

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, July 2, 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

**City Staff**  
Randy Fitts, City Manager  
Stephanie Carlson, City Recorder *-excused*  
Craig Hall, City Attorney  
Clarence Kemp – City Engineer  
Paul Allred, Community Development Dir.

Mayor Webb conducted the briefing session which was called to order at 5:15 pm.

Capt. Bertram reported on the gateway monument at 6100 S being hit last week. There were serious injuries, impacted monument at 54 mph and it may be a DUI. Not a lot of damage to the monument.

Battalion Chief Mary Slack from the UFA reported on the new ambulance that will be housed at the fire station next door. It is a brand new ambulance costing just under \$200,000 and we will save money by being able to re-mount the box 3-4 times on a new chassis. There was no increase in fees, but UFA expenses went up and revenues decreased. If not for the ambulance revenues they are expecting, costs would have increased. That is not the reason though for the service. The goal is to provide better continuity of care. Residents are getting the best paramedic service available. The Council went outside to view the new vehicle.

The Council reviewed the agenda. The livestock ordinance being considered tonight reflects the changes from the June 18 discussion. The Council suggested minor clarifications to the livestock ordinance. On the fence ordinance, the Council suggested changing the order of the definition so it reads better. They also talked about inserting a new paragraph B3 dealing with fencing on double frontage lots.

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

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

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**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 - *excused*  
Craig Hall, City Attorney - *excused*  
Ryan Bjerke – Legal Counsel

**Citizens:** Tom Breitling, Sam Klemm, Spencer Hymas, Jacob Webb, David & Paula Lowry

**I. *Welcome***

Mayor Webb called the meeting to order at 6:08 pm and welcomed those in attendance.

**II. *Pledge of Allegiance***

The Pledge of Allegiance was led by Paul Allred.

**III. *Public Comments***

*Tom Breitling – 4794 S 2124 E.* He commented on the limiting campaign contributions. He would like to see the limits as suggested by Council Member Topham last time or no limits at all.

*Brigham Wilcox -5412 S Wayman Ln.* Commented on the proposed graduated height ordinance. The current city ordinance is not flexible for any modern, contemporary flat roof homes and needs to be amended.

**IV. *Consideration of Ordinance 09-10 Amending Chapter 13 of the Code of Ordinances by Amending Sections 13.04.326, 13.14.020(B) and 13.14.030(A) Pertaining to Livestock***

Council Member Pace moved to adopt Ordinance 09-10 with two minor amendments: 1) paragraph A8 to read “small livestock, as defined in Chapter 13.04.326...” and 2) paragraph B2 to read “Livestock, large and small, subject to the listed numbers of animals allowed for family food production ....” Council Member Orton seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 09-10 was adopted by unanimous vote.

**V. *Consideration of Ordinance 09-11 Amending Chapter 13 of the Code of Ordinances by Amending Sections 13.14.065 Pertaining to Setbacks on Double Frontage Lots***

Council Member Pace moved to adopt Ordinance 09-11. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 09-11 was adopted by unanimous vote.

**VI. *Consideration of Ordinance 09-12 Amending Chapter 13 of the Code of Ordinances by Amending Sections 13.76.710 Pertaining to Fencing on Corner Lots & Private Rights of Way***

Council Member Pace moved to adopt Ordinance 09-12 with the following modifications 1) the addition of a new sub paragraph titled B (3) to read: “Fences on lots with double frontage on public streets: the community development director may approve a fence up to five feet (5’) in height in the second front yard area of a double frontage lot on a public street, if the proposed fence is setback from the property line a minimum of two feet (2’). Gated access from the street is subject to a minimum setback from the property line of at least 18 feet” and 2) reorder the wording in the definition of a fence in 13.04 to read “a freestanding structure typically made of wood, wire, masonry or other similar materials and supported with posts which divides two areas of land...” Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 09-12 was adopted by unanimous vote

**VII. *Consideration of Ordinance 09-13 Amending Chapter 15 of the Code of Ordinances by Amending Section 15.08.010 Pertaining to Technical Codes***

Council Member Topham moved to adopt Ordinance 09-13. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Ordinance 09-13 was adopted by unanimous vote

**VIII. *Consideration of Ordinance 09-14 Limiting Campaign Contributions***

Council Member Palmer moved to adopt Ordinance 0-14. Council Member Pignanelli seconded the motion.

Council Member Palmer explained his perspective and reason for the ordinance. He proposed a reasonable cap of \$1,000 for City Council and \$3,000 for Mayor and limited to individual, per election. While we have never had a problem, a cap will prevent future problems from occurring.

Council Member Topham stated he is the one who brought this issue to the Council. There are some wealthy people in this city that could really sway an election. He is opposed to the ordinance the way it is written and feels a \$200 donation per family was reasonable. He would like to avoid a situation where candidates are accepting huge amounts of money from individuals to run a political race.

Council Member Pace agrees with both Council Member Palmer and Topham. There is a risk that the process could be abused and for that reason some caps are better than none. Right now the city has no caps on contribution. If you set the limits low, a candidate of modest means is limited in what they can spend, whereas the candidate who is wealthy has no limits so it disadvantages the candidate of modest means. Feels this is a good starting place and the Council can revisit and modify. This ordinance is drafted so it will apply to the upcoming election.

Council Member Orton feels this is legislation for legislation sake. There needs to be a reason or need for it and that has not been exhibited here. This ordinance addresses whether public office can be purchased and he finds that offensive. He is the candidate of least means and he has never felt it was a problem, so he will oppose it.

Council Member Palmer proposed an amendment to be effective January 1, 2010. Council Member Pignanelli seconded and accepted the amendment. Legal counsel has advised us that if this was not passed prior to July 1, 2009 when the declaration period begins for office that it could not be effective until after this election cycle.

Council Member Pace disagrees and that amendment will cost his vote. If we are going to do this don't exempt the next election that is what it is for. If we are going to do it, do it now.

Mr. Bjerke has heard Mr. Hall tell the Council that he felt this ordinance needed to be adopted prior to the election filing period which began on July 1. So those who are applying know what the rules and limits are coming into the election.

Council Member Topham stated that his proposal had two parts to it: limiting contributions and limit expenditures. This ordinance has no limit on expenditures. He feels the Council needs to spend more time on this issue.

Council Member Pace reminded the Council that they were told it was illegal to limit expenditures and therefore it is not part of this ordinance.

The Council roll call vote was as follows: Council Members Palmer, Pignanelli and Mayor Webb in favor with Council Members Topham, Orton and Pace opposed. The motion fails for lack of majority.

Council Member Pace made a motion to adopt Ordinance 09-14 as drafted. Council Member Pignanelli seconded.

Council Member Pignanelli stated that she remembered Mr. Hall telling the Council that it was illegal to have this ordinance become effective for this election.

Council Member Pace does not know any legal reason why we cannot adopt this ordinance and have it effective for this election cycle.

Council Member Pignanelli withdrew her second. Motion failed due to lack of a second.

**IX. *Consideration of Resolution 09-21 Authorizing the Execution of an Amendment to the Interlocal Agreement with Salt Lake County Regarding the Purchase of Real Property Located at 4625 Holladay Blvd (extension of option agreement for fire station)***

Council Member Orton moved to adopt Resolution 09-21. Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Resolution 09-21 was adopted by unanimous vote.

**X. *Consideration of Resolution 09-22 Authorizing the Mayor to Execute a Seventh Amendment and Renewal to an Agreement for Public Works Services Between Salt Lake County and the City of Holladay***

Council Member Orton moved to adopt Resolution 09-22. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Pignanelli, Topham, Palmer and Mayor Webb in favor. Resolution 09-22 was adopted by unanimous vote

**XI. *Consideration of Resolution 09-23 Authorizing the Mayor to Execute an Agreement for a Pavement Maintenance Contract Between Salt Lake County and the City of Holladay***

Council Member Palmer moved to adopt Resolution 09-23. Council Member Topham seconded the motion. The Council roll call vote was as follows: Council Members Orton, Topham, Palmer and Pignanelli in favor. Resolution 09-23 was adopted by a unanimous vote.

**XII *Consent Agenda***

**a. Approval of Minutes – June 4 & 11**

Council Member Palmer moved to approve the minutes with the changes noted in the pre meeting. Council Member Pace seconded the motion. The Council voted in the affirmative and the motion carried.

Mayor Webb moved to take a five minute recess at 6:45pm. Council Member Palmer seconded the motion. The Council voted in the affirmative and the motion carried.

Mayor Webb reconvened the Council meeting at 6:50pm

**XIII. *City Manager Report***

Manager Randy Fitts reported on the following:

- The certified tax rate may drop about three points and that could be done administratively
- The grant application for the fire station is coming along. We have been working with Marty Slack, Clint Mecham, Clarence Kemp, the architect and others to get this grant done. Feels very positive about this grant.

**XIV. *Council Reports***

Council Member Palmer reported of water and fire protection issues. He met with Jeff Niermeyer from Salt Lake City. Initial discussions with the land owners of extending the water main east, up Walker Ln to Holladay Blvd and adding some fire suppression has not gone well with the landowners. They don't feel it is an issue and he feels they need to better understand the issues.

**XV. *Reconvene & 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 6:55pm.

**The minutes for the work meeting follow**

## **WORK MEETING – July 2, 2009**

### ***ATTENDANCE***

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

### **City Staff**

Randy Fitts, City Manager  
Stephanie Carlson, City Recorder -*excused*  
Clarence Kemp, City Engineer  
Paul Allred, Community Development Dir

Mayor Webb reconvened the Council in a work meeting at 7:00pm

### **Interviews with Planning Commission Candidates**

The Council interviewed the two potential candidates for Planning Commission - Paula Lowry from District One and Les Chatelein from District 3. Ms. Lowry stated she had previously served on the Planning Commission back in 2004 but had to resign due to family and time constraint issues. She is excited to serve again. Mr. Chatelain introduced himself. He is on the faculty at the University of Utah in the Center for Emergency Preparedness. He is interested in serving the community and has no hidden agenda.

Mr. Fitts will recommend to the Council that these individuals to serve on the Planning Commission and will be on the next agenda for approval.

### **Presentation by Wasatch Front Regional Council**

Sam Klemm from Wasatch Front Regional Council spoke to the Council about Wasatch Choices 2040. There is a need to plan for and accommodate the growth that is expected in the future in the most efficient and cost effective way. These growth principles and objectives for transportation planning will be used as a framework and foundation for planning. They include: providing public infrastructure that is efficient and adequately maintained, provide regional mobility, integrate local land-use with regional transportation systems, provide housing for people in all stages and income, ensure public health and safety, enhance regional economy, promote regional collaboration, strengthen sense of community and protect and enhance the environment. Mr. Klemm asked that the city incorporate these growth principles into the ordinances and general plan.

### **Discussion on Community Events**

Michele Bohling passed out the 4<sup>th</sup> of July schedule and discussed the cost savings. Jiffy Lube is sponsoring the Crash Pontiacs who lowered their price as did the Salt Lake Symphony. This has become a tradition so advertising has just been ads in the Valley Journal. Ms. Bohling then discussed Heritage Days and went over the schedule and ideas with the Council. Mayor Webb would like to see us having a water fight between the fire department and the children in Holladay. The Council then discussed doing stamped pavers or having the money from concessions goes to the schools as a fundraising project. Some of the Council expressed concern with doing pavers. Another idea was doing a Battle of the Bands and getting the Education committee and High School Community Councils involved helping promote. The Council also discussed ideas and ways to celebrate the 10<sup>th</sup> Anniversary of the city. The event would be on November 30 so it will have to be an indoor event. They would like to see something that commemorates the date – time capsule, pictures of past Mayors and Councils, and other ideas.

### **Holladay Village**

Mayor Webb reported that Dan Lofgren was called out of town on an emergency so they have not been able to meet. Mr. Fitts asked the Council to schedule a field trip for the Village Center. The Mayor asked about the pole in front of Zions and to keep working on getting that removed.

### **Calendar**

The Council discussed not meeting on the 5<sup>th</sup> Thursday and to follow the posted schedule unless there is a need for an emergency meeting.

### **Council Member Orton was excused at 8:20pm**

### **Other Business**

Council Member Palmer discussed the issues with Green Ditch and Tanner Ditch regarding fire safety issues in the Walker Lane area. Mayor Webb will arrange a meeting with all parties involved to discuss possible solutions.

Council Member Topham commented that he did a survey of those on his email list regarding police services. Right now it stands at 59 to 31 to go with Cottonwood Heights and that is how he would vote. Council Member Pignanelli showed a letter in support of UPD and that she has had about 24 people in favor of going with the UPD.

### **XVII. Adjourn**

There being no further business, Mayor Webb adjourned the meeting at 8:30 pm.

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

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Stephanie N. Carlson, CMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved: 8-6-09