

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, March 22, 2012
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION & WORK MEETING - 5:30 p.m.

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steve Gunn
Sabrina Petersen

City Staff:
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Craig Hall, City Attorney

Mayor Webb conducted the briefing session, which was called to order at 5:32 p.m. The Council reviewed the agenda. Council Member Gunn explained his position regarding the Casto Home and asked to make a statement to the public after the public hearing. The Council discussed issues regarding the home. Council Member Pace asked to be allowed to make his own statement to the public.

The Council Members discussed the calendar. Council Member Petersen reported on the progress of the fire station plans.

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**March 22, 2012
Council Chambers
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting – 6:00 p.m.

ATTENDANCE

Mayor Dennis Webb
Sabrina Petersen
Lynn Pace
Patricia Pignanelli
Steve Gunn
J. James Palmer, Jr.

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Craig Hall, City Attorney

Citizens: Matthew Casto, Ron Hilton, Richard Dussur, Steve Breitling, Ken Nichols, Candace Meredith, Dave Woodman, Ann Engar, Alexander Jueschke, Mike Davis, Ray Thomas, Shari Sohm, Shawnee Wayman, Dave & Cynthia Parkinson, Tamara Johnson, Keith Andrus, Doris Salmon, Sara Voortmeyer, Dennis & Mary Larkin, Betty Glad, David Chisholm

I. *Welcome*

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 Scout Troup No. 484.

III. *Public Comments*

There were none.

IV. *Public Hearing on CDBG Funding for 2012-13*

Mayor Webb opened the public hearing at 6:06 p.m.

Karen Wiley, Community Development Coordinator for Salt Lake County – Ms. Wiley explained that the process has been consolidated; so many soft costs for services will be handled by the County. Accordingly, the City will be reviewing only hard cost applications, such as facility improvements. She expressed her appreciation for the work done by Manager Fitts and Ms. Carlson.

Dave Woodman, Emergency Home Repair Coordinator at ASSIST – Mr. Woodman explained that the Emergency Home Repair program provides immediate assistance to low-income families in need of home repairs. The program covers only necessary repairs, not cosmetic repairs or remodeling. The program covers repairs to plumbing, heating, electrical, and minor architectural

issues like construction of access ramps. All repairs are completed by licensed, insured local contractors. The goal is to allow low income families to safely remain in their homes.

There being no other public comment, **Mayor Webb closed the public hearing at 6:10 p.m.**

V. *Public Hearing on Casto Home*

Mayor Webb explained that the City's new fire station will be built on the current site of the Casto Home.

Mayor Webb opened the public hearing at 6:06 p.m.

Ann Engar, Holladay Historic Commission – Ms. Engar, who spoke on behalf of other Members of the Historic Commission, read from a letter from Tom Nelson. The Commission opposes the demolition of the Castro Home, as it is an important piece of history. She pointed out that the City, the Commission, and City residents have already invested substantial time and money to preserve the house. Further, funding for the preservation has come from donations, a State grant, and City funds. The City accepted those funds with the understanding that they would be used to preserve the Casto House for future generations. Ms. Engar stated that, although the demolition may not be illegal, it would be an ethical breach unless the preservation money is refunded. She believes that the house should be saved at any cost.

Ron Hilton, 2121 Kayland Way. Mr. Hilton reported that he has surveyed more than 90 residents regarding the Casto Home. According to his surveys, 60% of City residents favor preserving the home rather than demolishing it. He also noted that half of the survey respondents think the City should spend approximately \$25,000 to restore the property, and most were willing to contribute up to \$50 to the project. Moreover, most residents supported moving the house to a City park, for use as a historical site, a concessions building, or a City office. Mr. Hilton supports preserving the home with private funds.

Alexander Jueschke – 1797 Grover Ln. Mr. Jueschke has been a Holladay resident since 1962. He asked why the Castro House was moved and whether the fire station could be built around the side or behind the house. Mr. Jueschke also pointed out all the tax incentives and money given to other projects in the City. Given such large investments, he does not understand why some money could not be allocated to preserving the Casto House.

Mike Davis, 2755 Blue Spruce. Mr. Davis, who restored a home very similar to the Casto House, is disappointed that the home was not restored immediately after it was moved to its present location. He noted that the home is featured in a book about historic architecture in Utah. Such homes are rare and should be restored.

Ray Thomas, Casto Lane. Mr. Thomas stated that he was a neighbor of the Marshes, who were descendents of Santa Ana Casto. In 1870, Mr. Casto built his home in Holladay. The Marshes did not have any descendents, so they left their property to some close friends. When the new owners tried to develop the property, the location of the Casto House became an impediment. Rather than demolish it, the City decided to move the home to a park and open it to visitors. Before it was moved, the home was well maintained. Since the City moved it, however, the

home has been boarded up and no one visits it. Mr. Thomas would like to see the home restored so people can visit it.

Sheri Sohm, former Co-Chair of the Historical Commission. Ms. Sohm stated that buildings are the City's genealogy. She noted that when the Casto Home was moved to its current location, renovation plans were initiated. However, the Commission was told that the home would have to be moved farther east, so renovations plans were postponed pending that additional move. She believes it is extremely important for the community to preserve its pioneer farming history. She suggested moving the home to a location behind the City Hall.

Matthew Casto, descendent of the Casto Home's original owner. Mr. Casto represents six brothers and 45 children who are all direct descendants of the Casto family. He believes the community has a duty to preserve its heritage.

Shawnee Wayman, 5050 Holladay Blvd. Ms. Wayman is disappointed that the City is again considering demolishing the Casto Home. She and her husband previously offered to donate property for the Casto House to prevent its demolition. Holladay is Ms. Wayman's home and her history, which should not be destroyed. She the home would fit well in the park.

Cynthia Parkinson, 4714 Holly Ln. Ms. Parkinson indicated that the first owner of the home was likely William Casto. Mr. Casto, who was a member of the Mormon Battalion, was with one of the first companies to enter the Salt Lake Valley. His son, Santa Ana, had a fruit orchard. Ms. Parkinson thinks it is important to maintain the history of Holladay. She volunteered to make curtains and to provide fruit trees to plant around the home.

Tamara Johnson – Ms. Johnson was disappointed that the Casto Home was not moved to the cemetery. At the time, the plan was to convert the home into a children's museum. She supports preserving the history and heritage of the City.

In response to a question from Mayor Webb, Mr. Randy Fitts, City Manager, indicated that it will cost approximately \$54,000 to reestablish the Casto home in the city park. Mr. Casto volunteered to donate any concrete work necessary for the move.

Mayor Webb asked for a show of hands regarding the preservation of the Casto Home and whether tax monies should be used for the project. Everyone in attendance supported preserving the home, and approximately half supported using tax money.

There being no other public comment, Mayor Webb closed the public hearing at 6:41 p.m.

Council Member Gunn expressed his opinion that public money should not be used to move or preserve the home, but he pledged to donate half of his monthly salary to pay for the project. Council Member Pace reminded the Council that a considerable effort has been made to move the home to its current location. If the home is in the wrong spot, it is because the City put it in the wrong spot. Accordingly, Council Member Pace believes it is up to the City to correct the problem. He also pointed out that the County gave the land to the City. Even though there will be a minor cost to move the Casto Home, the expense would be modest compared with most

public construction projects. Council Member Pace believes the community can work together to preserve the home.

Mayor Webb expressed his appreciation to those who attended and provided input regarding the issue.

The Council took a three minute break to allow members of the public to exit the meeting.

VI. *Public Hearing on Proposed Amendment to Section 13.71 of the Holladay Village Requiring Only Commercial Uses for Street Level Floor Space*

Council Member Pace explained that the City's Holladay Village Center zone, which allows office, residential, or retail uses, could allow an all-residential apartment building to be constructed in the Holladay Village. The proposed amendment would correct that by requiring retail space on the street-levels of buildings constructed along the major traffic corridors in the City.

Mayor Webb opened the public hearing at 6:48 p.m.

Pat Hanson stated that no one involved with the Holladay Village project has ever intended to put anything other than retail on the ground floor of the project.

There being no other public comment, **Mayor Webb closed the public hearing at 6:51 p.m.**

VII. *Proclamation Declaring April Fair Housing Month*

Council Member Pace moved to table the item. Council Member Petersen seconded the motion. Council Member Palmer called for the question. The vote was as follows: Council Members Pace, Petersen, Palmer, Pignanelli, Gunn, and Mayor Webb in favor. The motion carried.

VIII. *Consideration of Ordinance 2012-06 Establishing Temporary Restrictions Regarding Applications for Subdivision Rezoning Requests, Conditional Use Permits, Building Permits, and Sign Permits Along the Highland Drive Corridor*

Council Member Palmer explained that the newly adopted master plan for the Highland Drive Corridor designated three corners for neighborhood commercial and allowed homes there to be converted to offices. However, the City does not yet have appropriate zoning for such office conversions. The proposed ordinance would stay conversion of residences on Highland Drive for six months to allow the City time to adopt an appropriate zoning ordinance.

Council Member Palmer moved to approve Ordinance 2012-06. Council Member Gunn seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Palmer, Gunn, and Mayor Webb in favor. Resolution 2012-06 was adopted by a unanimous vote.

IX. *Consent Agenda*

a. Approval of Minutes – February 2, March 1 and 8, 2012

Council Member Palmer moved to approve the minutes. Council Member Pignanelli seconded the motion. The Council voted in the affirmative. The motion carried.

X. City Manager's Report – Randy Fitts
Manager Fitts did not have anything to report.

XI. Council Reports
There were no Council reports.

XII. Closed Session pursuant to Utah Code Sections 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation, and Property Acquisition and Disposition
Council Member Palmer moved to suspend the rules and move this item to after the work meeting. He also moved to adjourn to a work meeting. Council Member Petersen seconded the motion. The Council voted in the affirmative. The motion carried.

XIII. Adjourn City Council Meeting and Convene in a Work Meeting
The Council adjourned to a work meeting at 6:59 p.m.

The minutes for the work meeting follow

WORK MEETING – March 22, 2012

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer
Steve Gunn
Sabrina Petersen

City Staff
Randy Fitts, City Manager
Stephanie Carlson, City Recorder
Craig Hall, City Attorney
Clarence Kemp, City Engineer

Mayor Webb convened the work meeting at 7:00 p.m.

1. Legislative Wrap Up

Dave Spatafore reported that the legislature did not make any substantive changes with respect to taxes and the City's revenues were not impacted. He also noted that online hotel booking companies must disclose fees and whether those fees are remitted to the county. The Council members then discussed hotel taxes in general.

Council Member Pace indicated that there were two billboard bills introduced, one in the House and one in the Senate. The City opposed both bills, but tried to reach a compromise. The bill died due to lack of support. Council Member Pace believes the sponsors will run the bill again next year.

Mr. Spatafore reported that a Senate resolution expressing support for the ski interconnect project was passed. Council Member Palmer noted that several members of Congress are

actively seeking federal funding for the project, which would connect Big Cottonwood Canyon to Park City.

Council Member Pace stated that a transportation funding bill passed, but Holladay did not receive any funding. Most of the funding was for State roads, and Holladay has very few. He also noted that the new GRAMA legislation requires City employees to complete annual online training. Further, an ethics bill was passed, which creates a State ethics commission and allows cities to establish a local ethics commission. If the City does not create its own ethics commission, ethical issues will be referred to the State commission.

Mr. Spatafore noted that House Bill 502, incorporation amendments, passed. It changed the process for the feasibility study so the County does not unilaterally control the process. It also changed the signature requirements for incorporation petitions, the time periods, and the election requirements. Mr. Spatafore also reported that the bill authorizing condemnation for trails failed, as did the open carry bill. He anticipates a large RDA bill will be run next session, and he encouraged the City to prepare for it.

2. Update on Fire Station and Casto Home

Council Member Pace pointed out that there are two questions to decide: whether to save the home and, if so, where to put it. He noted that, if the home is to be used as a monument, it will not need utilities. Mayor Webb observed that another city had a similar problem. It declared the property surplus, and sold it for a dollar with the provision that it be moved. Council Member Palmer indicated that such a solution would not preserve the home for the public use and benefit. Council Member Pace noted that, if Mr. Casto's offer is sincere, having the concrete work donated could substantially reduce the cost of moving the home. Mr. Fitts commented that using the property as a concession stand at the park makes the most sense. Council Member Petersen reminded the Council that using the property as a concession stand would not preclude the City from memorializing it as historic property. A plaque could be installed and fruit trees planted around it.

The City budgeted money for the home, so money should be available in the General Fund. It was explained that the money originally budgeted for the home was used for something else, but money could be taken out of the bond funds. Manager Fitts discussed the expenses associated with the park and the new fire station. The details and anticipated expenses of moving the home were also discussed. Manager Fitts noted that the utilities would cost more than moving the house.

Mayor Webb expressed his feeling that if the home is to be preserved rather than demolished, the City ought to make the outside look nice. Council members discussed the specifics of an exterior restoration.

With respect to voting on the item, Council Member Pace observed that it is a budget item and residents expect the Council to vote on it. He noted that the March 8th minutes state that the public hearing would be held on March 22nd and a vote taken on April 19th.

Council Member Palmer expressed his feeling that the home belongs to the City and the community values it. It is currently on City property and, if the house is in the way, the cost of

building the fire station should include the cost of moving the house. Council Member Petersen agreed. She thinks the City should be responsible for moving the house, but the community should help restore and maintain it. Council Member Pignanelli also thinks the City should move the house. After the house is moved, the City can ask the community for donations to preserve the home. Council Member Pace stated that he will not support a proposal that may result in the destruction of the home. Council Member Gunn supports renovating the house, but he does not want to see the house moved only to have it boarded up again. Mayor Webb is in the process of creating a 501(c)(3), as directed by the Council. One of those projects could be exterior restoration of the Casto Home. He will try to develop something for fund raising efforts.

The Council Members discussed various locations for the house.

3. Discussion on Sign Ordinance

4. Discussion on Noise Ordinance

Council Member Palmer indicated that the County Health Department has told the City that it will no longer enforce nuisance ordinances. Specifically, it will not address non-sustained noise issues. The Council members discussed various areas where noise has been a problem. They agreed that the City must draft a replacement ordinance.

Council Member Palmer also reported that Maggie McGees, which has been a continuing source of noise issues, erected a sound wall, but it is now operating past midnight. Capt. Bertram has collected information on the violation measurements and complaints. City Attorney Craig Hall will draft a letter notifying the business that has continued to violate the nuisance ordinance and, therefore, it must close the patio during quiet hours. If the business continues to violate the ordinance, it will be fined.

5. Discussion on Teacher Recognition for 2012

6. Discussion and Review of 13.08, 13.09, and Special Exceptions of the Land Use Code

Pat Hanson explained the changes. The only special exception is stream setbacks, which require the City Engineer's approval. Council Member Palmer suggested allowing the Planning Commission to determine whether a special exception is needed without requiring a zoning amendment. The Council members discussed the pros and cons of such a process. They agreed that the list and the process will evolve in time.

Ms. Hanson also reviewed the changes to 13.09. Council Member Palmer stated that the hearing officer should be treated as any other professional at-will employee.

7. Calendar

8. Other Business

Council Member Petersen raised the issue of landscaping requirements. She proposed drafting an ordinance requiring landscaping within one year.

XIII 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 Pignanelli moved to close the session to discuss the acquisition of property and potential litigation. Council Member Petersen seconded the motion. The Council voted in the affirmative and convened in a closed session at 8:16 pm.

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

Minutes for 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 Pace seconded the motion. The Council roll call vote was as follows: Council Members Pace, Palmer, Petersen, Gunn, Pignanelli and Mayor Webb in favor. The motion to adjourn and reconvene the work meeting passed by a unanimous vote. The Closed session adjourned at 8:43pm.

XIV Adjourn

There being no further business, Council Member Pignanelli moved to adjourn with Council Member Petersen seconding the motion. The Council voted in the affirmative and the meeting adjourned at 8:45 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday March 22, 2012.

Stephanie N. Carlson, MMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: June 7, 2012