

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, September 7, 2017
Mt. Olympus Room
4580 South 2300 East
Holladay, UT 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE:

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
Mark Stewart
Steven Gunn
Sabrina Petersen

City Staff:

Gina Chamness, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder

Mayor Dahle called the Briefing Session to order at 5:46 p.m. The Council reviewed the agenda. They discussed the Holladay Pines issue and reviewed the changes to the Comcast agreement.

**MINUTES OF THE
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**Thursday, September 7, 2017
Council Chamber's
4580 South 2300 East
Holladay, UT 84117**

Council Meeting 6:00 p.m.

ATTENDANCE:

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
Steven Gunn
Sabrina Petersen
Mark Stewart

City Staff:
Gina Chamness, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder

I. *Welcome* – Mayor Dahle.

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

II. *Pledge of Allegiance.*

The Pledge of Allegiance was recited by those in attendance.

III. *Public Comments.*

Paul Fotheringham - 5480 Woodcrest Drive. Mr. Fotheringham reported that he is a City Council Candidate. While campaigning, he came across constituents of District 3 who had concerns. He wished to convey the concerns of the following five individuals:

Virgene Stricklett - 5351 South Woodcrest Dr. She has concerns with a renter next door and lack of ample parking. She was also anxious about the safety of what appears to be underage drivers on golf carts throughout the neighborhood.

Jack Bingham – 5544 S Edgewood. his next-door neighbor to the south neglected his landscaping. He was concerned about rodent infestation as a result.

Jerry Julian – 5392 S Edgewood. Mr. Julian hoped the Council would extend the street lights on Edgewood Drive into Edgewood Circle considering how dark it is and the number of widows who reside in the area.

Clinton Smith – 1524 E Lone Peak Dr. Mr. Smith was concerned about tree trimming that is needed along 5600 South between Woodcrest and Fair Oaks. The overgrowth makes it difficult to make a left hand turn off Fair Oaks onto 5600 South.

Jerold Jensen had several issues. First, he was concerned about overwatering taking place on the City's property. There is poor drainage, which makes the excess water drain to the church on Far Down Avenue and Highland Drive. He also asked the Council to consider a crosswalk on Murray-Holladay Road across from Highland Circle. He stated that many residents use public

transportation and he expressed concern for their safety. His other request was for a hard barrier to the east in front of the liquor store to prevent left hand turns from Murray-Holladay Road. Commander Jensen also expressed concern with the lack of police oversight in Creekside Park and reported that he has been a victim of burglary several times.

Courtney Johnson – 2070 E Arbor Lane. Ms. Johnson had concerns with maintenance on the Mall property, as they live immediately adjacent to it. There was a fire on the property earlier in the month and another the previous week. This was of particular concern because they were forced to evacuate their home. Ms. Johnson thanked the Mayor for being attentive to their concerns. Her observation from outside the fence was that it gets overgrown. She commented that the area is susceptible to drug activity as well.

Mayor Dahle stated that due to anticipation of potential development, the City has been reluctant to enforce the Code like they normally would. Chief Hutson has visited the property and saw no signs of transient camps there. UFA made the determination that there are no signs that the fire was manmade and believes it was electrically caused; however, the condition of the field makes it a potential fire hazard. Mayor Dahle stated that Mrs. Johnson's concerns are not unjustified and the City bears some responsibility to get a better handle on how the property should be maintained.

Ms. Chamness stated that she met with Planning and Code Enforcement staff and will be looking at issues specifically related to weed abatement, stream bed maintenance, and growth. She has also been in contact with Salt Lake County in terms of their enforcement responsibilities. They will also look at standards relative to site security.

Dr. Amy Lowichik – 2020 Arbor Lane. Dr. Lowichik stated that she lives next to the Johnsons. Her 86-year-old mother was home alone and she was at work when the fire occurred. There are numerous dead trees surrounding the property and she recommended there be a ban on fireworks in the area. If the owners will not remove the trees, she suggested that the City remove them and charge the property owner.

Maunsel Pearce – 2012 Arbor Lane. Mr. Pearce stated that he and his wife have been involved with the Cottonwood Mall property and he serves as the Director of Cottonwood Inc (a non-profit organization) that controls the strip surrounding the property that prevents ingress and egress. He agreed with the previous comment because the area that was affected included a significant portion of the strip that goes around Memory and Arbor Lanes. The agreement with General Growth Properties was that they must maintain shrubbery and trees in the strip.

IV. *Public Hearing on Proposed Street Vacation at 4304 S Wander Lane.*

Mayor Dahle opened the public hearing at 6:23 p.m.

There were no public comments. **Mayor Dahle closed the public hearing at 6:24 p.m.**

V. *Update on the Former Cottonwood Mall Site.*

Mayor Dahle reported that he placed this item on the agenda after the last Council Meeting at which time they asked the RDA to consider a resolution in support of increment for a potential

project they expect a petition on from the Ivory Team. Mayor Dahle read the following text from Clark Ivory:

All of us at Ivory Homes would like to thank Mayor Dahle, the city council and the city staff for their cooperation and support in our efforts to redevelop the Cottonwood Mall. We have made numerous attempts to come up with a plan that would both benefit the city and be economically viable. Currently we have decided to put our efforts on hold. We hope that in the near future the leadership at HHC will assign a project manager who can create a win-win-win (for the city, HHC and Ivory Homes).

VI. Update from UPD – Chief Hutson.

a. Current Leadership Changes.

Chief Don Hutson reported that Sheriff Winder resigned his position as the County Sheriff to accept a position as the Police Chief for Moab City. The process of filling the vacancy played out and because it is a partisan election, the Democrat Party was involved in finding a replacement. Stipulations for consideration were discussed. Four of the five candidates were internal or current employees of the UPD. Rosie Rivera came out on top in that process and as dictated by statute, was ratified by the Salt Lake County Council and took the Oath of Office. By default, the moment Sheriff Rivera was appointed, she also became the CEO of the Unified Police Department. Sheriff Rivera has indicated she will not make any major changes in the near future.

Mayor Dahle reported that the Board has approved a sub-committee to explore the feasibility of separating the UPD from the electoral process, which will occur within the next 45 days. All candidates are aware that they will seek legislative changes that will allow the UPD to appoint their Chief and not go through the electoral process.

b. Support of Rio Grande Homeless.

Chief Hutson reported that a task force was established and spearheaded by Speaker Hughes, Spencer Cox, and Governor Herbert. Under-Sheriff Carver was invited to the meeting approximately eight weeks ago and afterward organized commanders to inform them of their participation in Operation Rio Grande. The homeless issue was to be handled using a tiered approach that would begin with heavy enforcement and move toward more treatment. It was identified as a two-year process to cover the time period prior to the shelter being closed down. The closure was scheduled for 2020. Five members were sought from each department to assist in the efforts. Chief Hutson was unsure why other municipalities have chosen not to get involved. The effort began five weeks ago with five UPD officers per shift, three shifts per day, 24 hours a day, seven days a week. Since then, that number has been reduced to two officers per shift. One component is obviously jail bed space. One element of the funds the State has identified will go toward treatment with a small portion toward enforcement. It was believed that they the intent is to transport inmates to other jails to free up space so that when someone at Rio Grande commits a crime, there is a cell available for them. Sheriff Rivera plans to continue to support this effort with the hope that there will be funding at some point.

Council Member Pace commented that this will be the first of many discussions regarding how to share the burden of homeless services whether it involves law enforcement, treatment, or

affordable housing. He also suggested keeping track of the City's contribution to the Rio Grande project as there will be further dialogue in the future.

Chief Hutson clarified that there are misconceptions about the UPD model. They are still at the Sheriff's Office and when they go to the County, they are including the UPD. They do not have any other stakeholders like other municipalities that they work for do.

VII. *Consideration of Resolution 2017-27 Approving a Contract with Hughes General Contractors for Design Build Services for the Design and Construction of Knudsen Park.*

Council Member Petersen moved to approve Resolution 2017-27. Council Member Pignanelli seconded the motion.

Council Member Gunn reported that he continues to be troubled by the lack of detail on critical issues (ie names of architects, contractor, etc.). Bicycle traffic throughout the middle of the project was identified as a concern.

Mayor Dahle believed the City has included liability coverage in the contract.

Todd Godfrey – City Attorney, stated that in terms of contractors and consultants, they are unsure as to their selection, which is provided for in other parts of the contract. Hughes sends their list and the City makes the final approval. As far as design-build agreements this is one of the better ones he has seen.

Manager Chamness reported that during discussions in terms of facilitating the rapid construction of the park, the design build was addressed which would lead to a completed park more quickly than any other method. They are operating with a bond time clock and will need to complete it in its entirety and submit reimbursement within three years of the date the bonds were issued. In terms of the process going forward, they will hold an Open House next week and there will be further refinement at the sub-committee level where the Council will have an opportunity to look at the design as it is evolving.

Council Member Pace asked if it would be helpful to put in a dollar or time limitation after which they would need to obtain authorization to proceed.

Manager Chamness commented that there are defined milestones. Staff meets bi-weekly with the contractors to make sure we are on the right track.

Council Member Pace moved to make a substitute motion to postpone consideration of the item until the September 21 Meeting. Council Member Stewart seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Stewart, Gunn and Mayor Dahle voted in favor.

VIII. *Consideration of Resolution 2017-28 Approving a Cable Franchise Agreement with Comcast of Utah.*

Mr. Godfrey reviewed the agreement and reported that it deals with a public access channel option where the City could include on the Comcast system a public access channel to broadcast at certain times. Comcast requested an addition to read “Grantee shall retain a sole right to assign channels and shall use its best efforts to minimize the movement of access channel assignments. Grantee shall provide to the franchising authority a minimum of 90 days prior written notice prior to any relocation of its access channels unless the change is required by Federal Law, in which case Grantee shall give the franchising authority maximum notice possible. Grantee may not exercise any editorial control over the content of programming on the PEG access channels.” Proposed changes to the Franchise Agreement were reviewed.

Council Member Pace referred to Paragraph 3.8 where the trimming of trees and shrubbery is written as though the City is the only entity that needs permission to trim trees. In his experience, cable lines are not on public property. He suggested the verbiage be modified to read “with the permission of the City, they can trim trees on public property. With the permission of the private property owners, they can trim trees on private property.” Mr. Godfrey reviewed the proposed language.

Kirk Nord -Manager of Government Affairs for Comcast, clarified that they give 72-hour notice to residents when repairs or service are required.

Mr. Godfrey confirmed that they will add language specifying that notification of tree trimming on any property outside of the public right-of-way shall be to the property owner.

Council Member Petersen moved to approve Resolution 2017-28 with the following changes: Paragraph 3.18 add the language from City Attorney regarding access channels and in Paragraph 3.8 clarify public vs. private and add: “Grantee shall obtain the consent of private property owners to trim trees that are within or encroaching upon private property.” Council Member Pace seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Stewart, Gunn and Mayor Dahle voted in favor. Resolution 2017-28 was adopted by a unanimous vote.

IX. *Consideration of Resolution 2017-09 Amending a License Agreement with Holladay Pines.*

Mayor Dahle clarified that the above resolution will allow for the fence in question to be extended along the property line.

Council Member Pace moved to deny the request to amend a License Agreement with Holladay Pines. Council Member Petersen seconded the motion.

Council Member Pace stated that they have already received a variance. This means that the City gave permission to place the fence on public property. In effect, they already obtained a variance with the terms set forth in the contract. He believed it was inappropriate to ask to renegotiate the terms.

The Council roll call vote was as follows: Council Members Pace, Petersen, Stewart, Gunn and Mayor Dahle in favor. Council Member Pignanelli was opposed. The motion passed 5-to-1.

X. City Manager's Report – Gina Chamness.

Ms. Chamness stated that the two items she wished to discuss are scheduled to be addressed during the Work Meeting.

XI. Council Reports & District Issues.

Council Member Gunn commented that he is often interviewed by Scouts trying to pass off their Citizenship in the Community Merit Badges. They are asked to discuss a pressing City issue and offer a solution. Kaden Kennedy expressed concern with people in the City's parks not cleaning up after their dogs. He suggested that the stations be placed in each park where those walking dogs have access to plastic bags to deposit dog waste in a trash receptacle.

Council Member Petersen stated that she was contacted by Megan James and others requesting bike racks in the Village Zone and at City Hall. It was her opinion that if we are trying to set an example in the community, the City needs to install the bike racks immediately. Ms. Chamness remarked that they have delayed installing bike racks in part because the Plaza location is a difficult place to locate bike racks. In many places, the sidewalks are not wide enough for both a bike rack and pedestrian traffic. She would like to see us encourage surrounding businesses to install racks.

Council Member Stewart stated that the Open House for Knudsen Park will be on September 12, 2017 from 5:00 p.m. to 7:00 p.m. at City Hall. He encouraged the public to view the plan and give input.

XII. Adjourn City Council to a Work Meeting.

Council Member Gunn moved to recess the City Council Meeting and convene in a Work Meeting. Council Member Stewart seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:40 p.m.

WORK MEETING
September 7, 2017

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
Mark Stewart
Sabrina Petersen
Steven Gunn

City Staff
Gina Chamness, City Manager
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney

Mayor Dahle convened the Council in a Work Meeting at 7:54 p.m.

a. Discussion & Update on Knudsen Park.

Council Member Stewart stated that the sub-committee had their first meeting on Tuesday at which time they discussed the Open House, which will give the public an opportunity to review the plans and renderings done by Hughes. The public will be able to place dots on items they like, don't like etc. as well as post it notes for comments.

Council Member Gunn discussed the need for leadership going forward.

b. Update on Justice Court Contract with Cottonwood Heights.

Manager Chamness met with the Cottonwood Heights City Manager and City Attorney. They understood our concerns and shared ideas and their concerns. They specifically addressed the issue of any remaining balance owed from fiscal 2017 due to the revenue shortfall. Next step is to provide Cottonwood Heights with a redline version.

c. Discussion on Road Project.

Mayor Dahle reviewed the Quarter of a Quarter and the reallocation of funds.

d. Discussion on Parking at Summit Cycle.

Mayor Dahle confirmed that this issue will be discussed during the Closed Session.

e. Calendar.

The upcoming meeting schedule was reviewed.

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

Council Member Gunn moved to go into Closed Session to discuss personnel issues, property acquisition, and disposition and potential litigation. Council Member Pignanelli seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Stewart, Gunn and Mayor Dahle voted in favor. The Council convened in a closed session at 8:10 p.m.

Those in attendance at the Closed Session included Council Members Pace, Petersen, Stewart, Gunn, Pignanelli and Mayor Dahle. Others present included Manager Gina Chamness, Todd Godfrey, Stephanie Carlson, and Paul Allred.

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

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, Stewart, Gunn and Mayor Dahle voted in favor. The motion to go out of closed session at 8:46 p.m. passed with a unanimous vote.

XIV. Adjourn

There being no further business, Council Member Petersen moved to adjourn. Council Member Pignanelli seconded the motion. The Council voted in the affirmative. The meeting adjourned at 8:46 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Meeting held Thursday, September 7, 2017.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: Nov. 2, 2017