

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**March 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  
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:** Joanna Sagers, Donna & Rulon Dahl, Lori Khodadad, Pam Sanders, Charles Archer, Barbara Thomas, Marty Slack, Tom Lloyd, J. Craig Smith, Julie & Mark Jentsch, Rick Arnold, Joe Moslander, Lorna Koci, Sharron Horsey, Doug Beplate, Karen Wiley, Roger Borgenicht, Robert Azarvand, Stephanie Mackay, Jon Sabourin, Robert & Carol Hintze, Eunice Black, Boyd & E.Mae Degn

**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 Clarence Kemp.

**III. *Public Comments***

There were none.

**IV. *Public Hearing on Rezone Request for Property Located at 2496 E 6200 S from R-1-43 to R-1-21***

*Rick Arnold of Smith Hartvigsen representing the applicant, Robert Azarvand.* Mr. Arnold urged the Council to review the staff report that is very balanced with pros and cons. This rezone makes sense because it represents good planning and is consistent with the area and with the homes immediately surrounding it. Mr. Azarvand's lot is the one lot in the area that is different. The intent is to develop two lots and to make the lot sizes as equal as possible. He submitted to Craig Hall a sample of restricted covenants that could be used if the rezone was granted. It would run with the land and only allow two homes.

Council Member Palmer asked what the acreage is for this parcel – is it 1.67 or 1.8 acres? Mr. Whiting stated

## **Mayor Webb opened the public hearing at 6:16pm.**

*Charles (Lee) Archer – 2516 E 6200 S.* Mr. Archer commented that this is the third time as neighbors they have voiced their opposition to this rezone. In both 2005 and 2007 it was voted down and yet here we are again and nothing has changed. He asked the Council to maintain the integrity of the zoning. If this rezone is denied, he asked that the city take enforcement action to have the property cleaned up and maintained.

*Donna Dahl - 2440 E 6200 S.* Mrs. Dahl commented she moved to Holladay and this area for the privacy. She has a petition with 33 signatures of neighbors who are opposed to this rezone. Mrs. Dahl stated that such an approval would devastate and devalue her property. If this request is granted the City be setting a precedent. She considered the requested zoning to be unnecessary and totally for profit. The applicant knew what the zoning was when he bought the property. She implored the Council to please turn down this request.

*Tom Lloyd - 6284 Wren Haven Road.* Mr. Lloyd stated that the zoning was put in place to give control of the zoning back to the community. He noted that Residential planning is very specific in nature. He feels that community planning is an art and is very subjective in nature. When the City was incorporated, the existing non-conforming uses were forced on the community because of the County. He commented that he participated in the formation of the community based on the concept of keeping the area's uniqueness intact. This rezone would really impact us as neighbors.

*Ladd Christensen – 2490 E 6200 S.* Mr. Christensen supports maintaining the zoning as it is. If this is approved he cautioned the Council to make sure they can legally hold the applicant to two lots. There is another parcel adjacent to this parcel that would be affected.

Council Member Orton asked staff about the steepness of the slope on this property. Mr. Whiting replied that as staff they have not looked into that. It requires engineering and surveying, which has not been done because it wasn't relevant at this point.

## **Council Member Pace was excused at 6:48 pm**

*Doug Beplate - 2512 E. 6200 S.* When he moved to Holladay five years ago, the property was occupied by one family and since it was sold in 2005 it has been neglected. He is concerned and suggested that if allowed, the homes should be required to meet certain specifications to prevent them from negatively affecting his property. He owns other residences in other parts of the country but chose Holladay as his home and as an investment. There needs to be an official survey done to determine the size of the parcel.

*Rick Arnold* responded to some of the comments heard tonight. He explained that what is proposed will make the subject property consistent with what is around it. Mr. Arnold doesn't understand how building two nicer homes in a neighborhood would decrease anyone's economic value; it will only increase their value. The only Commissioner who voted against the rezone, visited the site and spoke to the neighbors which is a no-no. Why is this particular one acre parcel so sacred? It is in a non-conforming area. Mr. Azarvand is willing and wants to limit it to two lots and you can force him to do that and with conditions. One of the homes will be his residence.

Mr. Hall stated that the Council can legally imposed restrictions and prevent there from being more than two homes built. The restricted covenants would only allow for two single-family dwelling units on those parcels. You can put conditions in the zoning ordinance and require the applicant to create a small, two-lot subdivision, which would fix the boundary issue. If it is a subdivision it cannot be combined with another parcel.

**Mayor Webb closed the public hearing at 7:00pm.**

**V. *Consideration of Ordinance 09-04 Amending the Zoning Map of the City of Holladay Regarding Property Located at 2496 E 6200 S from R-1-43 to R-1-21***

Council Member Palmer moved to continue this item until the April 2 meeting in order to review and process the information we have heard from the public. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the motion carried.

**VI. *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***

**VII. *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 until further negotiations can be completed. Council Member Orton seconded the motion.. The Council voted by a unanimous vote to table.

**VIII. *Public Hearing on Community Development Block Grant (CDBG) Funding***

**Mayor Webb opened the public hearing at 7:12 pm**

*Karen Wiley, SL County Community Resource & Development.* She reported that the city has \$4,603.20 in carry over money from an expired contract that can be added to the hard cost total and reallocated. She also asked that in the final resolution the Council approve a payment of \$1321.19 for Council of Government dues that will be paid out of the County administration funds.

Ms. Wiley reported on the stimulus funding that will be coming to the County. The Homeless Prevention & Rehousing Program will receive \$1.5 million. We will be partnering with funding Salt Lake City and the State receive in order to make an impact on homeless prevention and assist with short-term rental assistance for up to 18 months. There will be an 18% increase in CDBG funding for 2010.

*Lorna Koci – Utah Food Bank.* The Utah Food Bank has submitted two requests for funding - \$5000 for their Senior Services Program and \$2000 for the Food Box program. The Services for Seniors helps with minor, small project home repairs to help low income seniors keep their home safe and stay in their home. There are 46 Holladay residents that are clients in this program and that is an increase from last year. The Food Box program delivers 40lbs of food, once a month to home bound seniors. This amount of food will last a single person two weeks and it used to supplement their other food sources.

*Roger Borgenicht – ASSIST.* This program helps low income families with larger, critical home repair projects. They use licensed contractors for the projects such as plumbing, roofing, etc. They also do

accessibility assessments and designs for people in order for them to stay in their homes as they age or if they have disabilities. They have had eight critical repairs in Holladay last year and expect to see that number increase.

*Stephanie Mackay – Columbus Center.* The Columbus Center serves individuals with developmental and intellectual disabilities. They are asking for funds to use towards the costs of remodeling the kitchens in their complex on Wren Rd in Holladay. The duplex houses six individuals and has been in operation since 1980 with four of the six residents living in the home since it opened.

*Joanna Sagers – Legal Aid.* Legal Aid represents and assists individuals involved in domestic violence. Last year they represented 20 Holladay residents in getting protective orders.

*Pam Sanders – Big Brothers and Big Sisters.* This program places volunteer mentors to work with low income or single family children one on one. There are 26 children from Holladay in the program with 114 volunteers being Holladay residents.

*Sharron Horsey – Road Home.* She asked the Council to grant the funding request from the Road Home. They served 25 people last year who reported to live in Holladay. The request of \$4,000 would pay for 329 shelter nights and the \$1500 for the overflow shelter would pay for 77 nights. Ms. Horsey spoke about her involvement with the Road Home and shared stories from some of the clients. (*see attached comments*).

Council Member Orton stated that the city has \$7,791 to allocate to these organizations for soft costs. We as a Council have a responsibility to allocate these funds in a way that will best serve our citizens.

**Mayor Webb closed the public hearing at 7:53pm.**

**IX. Consent Agenda**

**a. Approval of Minutes – March 5, 2009**

Council Member Palmer moved to approve the minutes with some minor modifications as discussed in the pre-meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative, with Council Member Orton abstaining and the minutes were approved.

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

Manager Randy Fitts reported on the following items:

- Fibertel has finished installing the vaults and they are working on installing the conduit for the burial of power lines.
- There will be a CERT training disaster on Saturday using Dr. Cleans and Barbacoa. They are expecting around 50-60 people.

**XI. Council Reports**

Council Member Orton read a letter into the record (*see attached*) regarding Holly Lane. He is concerned that the information out there is not correct. There have been counters put out on Holly and Kline Lanes this week.

Council Member Palmer commented on a complaint he received about the contractor staging going on at Knudsen Park. Also the chains have been taken down along Holladay Blvd. and asked Manager Fitts to check into those issues.

Mayor Webb reported on his meeting with the Unified Fire Authority Board. They are close to a resolution on the concerns expressed about equalization of fire stations. He feels they are making progress on who pays to build new fire stations.

**XII. *Adjourn and Convene to a Work Meeting***

There being no further business. Council Member Pignanelli moved to adjourn the Council meeting and convene to a work meeting in the Mt. Olympus Room. Council Member Orton seconded the motion. The meeting adjourned at 8:07pm.

**The minutes for the work meeting follow**

## WORK MEETING – March 19, 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  
Craig Hall, City Attorney  
Clarence Kemp, City Engineer

Mayor Webb convened the Council in a work meeting at 8:13 pm.

### **Discussion on Traffic Issues for Olympus Jr. High, Holly, Laney and Locust Lanes**

Mayor Webb pointed out that there will be NO decisions made. The City is gathering data (i.e. traffic counts, temporary closures, petitions etc.). This is a serious issue and we want to protect our community and children by keeping our streets calm and safe. We need to be more proactive rather than reactive.

*Tosh Kano – City Traffic Engineer* discussed his proposal. The City had the traffic counters out on Kline and Holly Ln for a 24 hr period. On Kline there were 600 cars/day, on Holly Ln north of Kline 1200/day. He has been working with the residents on Holly, Kline and Locust to come up with some type of traffic mitigation that is acceptable to all.

### **Council Member Pace returned at 8:23pm**

Mr. Kano's proposal shows chicanes on Holly Lane which will slow the traffic. On the opposite side from the chicanes there will be new high back curb and gutter will need to be built. Bulb outs would be added at Holly Lane and Murray Holladay Rd and another at Cresthill and Holly. Finally, create a separate right turn only lane going north on Holly Ln from Murray Holladay Rd.

Some of the concerns of the residents included: snow removal, plows, who is responsible for the maintenance and landscaping, children's safety because they will now be walking down the opposite side of the chicane, pedestrian safety, garbage pick-up, mail delivery, emergency vehicle access. The residents asked for a trial period, enforcement and to do further studies. They would like all options to be looked at before a decision is made.

Council Member Orton commented on the misinformation that is out there among the residents. No decisions have been made. He received a petition from 18 residents on Holly who don't want the chicanes. If this is an option, how do we legally obligate people to maintain these chicanes? There have already been several neighborhood meetings and there needs to be more.

*Troy Holbrook* commented that the residents on Hugo and Locust have been asking for something to be done and have been working on solutions for over five years. There have been meetings where there was a representative from each street. He would like to see the temporary barriers placed back on Locust and Hugo, especially now that construction has started in the Village.

Mayor Webb applauded the efforts on the residents and encouraged Council Member Orton and others to continue to be active and communicate.

Council Member Topham suggested putting the cones out for a week, then have a neighborhood meeting and to also talk to residents living along Harvard Ave in Salt Lake where this type of traffic calming is installed.

Council Member Pace commented on the need to identify if this is a temporary or permanent issue and is it volume of traffic or speed.

**Council Member Orton was excused at 9:20pm**

**Discussion on City Wide Traffic Mitigation**

Council Member Pace has invited Tim Harpst to come talk to the Council on April 2 regarding traffic mitigation, ideas and what does and doesn't work.

**Discussion on CDBG Funding**

The Council reviewed the comments and proposals heard tonight. Both Council Member Palmer and Orton provided recommendations for review. This item will be on the agenda for a vote on April 2.

**Discussion on Capital Projects and Funding**

The Council reviewed the spreadsheet provided by Manager Fitts and Mr. Kemp on the projects in the city, cost and the pots of money available to use to complete the projects. Mayor Webb asked to see more information on potential and actual revenue streams and asked to work with Manager Fitts and Mr. Kemp to refine the spreadsheet in order to be the most useful to the Council.

**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 Palmer moved to go into closed session for the purposes of discussing personnel issues, potential litigation and property acquisition. Mayor Webb seconded the motion. The Council voted in the affirmative and the council convened in a closed session at 10:33 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, and Randy Fitts. Council Member Orton was excused.

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 Pace 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 Webb adjourned the meeting at 10:48 pm.

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

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Stephanie N. Carlson, CMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved: 4-2-09