

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, December 6, 2012
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

BRIEFING SESSION - 5:30pm

ATTENDANCE

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

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

Mayor Webb asked Council Member Palmer to conduct the meetings this evening. Council Member called the briefing session to order at 5:30 pm. The Council reviewed the agenda. The Council discussed the rezone and asked about options for having this be in the Residential Office zone. They also briefly discussed the easement for the Village which will help out the developer and protect the city.

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**Thursday, December 6, 2012
Mt. Olympus Room
4580 S 2300 E
Holladay, Utah 84117**

Council Meeting - 6:00pm

ATTENDANCE

Mayor Dennis Webb
Lynn Pace
Patricia Pignanelli
J. James Palmer, Jr.
Steven Gunn
Sabrina Petersen- arrived at 6:25pm

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

I. Welcome

Council Member Palmer called the meeting to order at 6:02 pm and welcomed those in attendance.

II. Pledge of Allegiance

The Pledge of Allegiance was led by Dylan Giolas, Troop 514.

III. Public Comments

There were none.

IV. Public Hearing on Proposed Rezone for Property Located at 2110 E Murray Holladay Rd from R-2-8 to NC (neighborhood commercial)

Council Member Palmer opened the public hearing at 6:04pm

Rick Whiting, City Planner provided a brief staff report. Extenuating circumstances prevented the applicant from completing the planning and execution of construction before this deadline and the zoning on this parcel automatically returned to R-2-8. They are requesting to restore the zone change to NC in order to proceed with the project. The plan for the site and building has not changed.

Council Member Pace asked if staff had explored the RO zone for this site instead of NC. He also asked how this fits in with the master plan for the area since the plan calls for residential.

Mr. Whiting stated that the RO zone is not a viable option at this time because the RO zone is still being drafted. This does not comply with the master plan but it does fit the context of the land use in the area.

Dave Pennock – applicant. They are ready to go with this project and it is the same plan as before, a blend between office and residential. They are looking to start construction in June/July of 2013. He also asked if the reverter clause is still needed in the new ordinance.

Jacob Giaque- Scout Troop 514. He doesn't feel we should be a dental office there. It is too close other dentist in the area and may put them out of business.

There being no further comment, **Council Member Palmer closed the public hearing at 6:12:20pm.**

V. Public Hearing on Holladay Village Plaza Subdivision

Council Member Palmer opened the public hearing at 6:12:45pm

Paul Allred, Community Development Dir provided a brief staff report. This is basically a housekeeping matter. Staff has prepared a subdivision plat and other items for the Holladay Village Plaza development now under construction, "the Village", the City's Plaza and the proper disposition of public property at this location. The reasons for this new plat are as follows:

1. To vacate lots 18-25 of the Peony Gardens subdivision and condense them into a single lot
2. Created a new subdivision –the Holladay Village Plaza subdivision.
3. To recognize that a portion of Holladay Blvd is no longer being used as a street for vehicular purposes and to reclassify (terminate) its use from a street to instead become a portion of the newly established Holladay Village Plaza.
4. To formally recognize the city owned and operated Holladay Village Plaza, labeled as Parcel "A" on the plat as a place for 'limited public use'.

5. To have the City of Holladay accept by dedication, a small length of Laney Avenue abutting Burton Lumber and the new Plaza, from the intersection of Holladay Blvd eastward to 2300 E.
6. To accept a small 49 square foot area of land for utility purposes abutting Murray Holladay Rd. labeled as Parcel “B” on the plat.

Bonnie – asked what will happen to the building to the west of this project, where the hair salon was. It is a disaster.

Council Member Palmer stated that that parcel is not owned by the city but a private landowner.

Ali Kergay -Scout Troop 514. He doesn’t feel this project is worth it. It will affect all the small businesses around it.

Eli Edwards – Scout Troop 514. He asked what the time frame was for this project.

There being no further comment, **Council Member Palmer closed the public hearing at 6:12:20pm.**

VI. *Consideration of Resolution 2012-44 Approving the Holladay Village Plaza Subdivision*

Council Member Palmer explained that this is just housekeeping to put the plat in a form the developer needs to get it recorded and reflects everything that is currently being constructed.

Council Member Pace moved to approve Resolution 2012-44 with the six items presented above by staff. Mayor Webb seconded the motion. The Council roll call vote was as follows: Council Members Pace, Pignanelli, Gunn, Palmer and Mayor Webb in favor. Resolution 2014-44 was adopted by a unanimous vote.

VII. *Consideration of Resolution 2012-45 Authorizing the Mayor to Sign a Declaration of Easement to Permit Encroachment on Public Property Located at Approx. 2300 E Murray Holladay Rd.*

Paul Allred, Community Development Dir. provided the staff report. This allows the Holladay Village project to have some improvements in the City right-of-way. It would be a retaining wall with some landscaping and a terraced stairway from Murray Holladay Rd up onto the project due to the slope (pedestrian access). It would be an eight ft strip and it will not encroach on the sidewalk.

Tom Henroid – developer. This is basically a gap between the property boundary that was deeded to them and the sidewalk. At its narrowest it is eight ft on the eastern edge as you go west it is as wide as 13 feet. They will build and maintain. There is a provision in the agreement that if the City ever needs to use the additional right-of-way we will mutually agree to some alternative.

Council Member Petersen arrived at 6:25pm

Mayor Webb moved to approve Resolution 2012-45 with the following addition to the last Whereas paragraph: “... by maintaining the installation and landscaping and providing the necessary maintenance thus deferring expenses to the City;” Council Member Petersen seconded

the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Palmer and Mayor Webb in favor and Council Member Pace opposed. Resolution 2012-45 was adopted by a majority roll call vote.

Council Member Pace noted that he supports the project but this element of the project obscures what could have been a better alternative. There is eight feet of grade separation as you go west on Murray Holladay Road, that is enough space for another retail space on the west end of the project. It would have added more developable space, limited the amount of retaining wall and enhanced amount of foot traffic. He feels we could have had a better project by putting in additional retail space and that the developer will be disappointed down the road when the western part of Murray Holladay road does redevelop because they haven't provided a link that ties their project to other developments.

Council Member Palmer noted that the City and the developer have looked extensively at Council Member Pace's concern. It was concluded that it was not feasible.

Mayor Webb was excused at 6:33pm.

VIII. *Consideration of Resolution 2012-46 Adopting the 2013 Meeting Schedule*

Council Member Pace moved to approve Resolution 2012-46. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Pignanelli, Gunn, Pace and Palmer in favor. Resolution 2012-46 was adopted by a unanimous vote.

IX. *Consideration of Ordinance 2012-25 Repealing Ordinance 2012-22 and Adopting a New Noise Ordinance Pertaining to Regulations and Restricted Hours*

Council Member Palmer noted that this is Holladay noise ordinance that adopts by reference and modifies the Salt Lake Valley Health Dept. Regulation 21. When the Health Dept. revised their ordinance we came to find out that there were still changes to be made. The City Attorney has been working with the Health Dept. to get to this point which is a good compromise.

Council Member Pace expressed concerns he and Mayor Webb had with the ordinance. There were a number of questions for example what about activities that go past 10pm (ie receptions), loud conversations another was music and amplification ending at 10pm. There needs to be some exemptions for school events or city events at the park. He is uncomfortable with this ordinance as written.

Council Member Petersen also expressed concern with noise at city events. Can we grant exceptions?

Council Member Palmer clarified that Holladay would enforce the modified provisions.

Dale Kellar – Salt Lake Valley Health Dept. Holladay had some unique additions to regulations the Board of Health passed. Mr. Hall wanted to have a plainly audible standard and other things were added or modified. The concern about events there are exceptions in Reg. 21 that gives cities the authority to do what they need to for the good of the city, which would include school events. If it is a city sanctioned or sponsored event after 10pm the city has the right to exempt and gives authority and enforcement back to the city. All the city does is notify the Health Dept. The previous ordinance had a number of conflicts.

Council Member Petersen moved to table this item to a work meeting for further discussion. Council Member Gunn seconded the motion. The Council voted in the affirmative and the motion to table carried.

X. ***Consent Agenda***

a. Approval of Minutes of November 15, 2012

Council Member Petersen moved to approve the minutes. Council Member Pace seconded the motion. The Council voted in the affirmative and the minutes were approved.

XI. ***City Manager Report – Randy Fitts***

Manager Fitts reported on the following:

* He, Mr. Kemp and Mr. Kano went to Denver this past week to visit with TerraCare. They provide public works and contract with several cities in Colorado. They meet with some of the cities who contract and with representatives of TerraCare. This is an option for Holladay to contract with them as well as Taylorsville who is also looking into this option. Cottonwood Heights is proceeding with an RFP for public works options and will leave the County in April. How this will affect us is unknown.

* would like to meet with the County regarding public works and their transparency in billing and other frustrations.

* Cottonwood Heights would like to do a boundary change on 3000 E (the vacant ground owned by UDOT) into their city.

* Received a bill from Rotary club and we were fined \$5 for not attending. We need to put a calendar together on who will be attending and when.

* The Christmas tree blew over on Sunday. It snapped the cable and a 12x12 piece. The tree was trimmed by 4ft and put back up.

XII. ***Council Reports***

Council Member Pace reported on some legislative issues that were talked about at the Council of Governments (COG) meeting– transportation funding, homelessness, jail reimbursement and the consolidation of the public service access point (PSAP).

XIII. ***Other Business***

XIV. ***Recess City Council Meeting and Convene in a RDA Meeting***

Council Member Pace moved to recess council meeting and convene as an RDA Board. Council Member Petersen seconded the motion. The Council voted in the affirmative and the council meeting recessed at 7:06pm.

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

Council Member Pace moved to adjourn City Council meeting and convene in a work meeting. Council Member Petersen seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:10 pm.

WORK MEETING – December 6, 2012

ATTENDANCE

Mayor Dennis Webb - *excused*
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
Clarence Kemp, City Engineer

Council Member Palmer conducted the work session and convened the Council at 6:10 pm.

a. Discussion on Noise Ordinance

The Council discussed with Mr. Kellar changes and concerns with the noise ordinance. Council Member Pace went over his questions – conversations over 10 sec, sound amplification need to add– dances, movies, agricultural practices – add “or activities” and the exemption for sporting events – add exemption for school events or school activities. We need to make sure the hours are consistent with the old ordinance of 8am-9pm and also need to change the numbering of the section to Title 9. Mr. Kellar stated there were only three big changes to the city ordinance that were put back in: the plainly audible standard, a number of prohibited activities and exemptions. Put on the Dec. 13 agenda for adoption.

b. Update and Discussion on City Hall Park Common Area

Curtis Tanner met with the Council and reviewed material options for the gazebo/bandstand. He also went over the architectural drawings for the west entrance. For the bandstand there are eight steel columns 10 inches around with metal braces that are painted. The Council likes design and look. The entry way will match the brick of City Hall. They asked if the entry way roof level could be moved up and be arched like the window above it.

c. Update on Fire Station

Jim Allred from ASWN (architects) updated the Council on the fire station. The subcontractor bids have been received, cost is at about \$2.7 million which includes the storage sheds, demolition and grading of old site. There are opportunities for value engineering on this project. *Chris Jenson* reviewed options for the Council. The windows will be wood clad and maintenance free. All the trim will be done in an ivory or off-white color. The base will be textured sandstone. He then went over the brick options. The King William is easier to lay, larger brick with more variation. The bigger brick does save money. The Old Virginia brick seems to be the favorite and consensus of the Council. Mr. Allred would like to have another discussion on value engineering options. There are areas where we could save money and we need to have that discussion so we can maximize the bond as much as possible.

d. Review of Highland Dr. Town Meeting

We are still being asked to form a citizen’s committee. If we do have a committee, the Council needs to set the rules, pick the members, set the agenda and set the time frame. There have to be parameters and strict rules. We also need to make sure that the committee only deals with land use. The Council would like to see a member who is not a Holladay resident and there needs to be someone who owns property on Highland Dr.

e. Update on Newsletter

Ms. Carlson reported that the newsletter will be mailed beginning with the Jan. 2013 issue. The cost is an additional \$750/month. The Council asked staff to look into any cost savings now that it is being mailed but they were all in favor for mailing.

f. Discussion on Fowl in City Limits

Council Member Gunn passed out what other cities do with regards to fowl that was compiled by Shane Topham. The Council was concerned about the food containers and making sure they were covered. They would like to study further and talk to Animal Services. There are already provisions in our ordinance and Council Member Pace doesn't want to see the Council over react on this issue.

g. Discussion on Holladay Village Zone Regulations

This item was postponed until Mayor Webb is present.

h. Discussion on Traffic Study

The Council has submitted hot spots and this will be a discussion item out our Annual Planning meeting.

I. Calendar

The Council discussed the Rotary Club meeting and having staff and a Council Member go at least once a month. They meet every Tues at 12:15pm

The Legislative breakfast is Dec. 11 at 7:30am and our last meeting will be Dec. 13 and we will start at 5:30pm.

k. Other Business

Ms. Carlson brought up the issue of changing council boundaries due to the changes enacted by the Legislature. This only affects Council Members Pace and Petersen. Staff is meeting with the County on options and getting more numbers and information for further discussion in January.

Council Member Gunn reported on the Tree Committee. Scott Zeigler has agreed to do a tree inventory on all publically owned areas for free. He just needs a letter from the city.

Council Member Petersen asked for a tab or something on the website for Jobs that is easy for people to look at. She asked about the light on 4500 S and Wallace Lane and asked staff to find out what that is for. She has also been receiving some pushback from residents on Kentucky Ave about the realignment and suggested setting up a meeting with the residents, Manager Fitts and herself.

Council Member Palmer suggested a letter be sent from the City to property owners along the Tanner Ditch to notify them of the changes. Staff has the letter and list ready to be mailed.

XVI. Adjourn

There being no further business, Council Member Petersen moved to adjourn with Council Member Pace seconding the motion. The Council voted in the affirmative and the meeting adjourned at 9:42 pm.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, December 6, 2012.

Stephanie N. Carlson, MMC
Holladay City Recorder

Dennis R. Webb, Mayor

Minutes approved: 1-3-13