pads and vaults, etc.) plus other additional costs. There is an additional cost to convert existing customers to underground service at the standard voltage.

The Council discussed the setbacks and with the 5ft setback the lines could be buried in the street rather than the right-of-way.

The Council recessed the work meeting at 5:57pm

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**July 10, 2008
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 6:00pm

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

J. James Palmer, Jr.- excused

Barry Topham

Grant Orton

City Staff

Randy Fitts, City Manager -excused

Stephanie Carlson, City Recorder

Craig Hall, City Attorney

Citizens: Tom Breitling, Dale Cox, Lanny F., Steve White, Mary Jo Laramie, Rob Reese, William Hayden, Kevin Cote, Matt Paul, Rich Kingery, Sharron & Rob Horsey, Brett Windley, Raili Jacquet, Paul Blasri, RJ Perry, Brandon Dew, Kit Morgan, Kelly Oveson, Joe Hatch, John Slazar, Spencer Angerbauer, Kris Longson, Angel Valarel, Thomas Parks

I. Welcome – Mayor Webb

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 Brandy King.

III. Public Comments

Tom Breitling – 4794 S 2124 E. He asked that in the development agreement it define Cottonwood Mall, LLC as a wholly owned subsidiary of General Growth Properties.

County Council Member Joe Hatch – Commended the Council on their efforts on the Mall RDA.

It was necessary to have the County on board for the authorization of this RDA and the democratic caucus (4 person) supported this RDA. They liked it because of the developer who has a history and commitment to making sure prevailing wages are paid and utilized through the construction and be helpful to those workers.

IV. Presentations

a. Youth City Council

Council Member Pignanelli presented David Shackelford and Barton Done with a certificate of appreciation and service for their work on the Youth City Council.

b. Introduction on Chief of Police Services

Mayor Webb introduced and officially welcomed Chris Bertram and the new Chief of Police Services for Holladay.

Capt. Bertram provided some background on himself. He is a 17 year veteran of the Sheriff's Dept and a fourth generation police officer. He has worked in investigation and is a graduate of the FBI academy. He has been married 13 years and has three children. He expressed his excitement to work with the City and its citizens.

Council Member Pignanelli moved to amend the agenda and go to item #7 until the duly noted time for the public hearing. Council Member Orton seconded the motion. The Council voted in the affirmative.

V. 6:30pm Public Hearing on Laramie Annexation at 6329 S Crestmount Cir

Mayor Webb opened the public hearing at 6:32:50pm

Rob Reese – he has owned this property for 18 years and purchased additional property (38 acres) outside Holladay that is adjacent to the city boundary and on the other three sides by public land. He is improving the road so it will be the 20 ft width, south facing with two turn-arounds, but will be a private road. He is also planning additional fire protection monitoring. He would like to be able to record as a contiguous piece and have it under one jurisdiction.

Mayor Webb closed the hearing at 6:37:26pm.

VI. Consideration of Ordinance 08-15 Granting the Petition for Annexation from Rob Reese (Laramie Subdivision) for Approximately 38.80 acres Effective Jan. 1, 2009

Council Member Pace expressed concern over the zoning of the rest of the surrounding parcels at FR 2.5. Mr. Reese stated he has done a number of surveys and there is only one buildable lot on the 38 acres. There are a number of obstacles to develop more property.

Council Member Pace moved to adopt Ordinance 08-15 with one exception: the property owned by Mr. Reese be zoned FR 2.5 and the rest FR 20. MOTION DIED DUE to lack of second.

Council Member Orton moved to adopt Ordinance 08-15 as presented. MOTION DIED DUE to lack of second

Council Member Pace moved to adopt Ordinance 08-15 with one exception: the property owned by Mr. Reese be zoned FR 2.5 and the rest FR 20. Council Member Topham seconded the motion.

6:47 Council Member Pace is concerned that it whether it is developable or not, he does not want to create false expectations.

Council Member Orton commented that the city has been working on this for over two years. Hugo Diederich negotiated in good faith the FR 2.5 zone. He feels it is in the best interest of the city to move forward.

Mr. Reese stated that Mr. Dan Horman is the other owner and it took a lot to persuade him to come into Holladay. He understands Council Members Pace concerns but feel there is enough protection in the city's ordinances.

655:45 Council Member Orton feels confident in our FCOZ ordinance and feels we should move ahead.

Council Member Pace feels it is wrong and dangerous to send out the wrong message

Mayor Webb asked if the motion passes, we can move forward and amend the zone if and when Mr. Horman comes in.

The Council roll call vote was as follows: Council Members Pace and Topham in favor. MOTION FAILED.

Council Member Orton moved to adopt Ordinance 08-15 as presented. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton and Pignanelli in favor. MOTION FAILED

Council Member Pace moved to table this item for one week. Council Member Topham seconded the motion. The Council voted in the affirmative and the motion to table passed.

VII. *Consideration of Resolution 08-23 Regarding Condemnation of Property Located at 4685 S Murray-Holladay Rd Owned by Daniel Posilovich*

Attorney Craig Hall reported that this process and discussion has been friendly. There are some long term zoning issues with the property and it is needed for the roadway and redesign of the Village Center.

Council Member Orton moved to adopt Resolution 08-23. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pignanelli, Topham, and Mayor Webb in favor with Council Member Pace opposed. Resolution 08-23 was adopted by a majority vote.

VIII. *Consideration of Resolution 08-24 Amending Unified Fire Authority's (UFA) Cooperative Agreement by Public Agencies Creating a New Entity to Consolidate Fire Protection, Emergency Medical and Emergency Protection Services and to Provide Rules of Governance* (6:23)

Chief Berry from the UFA stated that this deals with a change in the original agreement dealing with the need to convey fire stations to the city where they are located rather than being leased. This does not require Holladay to own the station but makes it possible to negotiate. All the other cities have approved this change, but Holladay.

Council Member Pace moved to adopt Resolution 08-24. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, and Mayor Webb in favor. Resolution 08-24 was adopted by a unanimous vote

IX. Consideration of Resolution 08-25 Reappointing Members to the Planning Commission (Lori Khodadad – District 5 & Gene Carr – At-large) 6:25

Ms. Khodadad talked about her experience on the Planning Commission the past six months. She has learned a lot about the city and processes. It has been very interesting and a pleasure to serve the city and its citizens. She has enjoyed working with the staff that has been very helpful. She expressed thanks to her father, who is her tonight, for the work ethic he instilled and for his support.

Council Member Orton moved to adopt Resolution 08-25. Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, and Mayor Webb in favor. Resolution 08-25 was adopted by a unanimous vote

X. Consideration of Resolution 08-26 Authorizing the Mayor to Execute A “Notice of Exercise of Option” with Salt Lake County for Property Located at 4625 S Holladay Blvd)

This notice of option makes it possible for the city to purchase the fire station property for expansion of the city park and open space

Council Member Pace moved to adopt Resolution 08-26. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, and Mayor Webb in favor. Resolution 08-26 was adopted by a unanimous vote

Mayor Webb stated that the County has been very support and cooperative in the negotiations and he looks forward to working with them in the future.

XI. Consideration of Resolution 08-27 Authorizing the Execution of an Interlocal Agreement with the Redevelopment Agency of the City of Holladay Regarding the Payment of a Portion of Sales Tax Increment to the Redevelopment Agency of the City of Holladay

Council Member Pace moved to adopt Resolution 08-26 with minor changes: Section 5e delete everything after “agreement”, add the word “property” before tax increment and other minor language clarifications. Council Member Orton seconded the motion.

Council Member Pace stated he had met with Craig Hall and Kris Longson on this document and had some minor clarifications.

The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, and Mayor Webb in favor. Resolution 08-25 was adopted by a unanimous vote

XII. Consideration of Resolution 08-28 Authorizing the Mayor to Execute an Agreement for Development of Land Between the City of Holladay, Redevelopment Agency of the City of Holladay and Cottonwood Mall, LLC(7:03)

Council Member pace moved to postpone this item for one week. Council Member Topham seconded the motion. The Council voted in the affirmative and the motion to postpone to July 17 passed.

XIII. Consideration of Resolution 08-29 Appointing Five Members of the City Council to Sit as the Appeals Board Pursuant to Section 2.52.160.02 of the Municipal Code

Mr. Hall stated that a resolution is not needed just appointments by name. The Board is composed of five members of the City Council with three constituting a quorum. At this time there are no appeals pending.

Council Member Orton moved that all the City Council, minus the Mayor, sit as the Appeals Board. Council Member Topham seconded the motion. The Council voted in the affirmative and the motion carried.

XIV. *Consent Agenda*

a. Approval of Minutes – June 5 & 12, 2008

Council Member Pace moved to approve the minutes with one minor change to the June 5 minutes. Council Member Orton seconded the motion. The Council voted in the affirmative and the minutes were approved.

XV. *Council Reports*

There were no reports.

XVI. *Recess to RDA Meeting*

Council Member Pace moved to recess the City Council meeting to an RDA meeting. Council Member Pignanelli seconded the motion. The meeting recessed at 7:11:33 pm.

XVII. *Reconvene City Council Meeting and Adjourn to Work Meeting*

Council Member Pignanelli moved to reconvene the City Council meeting and adjourn to a work meeting. Council Member Topham seconded the motion. The meeting adjourned at 7:15pm.

The minutes for the work meeting follow

WORK MEETING – July 10, 2008

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

J. James Palmer - excused

Barry Topham

Grant Orton

City Staff

Randy Fitts, City Manager - excused

Stephanie Carlson, City Recorder

Craig Hall, City Attorney

Mayor Webb reconvened the work meeting at 7:31 pm.

b. Discussion on Proposed Residential Picketing Ordinance

Tom Parks from the University of Utah spoke to the Council regarding this proposed ordinance. Both Salt Lake City and the County have adopted this ordinance. Mr. Parks stated that researchers deserve the right of privacy in their homes and to be free of intimidation. Protestors can still go to the University itself to protest and debate, but researchers should feel safe in their own homes.

The Council asked for this item to be put on the agenda next week for a vote.

c. Discussion on Energy Assistance Program

Mr. Hall went over some of the programs that Holladay could use as guidelines. There is the HEAT (Home Energy Assistance Target Program) that is federally mandated and applicants must meet certain criteria and income levels. As the program is now, many Holladay residents were not qualify, but we could modify some areas. The challenge will be defining the need and if we do income only.

Mayor Webb suggested a subcommittee be formed, made up of elected officials and citizens, to look at this issue and come back to the Council with recommendations, proposals and options. Council Members Orton and Pignanelli will represent the Council along with Randy Fitts and Craig Hall. The Mayor also suggested Rod Davey and the gentleman from District Three that spoke at the hearing. He asked that the committee look at this issue in a broad perspective. Another option is to educate the citizens on programs that are already available through Questar and Rocky Mtn Power through newsletter articles, etc.

d. Update on Creekside Park & Related Ordinance Changes

The Council talked about the need for large signage at the park with the amount of the fine for alcohol. The Council then discussed raising the fine for possession of alcohol.

Charlie White and two others addressed the Council regarding this issue. One of the women is a professional Frisbee Golf player, while the others play the course regularly. This is one of only two courses in the valley and sometimes there is a three-hour wait. There are weekly and national tournaments held at this course and members of the Team Utah Disc Golf use it as their home course. This is a growing sport that is gaining a lot of attention. They feel it is only a few who give the park a bad name and are the violators. Mr. White has actually seen other players help to police the area and the word is getting out about the ordinance, fines and zero tolerance for alcohol.

Some of the options discussed were: pay to play and treat it like a golf course, define the playing area with two distinct areas (golf, family play) or raise the fine from an infraction to a misdemeanor.

Mayor Webb would like to meet with members of the Team Utah Disc Golf, County and the City on the park and get everyone's suggestions, feedback and options. The City may want to look at embracing the Frisbee golf and look into sponsoring tournaments.

e. Discussion on Proposed Road Cut Fee Ordinance

Clarence Kemp reviewed the handouts and proposed changes. After researching other city's fees, Holladay's fees are nominal and the insurance, bonding and standards vary. Holladay's ordinance is not that outdated. The bond amounts as well as procedural follow up with contractors and communication are inadequate. Mr. Kemp proposed a raise in the road cut fee from \$150 to \$250 to cover administration costs and require a higher bond. He also redid the road cut permit to make it more of a contract and there is a check list to go through before the bond can be released (ie sign off on inspections, testing) making it a more formal process.

The Council asked for this to be on the July 17 agenda for a vote.

f. Discussion on Fall Fundraising Event

Mayor Webb reported that the date for the event is September 15 and will be called Holladay Harvest. The committee is still working out details, but there will be a carnival and dinner. The City is working with the Chamber and General Growth to get them on board.

Council Member Orton was excused at 8:50pm

g. Discussion on Holladay Village

The Council continued their discussion on the power lines from earlier. They discussed the area where the lines would be buried and tried to narrow the scope of the project. The Council would like to see what options the city has for payment because these numbers are good for 90 days, provided construction is started within 180 days. The Council would like to discuss this further when the City Manager is present in order to go over funding options.

The Council also talked about the need for some type of signage on the Video Vern site. We need to show some type of progress instead of just tearing buildings down or leaving vacant. They asked to have Dan Lofgren come to the meeting on July 17th.

h. Other Business

Mayor Webb commented that the Memo of Understanding with Granite School District is ready to sign and that it be put on the next agenda for approval. The Memo allow for organization and structure of the Board.

It allows for the Mayor or designee to sit at the table during board meetings thus beginning dialogue with cities, community and district.

Mayor Webb 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 9:45pm

XIX Closed Session Pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel

Issues, Potential Litigation and Property Acquisition

Those in attendance at this Closed Session were: Mayor Webb, Council Members Pace, Pignanelli, and Topham. Also in attendance were: Craig Hall, Stephanie Carlson, Paul Allred and Clarence Kemp.

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

Mayor Webb moved to adjourn the closed session and reconvene the work meeting at 10:07pm. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pignanelli, Pace, Topham and Mayor Webb in favor. The motion to adjourn & reconvene passed by a unanimous vote.

XX. Adjourn

There being no further business, Council Member Topham moved to adjourn. Council Member Pignanelli seconded the motion. The meeting adjourned at 10:11pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, July 10, 2008.

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 8-7-08