

**MINUTES OF THE  
HOLLADAY CITY COUNCIL MEETING**

**Thursday, November 14, 2013  
Mt. Olympus Room  
4580 South 2300 East  
Holladay, Utah 84117**

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**BRIEFING SESSION - 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 called the Briefing Session to order at 5:40 p.m. The Council reviewed the agenda and discussed the proposed Highland Drive rezone. Concern was expressed with the language.

Council Member Petersen briefed the Council on the fee increase for sanitation and suggested the City accept the two-year increase. The Council had concerns and recommended passing the fee increase for 2014 and conduct additional research.

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**Thursday, November 14, 2013  
Council Chambers  
4580 South 2300 East  
Holladay, Utah 84117**

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**Council Meeting - 6:00 p.m.**

***ATTENDANCE***

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

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

**I. *Welcome.***

Mayor Webb conducted and called the meeting to order at 6:10 p.m.

**II. *Pledge of Allegiance.***

The Pledge of Allegiance was led by Terry Palmer.

**III. *Public Comments.***

*Madi Palmer – 2633 E 6200 S.* Ms. Palmer recognized Capt. Chris Bertram for his work and support on the Backyard Broadcast Program pertaining to human trafficking. Capt. Bertram educated her and her peers on the issue and attended numerous meetings on the issue. He was recognized at a recent UPD Meeting and thanked publicly. Capt. Bertram expressed appreciation for the opportunity of working with Ms. Palmer on this program.

*Jess Larson – Backyard Broadcast.* Mr. Larson expressed thanks to Ms. Palmer for her diligence and hard work and presented her with an award and a \$5,000 scholarship.

*Dave Erickson* addressed the proposed Highland Drive rezone. He lives directly south and adjacent to the parcel. He expressed his support for .5-acre zoning and considered R-1-10 to be worrisome. He stated that in contemplating a rezone, it would make sense to do the rezoning that would work with any develop, rather than just the one in question.

Council Member Palmer clarified that the rezone resolution, as contemplated, limits the subdivision to 11 units. That does not entitle one of the .5 acre lots to split simply because they are zoned R-1-10.

City Attorney, Craig Hall, confirmed that if a parcel is zoned .5 acre, that is the minimum lot size and cannot be divided further. Once the lots are subdivided, the property is platted and would

require an amended subdivision to subdivide further. He noted that the process is very difficult and a reason must be justified.

Council Member Gunn argued that neighboring lots would not be devalued by surrounding smaller lots. He asked Mr. Erickson for facts that prove otherwise.

Council Member Pace was of the understanding that there are a number of ways to ensure that the neighborhood gets what is being proposed. He was sensitive to the value of private open space and the atmosphere and value it creates. He believed the challenge was that Highland Drive is not a desirable residential, single-family location and in a sense, concessions need to be made. If single-family housing is placed on Highland Drive, it is by itself not terribly desirable, unless it is part of a larger neighborhood.

Council Member Palmer moved to consider agenda items III and IV and address them simultaneously. Council Member Petersen seconded the motion. The Council voted in the affirmative.

**IV. *Consideration of Ordinance 2013-27 Amending the Zoning Map for Property Located at 5559 S Highland Dr from R-1-43 to R-1-10.***

*Norm Dahle* confirmed that the wall contemplated along Highland Drive would allow people to see the beauty of the natural trees.

Council Member Gunn moved to table the ordinance and request more explicit language making it clear that if there is any change to the existing proposal, the zoning would revert back to the original zoning. Council Member Palmer seconded the motion.

*Mr. Dahle* stated that they would like to provide a gated community for younger families consisting of upscale, single-family homes. The lots abutting Highland Drive would also serve as a buffer to the other homes in the development. They were willing to negotiate and agreed to mechanisms drafted by Mr. Hall ensuring that the zoning cannot be arbitrarily changed.

Mr. Palmer raised a question regarding the possibility of zoning the three eastern lots R-1-21 to ensure that they remain .5 acre lots. Mr. Hall confirmed in the affirmative. It was Council Member Palmer's opinion that the City Council does not currently have the ability to give the diligence needed to craft all of the criteria discussed. He supported the motion and called for the question.

The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer voted in favor of the motion; Mayor Webb was opposed. The matter was tabled.

*Amy Erickson – 2017 East Pheasant Circle.* Ms. Erickson commended the Council for taking additional time and wished to further discuss additional concerns.

*Debbie Patilos – 2415 Kentucky Avenue.* Ms. Patilos expressed opposition to living adjacent to a fast food restaurant and recommended the contract not be renewed for the property located at approximately Kentucky Avenue and Holladay Boulevard.

**Mayor Webb closed the public comment at 6:54 p.m.**

**V. *Consideration of Resolution 2013-29 Approving a Proposed Fee Increase for the Wasatch Front Waste & Recycling District to be Effective Jan. 1, 2014.***

Council Member Pace moved to adopt Ordinance 2013-29, as drafted. Council Member Petersen seconded the motion.

Council Member Palmer moved to amend the motion to approve Ordinance 2013-29, as written, and an additional \$2.00 per month fee to be imposed effective January 1, 2015. Council Member Gunn seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Gunn, Palmer, and Mayor Webb in favor of the motion; Council Members Pace and Pignanelli voted against the motion. Ordinance 2013-29 was adopted by a majority vote of the City Council.

Council Member Pace was supportive, but wanted to approve an increase for this year and revisit the issue next year if another increase is needed.

**VI. *Consideration of Resolution 2013-30 Adopting the 2014 Meeting Schedule.***

Council Member Petersen moved to adopt Resolution 2013-30. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer, Pace and Mayor Webb voted in favor of the motion. Resolution 2013-30 was approved with a unanimous vote of the City Council.

**VII. *Consideration of Resolution 2013-31 Authorizing the Mayor to Sign a Revised Boundary Description and Final Plat Regarding Cottonwood Heights.***

Council Member Palmer moved to adopt Resolution 2013-31. Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer, Pace and Mayor Webb voted in favor of the motion. Resolution 2013-31 was approved with a unanimous vote of the City Council.

**VIII. *Motion to Approve an Extension to the Closing Date for Property Located at Approximately Kentucky Avenue and Holladay Boulevard.***

Council Member Palmer moved to postpone the extension and return after agenda item XIII closed session. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer, Pace and Mayor Webb voted in favor of the motion. The extension to the closing date was postponed with a unanimous vote of the City Council.

**IX. *Consent Agenda.***

**a. *Approval of Minutes – Sept. 12, 19 and October 10, 2013.***

Council Member Petersen moved to approve the consent agenda. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the consent agenda was approved.

**X. *City Manager Report.***

**XI. Council Reports.**

*Council Member Pace* reported that he attended a town meeting where there were approximately 30 to 35 in attendance.

*Council Member Pignanelli* reported that she met with the marketing representatives from the Cottonwoods Assisted Living. They will be furnishing hot chocolate and cookies for the Christmas Tree Lighting.

*Council Member Palmer* reported that he was in the process of working with a homeowner who has a failed culvert under his home. He was working to assist in correcting the issue.

**XII. Other Business.**

**XIII. Recess to RDA Meeting.**

Council Member Pace moved to recess to an RDA Meeting. Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Webb voted in favor of the motion. The Council Meeting was recessed at 7:15 p.m.

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

Council Member Pace moved to adjourn the City Council Meeting and reconvene in a Work Meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the Council Meeting adjourned at 7:32:30 p.m.

## WORK MEETING – November 14, 2013

### **ATTENDANCE**

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

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

Mayor Webb convened the Council in a Work Meeting at 7:40 p.m

#### **a. Update on Proposed Millcreek Annexation**

*John Bradshaw* gave a detailed history of the annexation process into the City of Cottonwood Heights. A petition was filed and he believed there are more than enough signatures required for certification. The requirement is that 50% of the acreage and 33% of the assessed value sign the petition. Those gathered comprised approximately 58% of the acreage and 57% of the assessed value.

The difference between annexation and incorporation was discussed.

Council Member Gunn believed there should be a very compelling reason for annexing into a city other than economic.

#### **b. Update on Current Construction Projects (Village Center, Fire Station, Commons Area, and Other).**

Council Member Palmer was not ready to vote on the matter of amending the zoning map for property located at 5559 South Highland Drive from R-1-43 to R-1-10 and wished to discuss it further.

Mr. Dahle stated that eight lots will not work and the current plan preserves the most trees. Fencing options were detailed.

Manager Fitts updated the Council on the following projects:

- He reported that the Fire Station is progressing. Window issues were discussed. It was noted that invitations are being prepared.
- Manager Fitts stated that the Commons is waiting on the weather vane.
- It was noted that Village Center construction continues. Curb and gutter have been installed and south side scaffolding has been taken down. The License Agreement was signed and delivered.
- City Hall was expected to be completed shortly with only one more piece to pour. The front entry was completed.
- Kentucky project utilities were to be finished within the week.

#### **c. Discussion on Highland Dr. Master Plan and Residential Office Zone (RO).**

Council Member Palmer offered to work on a draft to circulate to the Council.

**d. Discussion on Park Rules and Regulations.**

Mr. Hall reviewed the list of items with the Council and went over the scope of the regulations.

**e. Update on Using Salt Lake Canal Easements for Trails.**

Community Development Director, Paul Allred, reported that Salt Lake City is supportive of trails on the property they own but are not willing to go to court to help with easements. Staff will need title work to establish ownership of the easements.

**f. Calendar.**

Ms. Carlson reviewed the calendar for the month of November. The election canvas was to be held on Tuesday, November 19 at 4:30 p.m. The Council discussed dates for the Legislative Breakfast. Council Member Pace agreed to check possible dates and report back to the Council.

**g. Other Business**

**XIV. 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 and property acquisition and disposition. Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Webb voted in favor of the motion. The Council convened in a closed session at 9:15 p.m.

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

Minutes of the closed session were taken and are on file as a Protected Record.

Council Member Palmer and Craig Hall were excused at 9:26 p.m.

Council Member Pace 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 Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Webb voted in favor of the motion. The motion to go out of Closed Session at 9:56 p.m. passed by a unanimous vote of the Council.

**XVI. Adjourn Work Meeting.**

There being no further business, Council Member Pignanelli moved to adjourn with Council Member Pace seconding the motion. The Council voted in the affirmative and the meeting adjourned at 9:57 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, November 14, 2013.*

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Stephanie N. Carlson, MMC  
Holladay City Recorder

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Dennis R. Webb, Mayor

Minutes approved: 12-5-13