

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, November 1, 2007
City Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION - 5:30pm

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

Hugo Diederich

Steven R. Peterson

Grant Orton

City Staff

Randy Fitts, City Manager

Stephanie Carlson, City Recorder

Craig Hall, City Attorney – excused

Ryan Bjerke – Legal Counsel

Mayor Webb conducted the briefing session which convened at 5:40 pm. The Council reviewed the items on the agenda.

Council Meeting – 6:00pm

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

Hugo Diederich

Steven R. Peterson

Grant Orton

City Staff

Randy Fitts, City Manager

Stephanie Carlson, City Recorder

Craig Hall, City Attorney -excused

Ryan Bjerke, Legal Counsel

Citizens: Bernadette Bell, Toni Carter, Tarron Liston, Tim Benvegnu, James Burton, Luke Richards, Anthony Bell, Erich Berckman, John Burton, Ian Cornish, Maxwell Johnson, Sarah Malin-Craft, Jim Malin, Peter Cornich, Laurence Burton, Melany White-Plory, Marcia White, E. Barry Topham, Bob & Neva Borden, Ali Leaver, Sid Haycock, Barry Nash

I. *Welcome – Mayor Webb*

Mayor Webb called the meeting to order at 6:04 pm and welcomed those in attendance.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Patricia Pignanelli.

III. *Public Comments*

Anthony Bell – 1397 Saratoga Rd. He is representing Phoenix Soccer Team and wanted to thank the Council for allowing them to use the city field as their home field for practices and games. We have tried to be good caretakers and leave the field in better condition than they found it. He also submitted letters of thanks from the team.

IV. *Public Hearing on Proposed Budget Amendments*

Mayor Webb opened the public hearing at 6.08.27. There were no comments and the Mayor closed the public hearing at 6.08.55

V. *Public Hearing on Amendment to Title 13 Adding a New Chapter 13.85 Condo Conversion*

Mayor Webb opened the public hearing at 6.25pm

Devin Overly – representing applicant & Kevin Anderson-legal counsel. They have helped staff prepare the ordinance that is before the council and appreciate all the time the city has spent on this matter.

He then addressed some items including the benefits of conversions and how it turns renters into owners who become invested in the community.

Council Member Peterson asked about noise and fire protection which is not addressed in this draft. We need a higher standard and go beyond the current building code.

Mr. Anderson replied that the better product provided is better for all and will have Mr. Overlay look into that issue. By converting these apartments into condominiums we are broadening the tax base for the city. There will be more property tax to the city because of the price that the units will be selling at. Owners cut a check and it helps them to feel more invested and improves their mindset.

Mr. Overlay addressed the sound issue. Significant language has been added for the adherence to building codes. There will be five separate buildings with two parking stalls per unit.

Council Member Pace asked if there were any time constraints in adopting this ordinance?

Mr. Overlay responded that when they bought this project they weren't expecting to go through this process. The units are vacant at this point, except for one tenant. We want to move ahead quickly due to all the time and effort we've put into this to make it work and get money back on their investment.

Bob Burton – former owner. Lived here for 40 years and there have never been any sounds from the tenants and shouldn't be an issue. He wants to continue to live in Holladay and would like to buy one of the condos.

Toni Carter – Coldwell Banker agent. She is in charge of marketing the condos once the plat is signed and recorded. This project fits into affordable housing in Holladay where these condos will be priced from \$142,000 – 152,000. These units will qualify for FHA housing after a year and we will limit the amount of investors to 25% (or 4 units).

Mayor Webb closed the public hearing at 6.50.40pm

VI. Public Hearing on Amendments to Title 13.82 Signs

Mayor Webb opened the public hearing at 6.51 there were no comments at the Mayor closed the hearing at 6.51.10

VII. Consideration of Ordinance 07-16 Amending the Budget for Fiscal Year Beginning July 1, 2007 and Ending June 30, 2008

Council Member Peterson moved to adopt Ordinance 07-16. Council Member Pace seconded the motion.

Council Member Diederich expressed concern with the amendment for the Education Task Force. Moved to change the education line item to \$35,000 total. Motion dies for lack of second.

The Council roll call vote was as follows: Council Members Orton, Pace, Peterson, Pignanelli, Diederich and Mayor Webb in favor. Ordinance 07-16 was adopted by a unanimous vote.

VIII. *Consideration of Ordinance 07-17 Amending Chapter 13 of the City Code to Add a New Chapter 13.85 Condominium Conversion*

Council Member Pace moved to postpone this item to no later than the December 4 Council meeting, or sooner in order to get the ordinance right. Salt Lake City has an ordinance pending and it would be helpful to get a list of their issues to address. Council Member Orton seconded the motion.

Council Member Orton is concerned that there is not enough that there is a need for condo conversions. He feels this is being driven by one person. The city needs to analyze the impact of doing conversions and if there is a real need.

Council Member Pignanelli would like to see a study done and to know what the long term repercussions are.

Mayor Webb expressed concern that the Council has had this on the agenda for a number of weeks and investors that have put time and money into this are waiting. There must be some need for this type of product in the community and we do need to provide more affordable housing in the city and this can help. Once the sound issue is addressed he feels comfortable with the ordinance.

The Council roll call vote was as follows: Council Members Orton, Pace, Peterson, Pignanelli, Diederich and Mayor Webb in favor. Action on Ordinance 07-16 was postponed until December 4.

IX. *Consideration of Ordinance 07-18 Amending Chapter 13 of the City Code by Amending Sections 13.82.020, 13.82.150 and 13.82.210 Pertaining to Sign Regulations*

Council Member Peterson moved to postpone this item in order to get further input from the real estate community and the Chamber. Council Member Orton seconded the motion.

Council Member Pignanelli would like more public input. When her area was annexed were businesses given a list of the sign requirements and what the rules were? Is there a grandfather clause? People that have businesses need to be able to advertise.

Council Member Diederich replied that we have discussed this over and over. The business community has had a chance to review and the majority are in favor of the ordinance and applaud the effort to help clean up the city. He feels what we have now is good.

Council Member Pace clarified that this only affects real estate, construction and temporary signs. Mr. Allred responded that they can target businesses in District 3 and give them so many days to come into compliance if that would help.

Council Member Orton stated that it is incumbent upon business owners to know the rules and take the initiative to find out what the rules are, it is part of being a business owner.

The Council roll call vote was as follows: Council Members Orton, Pace, Peterson, Diederich and Mayor Webb in favor with Council Member Pignanelli opposed. Action on Ordinance 07-18 was postponed until the November 15 Council meeting.

X. *Consideration of Resolution 07-45 Accepting Petitions Requesting Annexation for the Area Known as Laramie Subdivision*

The Council discussed the location of the annexation and that this starts the process. The area borders unincorporated Salt Lake County and Holladay. This first went through the subdivision process to make one lot, but a portion of it was in the County. The City attorney suggested that we check if there were any other parcels that were not in forest or BLM land but were still privately owned so we could square off our boundary in that area. Mr. Rees has been working for 2.5 years on how to annex the property. Mr. Hormon’s property is still in mining claims. There is only one spot for Mr. Rees to build, Mr. Hormon’s property has not had a slope analysis done, but he may have room for two lots. When we annex it would be annexed in the FR2.5zone. The access of existing road will be improved and will be a private road.

Council Member Orton stated that the Council has not seen the petition or a surveyor’s map.

Council Member Diederich moved to adopt Resolution 07-45. Council Member Orton seconded the motion. The Council roll call vote was as follows. Council Members Orton, Pace, Peterson, Pignanelli, Diederich and Mayor Webb in favor. Resolution 07-45 was adopted by a unanimous vote.

XI. *Consideration of Resolution 07-46 Authorizing the Mayor to Execute an Agreement with Salt Lake County for Transfer of Perpetual Easement to the City for Property Located at Approx. 2034 E 4500 S (7.17.45)*

Council Member Peterson moved to approve Resolution 07-46. Council Member Orton seconded the motion.

Council Member Pace asked why we want this 10ft easement. Who is asking for this? Clarence Kemp clarified that 4500 S is a UDOT road and the County has a 10 ft protection easement for an irrigation ditch lateral. The County does want to convey this to a private property owner. UDOT would maintain and it does serve a storm drain purpose.

Council Member Pace made a substitute motion to table this item for two weeks. Council Member Orton seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Peterson, Pignanelli, Diederich and Mayor Webb in favor. Resolution 07-46 was tabled for two weeks.

XII. Consideration of Resolution 07-47 Authorizing the Mayor to Execute the First Amendment to an Agreement with the City of Cottonwood Heights for Court Services (7.29)

Council Member Diederich moved to adopt Resolution 07-47. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Orton, Pace, Peterson, Pignanelli, Diederich and Mayor Webb in favor. Resolution 07-47 was adopted by a unanimous vote.

XIII. Consent Agenda

a. Approval of Minutes of October 4, 11 & 18

Council Member Orton moved to approve the minutes. Council Member Peterson seconded the motion. The Council voted in the affirmative and the motion carried.

XIV. City Manager Report

Manager Fitts reported that the staff has been stretched thin with the Mall, Village Center and grants, etc. He stated that 40% of his time has been spent on the Mall. He and the Mayor have hired a new assistant, Brandy King. He also reported that there will be a taxing entity committee meeting tomorrow on the mall project.

XV. Council Reports

Council Member Orton reported on his meeting with Upper Canal and working on proposed agreement.

Council Member Pignanelli reported on the Knit Holladay group. They are knitting warm items to be donated to the Road Home.

Council Member Pace reported that he will be having a District 2 town meeting on November 13.

XVI. Recess to Work Meeting

Council Member Pace moved to recess to a work meeting. Council Member Pignanelli seconded the motion. The Council recessed to a work meeting at 7.36pm

The minutes for the work meeting follow.

Council Member Peterson moved to go into closed session for the purpose of discussion personnel issues, potential litigation and property acquisition. Council Member Orton seconded the motion. The Council went into closed session at 8:58pm

XVII. Closed Session pursuant to Utah Code Section 52-4-5.1 to Discuss Personnel Issues, Potential Litigation and Property Acquisition

Those in attendance at this Closed Session were: Mayor Webb and Council Members Diederich, Peterson, Orton, and Pignanelli. Ryan Bjerke, Clarence Kemp, and Stephanie Carlson. Council Member Pace was excused. Minutes for the closed session were taken and are now on file as Protected Record.

Council Member Peterson moved to adjourn the closed session and reconvene into City Council Meeting. Council Member Diederich seconded the motion. The Council roll call vote was as follows: Council Members, Pignanelli, Peterson, Diederich and Mayor Webb in favor. The closed session adjourned at 9:14pm

XVIII. Adjourn

There being no further business before the Council. Council Member Orton moved to adjourn with Council Member Peterson seconding. The meeting adjourned at 9.14.15pm

WORK MEETING – November 1, 2007

ATTENDANCE

Mayor Dennis Webb

Lynn Pace

Patricia Pignanelli

Steven R. Peterson

Hugo Diederich

Grant Orton

City Staff

Randy Fitts, City Manager

Craig Hall, Attorney - excused

Stephanie Carlson, City Recorder

Paul Allred, Community Development Dir

Clarence Kemp, City Engineer

Mayor Webb called the work meeting to order at 7:42pm.

a. Report on Parks & Trails Committee

Paul Allred reported on the progress of the committee. The Council reviewed a map that has been prepared that shows potential open space sites (purchase, long range, etc.). We are working with the County on the area behind the Lions Club that is not in the City but will work with us. We need to prioritize and identify available open space by area (schools, churches, etc.). The City has done a study that includes the original area that should be looked over. The challenge is preservation and maintenance of open space.

b. Update on Holladay Village

Mayor Webb updated the Council on the drafting of the agreement with the developer. He is reviewing the agreement and they are still looking to start construction in spring 2008. We are also working with Lochner on the grants and what is/what isn't allowed. One of the grants is for pedestrian safety and traffic (i.e. redesign of intersection). City met with representatives from UDOT-Region 2 and others on the federal grant. They have never seen a grant like this, it is very open ended. We have to be able to justify that the money is being used for safety related issues. Burying of power lines can be paid for from the grant.

Council needs a break out of where the money can be used and prioritize.

c. Update & Discussion on Mall

The taxing entity committee will meet tomorrow to hear a presentation on the project and then we will ask the committee to help us build a budget. General Growth is asking for \$65 million and the city needs \$6 million for infrastructure improvements. We are still looking at bonding as an option. Tomorrow we will start looking at scenarios with everyone and build a budget.

Council Member Pace was excused at 8:42pm

d. Update on Sheriff's Contract

The sub-committee is meeting with Sheriff Winder on Wednesday and will provide an update at the next meeting.

e. Discussion of Agenda Items for Retreat

Council will get to Manager Fitts a list of priorities for the retreat so he can start working on an agenda.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, November 1, 2007.

Stephanie N. Carlson, CMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 12-6-07