

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, February 6, 2014
Mt. Olympus Room
4580 South 2300 East
Holladay, Utah 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE

Rob Dahle, Mayor
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steve Gunn
Sabrina Petersen

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

Mayor Dahle called the briefing session to order at 5:32 p.m. The City Council reviewed and discussed the agenda.

The Council went over the proposed anti-discrimination ordinance.

They also discussed the proposed rezone. Community Development Director, Paul Allred, stated that the use is appropriate in both the NC and C-1 zones.

Council Member Palmer described issues surrounding the RO zone and recommended that discussion continue.

Staff discussed packet deadlines allowing the Council additional time to review and make necessary changes.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, February 6, 2014
Council Chambers
4580 South 2300 East
Holladay, Utah 84117**

Council Meeting - 6:00 p.m.

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steven Gunn
Sabrina Petersen

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder - *excused*
Craig Hall, City Attorney
Paul Allred, Community Development Dir.
Pat Hanson, City Planner

I. *Welcome*

Mayor Dahle conducted and called the meeting to order at 6:04 p.m.

II. *Pledge of Allegiance*

The Pledge of Allegiance was led by Jake Collins from Boy Scout Troop 193.

III. *Public Comments*

James Muir inquired as to the use of the Casto Home. The Council referred Mr. Muir to City Manager, Randy Fitts.

IV. *Public Hearing on Proposed Amendments to Chapter 13.78- Planned Unit Development.*

Mayor Dahle opened the public hearing at 6:09 p.m.

City Planner, Pat Hanson, gave a brief history of the Planned Unit Development (PUD) Ordinance and the Planning Commission's philosophy in developing the new amendment. She stated that the ordinance needed to be updated to conform to the new entitlement language adopted last year. The PUD ordinance now clarifies how the density is calculated. The Planning Commission firmly recommended that density continue to be calculated as it has been for subdivisions. Additionally, the PUD ordinance should never allow for additional height and graduated height regulations are still applicable. Fitting into surrounding neighborhoods was of utmost importance.

There being no further comments. **Mayor Dahle closed the public hearing at 6:19 p.m.**

V. *Public Hearing on Proposed Amendments to Chapter 13.080.150A – Development Near Waterways.*

Mayor Dahle opened the public hearing at 6:21 p.m.

Mr. Allred reported that the Planning Commission recommended a change to the portion of the ordinance dealing with waterways. There was a public hearing held and citizen comment confirmed there would be no diminishment of the public's ability to speak on stream exceptions. The change to the ordinance pertained to ditches and irrigation laterals that run through private property.

City Engineer, Clarence Kemp, reported that the proposed amendment clarifies the City's position on lateral irrigation and the maintenance responsibilities for piped conveyances where the prescriptive right previously existed. The current practice of the City is to have homeowners sign a waiver acknowledging their responsibilities going forward. This does not change the stream setback requirements. Anything within 100 feet requires inspection from the City Engineer, who then makes a recommendation to the Planning Commission for consideration.

There were no further comments. **Mayor Dahle closed the public hearing at 6:27 p.m.**

Council Member Gunn moved to amend the agenda and next discuss item VII. Council Member Pignanelli seconded the motion. The Council voted in the affirmative.

VI. *Public Hearing on Proposed Anti-Discrimination Ordinance.*

Council Member Gunn stated he was unaware of any instances of discrimination in the City of Holladay based on sexual orientation or gender identity. If there are none, he asked if it was appropriate for the Council to adopt an ordinance that is seemingly not an issue.

Mayor Dahle opened the public hearing at 6:37 p.m.

Ralph Chamnes stated there is no redress in the City of Holladay for discrimination on the basis of sexual orientation or identity in either employment or housing. The community demands the matter be addressed and urged the Council to confirm that discrimination is not allowed.

Reverend Dr. Thomas G. Nordberg - 2631 E Murray Holladay Road. He stated that this is an important issue within the municipality of Holladay and commended the Council for reviewing the ordinance. He stated that no one should be regarded as a second class citizen based on differences.

Bernard Hart - 2629 E 4510 S. He stated that the proposed ordinance creates a sense of fairness throughout the community. Anger exists in the community and creating opportunities for open dialogue is extremely important.

Ron Hilton - 2121 Kayland Way. He was of the belief that there are unintended consequences against religious freedom that come with issues such as this. He wanted to see an additional exemption for churches, organizations, and individuals who feel that compliance with the ordinance in a given situation would create a perception that they support something contradicting their sincerely held religious beliefs or values be exempt. He suggested the Council table this issue, as it is so volatile.

Maraika Rossi- 2765 Blue Spruce. She was very interested in maintaining an open dialogue and wished to protect the citizens.

Lance Peacock - 5346 Baywood Cir. He gave a brief family history and stated that the gay community is simply asking for basic protections where they can live their lives and love according to the dictates of their heart. They desire to raise their children in an environment that fosters respect and fairness to all.

Katie Filler, 4845 S Holladay Blvd. She voiced her support for the proposal prohibiting discrimination. Seventeen other cities throughout the State have passed similar bills and urged the Council to follow. Ms. Filler was of the opinion that this bill would simply prevent firing or eviction based on animus, prejudice, or intolerance.

Brian Harmon - 2195 Iverson Woods Place. He thanked the Council for considering the proposed ordinance and agreed with Ms. Filler's comments.

Katherine Palmer, currently lives in Taylorsville, but attends church in Holladay. She believed everyone should be treated fairly.

Christopher Gamble - 1346 S Roxbury. He has been a practicing physician at the Olympus Clinic for approximately 28 years. Family orientations as seen in his office were described. He stated that adopting an anti-discriminatory ordinance regarding housing and employment will express the desire to love, cherish, and facilitate the health and advancement in the City of Holladay.

Jani Iwomoto- 2550 East Olympus Dr. She expressed support for the proposal. Her experience as a minority has shaped her life and she felt compelled to help those who also have experienced discrimination. She was of the opinion that the proposed ordinance will help deter discrimination and support fundamental rights and human dignity.

Joan Nabors, 5765 Beaumont Dr. She expressed support for the proposal and was of the belief that all should be welcome.

Max Green - Equality Utah. He read a statement indicating that 73% of Utahans as well as the LDS Church support the proposed protections. Currently, people can be denied employment or housing based on sexual orientation or gender identity in the City of Holladay. Mr. Green stated that the implementation of the proposed ordinance would represent the Council's commitment to the community.

Harvest Durrell - 1470 Sandpiper Cir. He stated that the largest problem in human rights worldwide is the fact that persecuted people do not feel like they have the right to voice their complaints. Protection should be implemented prior to incidents of discrimination, rather than after it has already taken place.

Jill Dahle - 5493 S Cottonwood Club Dr, expressed her support and urged the Council to support the passing of the proposed ordinance.

Jean Hill - 1460 E Metamor Cir, was present representing the Catholic Diocese of Salt Lake City and supported the fight of oppression and injustice against all groups. She commented that any attempts to deny fundamental rights to people, violates the values of human dignity. Qualification of employment or housing should be based on merit, not orientation.

Paul Fotheringham - 5480 Woodcrest, stated that his family stands in support of the ordinance and encouraged the Council to pass it.

Patricia Gambell-Hovey -690 Sh University Street, reported that she is a member of the Holladay United Church of Christ and supports what would be provided by the proposed ordinance.

Dave McAllister - 4601 Belmore, found all of the comments made to be insightful, but was opposed to a new law that causes constraint. He preferred that the City postpone acting on the matter tonight and allow the national level to take care of the issue at hand.

Christina Osbourne - 4232 S Highland Cir, urged the Holladay Council to give the LGBT a chance.

Joan Thomas - 5771 Beaumont Dr, could not understand why good hard working, tax paying people can be subjected to discrimination. He hoped for unanimous approval from the Council when the proposed ordinance is acted upon.

Margaret Chamnes, 4745 Bron Breck St, stated that the world is changing and if the proposed ordinance is approved, discrimination will not be given a chance.

Council Member Palmer reported that this is the second public hearing on an item such as this. He detailed an account of discrimination pertaining to the proposal.

Council Member Pace thanked those who commented and was impressed with their demeanor.

There were no further public comments. **Mayor Dahle closed the public hearing at 7:32 p.m.**

The Council took a short break.

VII. *Consideration of Ordinance 2014-01 Amending the Zoning Map for Property Located at 4235 S Highland Dr. from RM to C-1.*

Council Member Petersen moved to approve Ordinance 2014-01. Council Member Pignanelli seconded the motion.

Council Member Pace questioned the difference between C-1 and NC zones.

The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle in favor with Council Member Pace opposed.

VIII. *Consent Agenda.*

- a. *Consideration of Resolution 2014-06 Appointing Rob Dahle to the Unified Police District Board.***
- b. *Consideration of Resolution 2014-07 Appointing Rob Dahle to the Unified Fire Authority Board.***
- c. *Approval of Minutes – Jan. 9, 11 and 16, 2014.***

Council Member Petersen moved to approve the consent agenda. Council member Palmer seconded the motion. The Council voted in the affirmative.

Council Member Palmer moved to amend the agenda and move to Item X. Council member Pignanelli seconded the motion. The Council voted in the affirmative.

IX. *City Manager Report*

Manager Fitts reported that the County wishes to create a non-contiguous municipality. Doing so will make the County Council a regional governing body with all legislative powers. The process was further discussed. Council Member Pace did expect this to pass at the ballot box.

Mr. Fitts informed the Council that four people met recently on the Boundary Commission. The RFP for feasibility study was not expected to exceed \$50,000 and was expected to perhaps be as low as \$25,000. A question was raised as to whether the City of Holladay is obligated to pay one-half.

Mr. Fitts reported that the City has a new natural gas powered truck in an effort to for the City to go “green”.

It was noted that the Public Works Building is moving along well.

X. *Council Reports.*

Council Member Gunn reported on matters relative to the Tree Committee who would like the City Council to designate a species of tree to represent Holladay via the ballot box. He explained that there is a list of recommended tree species in the Street Tree Ordinance. The City Council concession was that the Cottonwood Tree is already symbolic of the City as it is present on the City logo.

The Council was informed that Stratton Park residents have agreed to remodel the park, reduce the amount of turf, plant trees along the fence line, and possibly use the demonstration gardens.

Council Member Petersen gave a brief update on the Wasatch Front Waste and Recycling District. She reported that the interlocal agreement is moving forward and a question regarding Salt Lake County wanting WFWRD to agree to a 50-year use plan of the landfill was discussed.

XI. *Other Business.*

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

Council Member Palmer moved to adjourn the City Council Meeting and reconvene in a Work Meeting. Council Member Petersen seconded the motion. The Council voted in the affirmative and the Council meeting adjourned at 8:21 p.m.

WORK MEETING – February 6, 2014

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
J. James Palmer
Sabrina Petersen
Steven Gunn

City Staff

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

Mayor Dahle convened the Council in a Work Meeting at 8:32 p.m.

a. Discussion on Earlier Public Hearings.

Council Member Pace felt that the PUD was not giving the City a better product. Staff described the basis for Planning Commission discussion and amendment. He noted that the City Council does not see how this benefits the residents.

With respect to the waterway issue, Council Member Pace believed the challenge is with 100-foot setback and that this offers no protection or limits for encroachment. Only the setback for laterals and ditches will take place on the 13th of March.

The Anti-Discrimination Act was discussed and citizen comments reviewed. It was noted that the public wants the City Council to be more proactive, even if this is not a current issue. The Council was expected to be ready to vote on the issue in two weeks.

b. Update on Fire Station.

c. Update on Highland Drive Master Plan and RO Zone.

It was reported that the Master Plan and RO Zone will be discussed at the February 13 meeting.

d. Discussion of proposed Residential Office (RO) Zone.

The Proposed RO Zone was to be discussed at the February 13 meeting.

e. Calendar.

f. Other Business.

Mayor Dahle reported on a recent meeting with Kris Longson regarding the mall plan. He would like to sit in on meetings with Howard Hughes Corp (HHC), as Mr. Fitts and others have. The City Council urged Mr. Fitts and Mayor Dahle to visit frequently and feared that if the HHC does not act soon, there is the potential for the project to fall apart. The project is weak on grocery and office and the HHC has shown in the past that they are unaware of entitlements, zoning, etc.

XIII. Closed Session Pursuant to Utah Code Section 52-4-204 & 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.

Council Member Palmer moved to go into Closed Session to discuss personnel issues, property acquisition, and disposition. Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. The Council convened in a closed session at 9:29 p.m.

Those in attendance at the Closed Session were: Council Members Petersen, Pace, Palmer, Gunn, Pignanelli and Mayor Dahle. Others present included Craig Hall, Randy Fitts, Paul Allred, and Clarence Kemp.

Minutes of the Closed Session were taken and are now on file as a Protected Record.

Council Member Palmer moved to adjourn the Closed Session and reconvene the Work Meeting. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. The motion to go out of closed session at 10:49 p.m. passed by a unanimous vote.

XIV. Adjourn Work Meeting.

There being no further business, Council Member Pace moved to adjourn with Council Member Pignanelli seconding the motion. The Council voted in the affirmative and the meeting adjourned at 10:50 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, February 6, 2014.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: March 6, 2013