

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, October 27, 2016
City Council Chambers
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 led by Patricia Pignanelli.

III. *Public Comments.*

There were no public comments.

IV. *Public Hearing on Proposed Amendments to Section 13.80.040 – Parking Standards for Neighborhood Markets.*

Mayor Dahle opened the public hearing at 6:05:50 p.m. There were no comments.
Mayor Dahle closed the public hearing at 6:06 p.m.

V. *Public Hearing on Proposed Amendments to Chapter 13.82 Amending the Sign Regulations in the P Zones and Construction Signs.*

Mayor Dahle opened the public hearing at 6:06:10 p.m.

Chase Walker - representing the Cottonwood Country Club - 1780 E Lakewood Dr. He reported that they are working with YESCO to replace an older sign on the property. They are looking to install a new sign on the front parking strip that matches the building better, is updated, and fits in better in the neighborhood. The original concept was 36 square feet but they are willing to change that if necessary. The Mayor's recollection was that they are considering 24 feet. The matter will be discussed in greater detail at the work session. It was anticipated that a vote would be taken on the matter on November 3.

Joel Warden -YESCO Company. He reported that in the Public zone no provision was made for signage so he was glad that the City will allow signs in the area. He commented that 24 square feet is small and decreases the visibility of the sign. He asked them to consider allowing a slightly larger sign. If not, they will proceed and apply for a permit. The proposed sign has been

drawn based on 24 square feet although they would like the sign to be larger. The existing sign is 32 square feet in size.

Mr. Walker stated that the intent is for the sign to fit in. The base is a concrete board form. The actual sign will be aluminum and painted to match the side of the building so that it will have a wood look. Minimal exterior lighting was desired to shine onto the sign so as not to be an intrusion to the neighbors.

There were no further public comments. **Mayor Dahle closed the public hearing at 6:12:30 p.m.**

VI. *Public Hearing on Proposed Amendments to Various Sections of Title 13 of the City Code to Clarify Noticing Procedures.*

Mayor Dahle opened the public hearing at 6:12:45 p.m. There were no comments. Mayor Dahle closed the public hearing at 6:12:55 p.m.

VII. *Public Hearing on Proposed Procurement Ordinance.*

Mayor Dahle opened the public hearing at 6:13 p.m. There were no comments.

Mayor Dahle closed the public hearing at 6:13:05 p.m.

VIII. *Consideration of Ordinance 2016-24 Amending the Zoning Map for Property Located at 2293 East Walker Lane from R-1-87 to R-1-43.*

Council Member Pignanelli moved to approve Ordinance 2016-24, amending the zoning map for property located at 2293 East Walker Lane from R-1-87 to R-1-43. Council Member Petersen seconded the motion.

Council Member Gunn was not in attendance at the previous meeting but has listened to the meeting audio and read all of the documents submitted. One of his concerns was if the zone was amended it would set a precedent that would be undesirable for future rezone requests. He believed it would not set a precedent for future requests. He did not consider traffic to be a compelling argument or that the addition of one more one-acre lot would have a dramatic impact on the neighborhood. He was concerned about what would happen to the trees.

Council Member Gunn also considered the Planning Commission recommendation of denial. He typically follows the recommendations of the Planning Commission unless there is a compelling reason to the contrary. He had not yet heard a compelling reason. Council Member Gunn was persuaded by Mr. Deyhle's argument about the situation being unfair.

Mayor Dahle stated that his basis is the Planning Commission recommendation and the points they addressed. He found nothing in the arguments that would cause him to go against the Planning Commission's recommendation. He was empathetic to Mr. Deyhle's position but did not think it was proper for him to consider what will happen with the trees. To him that is a private property right and should not be part of the Council's decision on whether to rezone. With regard to the value of the property, it runs with the zone and should not be part of the decision-making process.

Council Member Petersen agreed with the Mayor. She stated that if the request is denied tonight, it does not mean that the issue is dead.

Council Member Stewart agreed and added that there are other avenues for the applicant to show that he has a legal non-conforming lot. Council Member Stewart reported that he has spoken to most the residents in his district that live in the large lot areas. Overwhelmingly, their opinion was to deny the rezone. As their mouthpiece on the Council, he felt that his vote has to go with the desires of the residents.

Council Member Pignanelli agreed and was worried about setting a precedent since a change to the map could significantly change the area.

Council Member Gunn pointed out that many of the lots in the area are less than two acres in size. It seemed to him that Mr. Deyhle's situation is unique in that he acquired the lots at two different times.

Council Member Pace thought the matter was premature and stated that if they are in fact two separate lots under separate ownership or that predate their zoning, there is no need for a decision. He recognized that this is a shortcut to avoid dealing with those issues. He indicated that the City recently adopted a Master Plan that articulates this as an area to be preserved and protected in the large lot zoning.

Mayor Dahle stated that if it can be shown that it was a legal conforming lot when it was purchased, the owner still has the right to develop it. Council Member Pace commented that if the motion to rezone fails, it does not mean there won't be another home built there.

The Council roll call vote was as follows: Council Members Petersen, Pace, Pignanelli, Gunn, Stewart, and Mayor Dahle voted in opposition to the motion. The rezone request was denied.

IX. City Manager's Report – Gina Chamness.

City Manager, Gina Chamness, informed the Council that the City Hall Park Sub-Committee approved an overall budget of \$240,000. They have met with contractors and have two very qualified local firms and will likely enter into a contract to proceed with the work within the next few days.

Ms. Chamness also reported that the Salt Lake County Mayor recommended \$250,000 of TRCC funds be set aside for the park project. If approved, it will come forward in the form of a budget amendment where the additional money will be approved as part of the budget. It was noted that the funds would likely be received in January 2017.

X. Council Reports.

Council Member Pace reported that he attended a recent Land Use Conference where a speaker addressed trends in zoning, which he found to be very interesting. He discussed the constant tension between predictability and flexibility and said that as time goes on the tension between predictability and zoning will continue but people will want predictable flexibility.

Council Member Pignanelli thanked the UPD and UFA for their participation in the Trunk or Treat. It was wonderful and well attended.

Council Member Stewart followed up on the Deer issue and reported that the meeting was held two weeks ago and was very well attended. The next step will be to take a vote on the issue and have a public hearing regarding one of the mitigation plans.

Council Member Gunn commented on an Eagle project up at Stratton Park. He organized a group of his neighbors to come to Stratton Park and help clean it up. They did a wonderful job and helped with problems that have developed due to lack of resources. Several loads of chips from the dump were delivered and spread out and some of the dead trees were removed. In the long-term, Council Member Gunn recommended that a Friends of Stratton Park Committee be organized of neighbors who live along Stratton Park. A letter was sent to all who live along Stratton Park telling them of the cleanup effort and inviting them to contact the Council if they would like to be part of the committee. He suggested that something similar be done with other area parks.

Council Member Gunn also reported on his Town Hall Meeting. He thanked the Mayor, Manager Chamness and Mr. Allred for their attendance and help. The turnout was good and there were heated discussions about deer and short-term rentals. He stated that the most heated discussions were between people who want to use their homes for short-term rentals and those who object to them.

Mayor Dahle reported that the Conference of Mayors is preparing to meet with the legislators on November 10. They asked that they present three topics they would like the legislators to focus on. All agreed on the need for state legislation on shrinking the amount of time that fireworks are legally allowed to be discharged. The other issue involved short-term rentals. Many municipalities are having similar issues and realize that the problem is only going to continue to grow.

Mayor Dahle stated that the other issue involved transportation funding. He noted that they still have an opportunity place it on the ballot but it cannot be done until 2018. He stated that they need to keep the message alive and let it be known that they are still very interested in trying to find ongoing transportation funding for roads. The last issue is the Justice Reinvestment Initiative that came up last year with an overall goal of trying to keep people out of the County Jail and get them into recovery. The problem was that the funding failed at the state level.

XI. *Other Business.*

Council Member Petersen reported that she received a few phone calls about the abundance of solar panels. She commented that they are being heavily subsidized and have increased from two or three applications per month to two or three per week. A few citizens have complained about the unattractiveness of them. She wondered if there were steps that can be taken to improve their appearance.

City Attorney, Todd Godfrey, urged the Council to use caution when getting involved in an area of zoning where the sole focus is aesthetics. He was wary about looking solely at aesthetic factors. The City regulates architecture in some sense but they are fairly limited in that regard. Mr. Godfrey was not aware of any other municipalities addressing the issue.

Council Member Stewart reported that Liane Stillman reached out to him and Mr. Allred with regard to the deer issue. One of Ms. Stillman's proposals was allowing for six-foot fences,

which are not currently allowed in the front of homes. Council Member Gunn commented that from his experience he has found that six-foot fences are not non-view obscuring and do not deter deer. Council Member Stewart agreed and stated that many of those present have six-foot fences and they are not a deterrent.

Mayor Dahle suggested that the ordinance should be revisited in terms of allowing eight-foot fences, which is the minimum necessary to deter deer. Council Member Stewart did not think deterring deer was a good enough reason to allow taller fences.

Mayor Dahle reported that Representative Chaffetz will be at City Hall the following Tuesday for the Chamber Lunch.

XII. *Recess and Convene in an RDA Meeting.*

Council Member Petersen moved to recess the City Council Meeting and reconvene as an RDA Board. Council Member Stewart seconded the motion. The Council unanimously voted in the affirmative. The meeting adjourned at 7:00 p.m.

WORK MEETING
October 27, 2016

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
Paul Allred, Community Development Director

The Council reconvened at 7:45 p.m. and resumed the Work Meeting.

a. Discussion on Previous Public Hearings.

The Council discussed the parking amendments. Mr. Allred stated that going to 3.125 for grocery only works because that is all they have room for on the site. He explained that no use can ask for more than 125%. They cannot have less than 2.5 and not more than 3.125. The Planning Commission recommended 3.5 plus the 125% only in the grocery square footage. The Commission also recommended a 50% allowance for any on-street stalls. Currently, 10% is allowed. The applicants also recommended that if they wanted to exceed 100% of the stalls that they screen them.

Council Member Petersen stated that the intent of the Village zone is to have the building with all of the parking behind. Mr. Allred agreed and stated that the Village supports the block face line of buildings and not parking. They push the buildings to the ends but they do not wrap the corners that well.

Council Member Petersen asked for clarification on the signs proposed for the Cottonwood Country Club. It was noted that the new sign has been designed at 24 square feet. Council Member Pignanelli observed that it is difficult for someone to find who is going to the Cottonwood Club from another area. Council Member Petersen wanted it to be very clear that only one sign per parcel is allowed. She also questioned the height of eight feet. Mr. Allred stated that eight feet is the standard height for construction signs.

b. Update & Discussion on 2345 Park.

City Manager Chamness reported that she and Mr. Godfrey met with Salt Lake City Public Utilities and got more information on their plans for the land. The parcel has strategic importance in that it is centrally located and has potential for master planned facilities in the future. Given the structure of their water system they think it is likely that within 20 years they could need the site.

Council Member Gunn noted that this is a very visible corner and is owned by Salt Lake City. They are interested in owning the property because they plan to use the property for a public water facility. Ms. Chamness commented that because the property is owned by Salt Lake City, they are happy to let the City maintain it and move forward per their 2013 agreement. It, however, needs to be maintained to Salt Lake City property maintenance standards and doubts the proposed plan would meet their standards. Also, that the plan far exceeds the available budget.

Council Member Gunn stated that at one time it met the budget and then when the City thought they were going to sell the property they withdrew most of the funding. He suggested they revisit details of the plan. Mayor Dahle was tired of the amount of time and money this small parcel is taking. He questioned why they would want to invest in property that the City of Holladay does not own, that Salt Lake City does not want to sell, but are perfectly happy to have the City maintain to their standards. He questioned why they are doing this when they cannot properly maintain Stratton Park and have a difficult time maintaining Butternut Park and other parks with the resources the City has. He was of the opinion that Salt Lake City should be maintaining the property to Holladay standards. He recommended they give the property back to Salt Lake City and send them notice when they are in violation of the Code. Council Members Petersen and Stewart agreed and thought the money should be better spent elsewhere.

Council Member Gunn stated that if they turn it back over to Salt Lake City it will become a weed patch and they will do the bare minimum. Holladay has put several thousand dollars into it, and he would like to do something to make it look nice and something the city can be proud of. Ms. Chamness stated that \$5,000 is set aside in the budget and some has been already been spent this year.

Council Member Petersen commented that any improvements on the site will have to be maintained. The possibility of a trade was mentioned. Possible options were discussed.

Council Member Gunn thought the City should continue to maintain the property until Salt Lake City decides to do something with it. Mayor Dahle questioned whether Salt Lake City would pay for the cost of maintenance. Council Member Pace suggested that with the remaining funds between now and July 1 that they smooth out the dirt. The majority of the Council was in support of Council Member Pace's proposal.

Council Member Stewart commented that because the City doesn't control the property, if they put large sums of money into it and have to maintain it for years to come, Salt Lake City could come at any point take it back at which point the City would lose whatever investment they put into it. Council Member Gunn agreed to find out if there is a less expensive alternative. Council Member Pace commented that typically, large sums of money are not spent on property that is not owned by the City, even if it is on a prominent corner.

c. Discussion and Use of Public Space – Park Pavilion Plaza.

Ms. Chamness discussed the request from the Council to put up signs at City Hall Park and perhaps at the Plaza on what is and is not permitted in that space. One of the items discussed was alcohol. After reviewing the ordinances, there is conflicting guidance. She asked about the intent of the Council regarding alcohol in the City Hall Building, the park, the common area near the gazebo, and on the plaza and the new pavilion that will be built.

She reviewed the memo given to the Council. The first section outlined the current City ordinance, which prohibits drinking alcohol in public buildings and parks unless there is a special event. In 2010, a section was repealed by the Council that mirrored provisions in other parts of the ordinance. She explained that if alcohol is sold in the City Hall Building, they enter into a rental agreement but if it is just being provided they generally do not.

Mr. Godfrey indicated that the DABC has informed the City that if alcohol is being sold at an event on public property it must be licensed as a special event. There is no State regulation if alcohol is simply being provided. Their view was the same with respect to public spaces.

Council Member Pignanelli's opinion was that there should not be any alcohol served unless a bartender is hired. If someone is hired to supervise, they are liable. Council Member Pace was in favor of revising the ordinance so that it is consistent to specify no alcohol unless it is by special permission and then only with protections. Mayor Dahle agreed.

Ms. Chamness agreed to draft language to be presented to the City Council at a future meeting for rental of the property. Ms. Chamness reported that a price proposal was received for exterior security cameras.

d. Policy Discussion on 6200 South Area and Highland Drive.

The discussion on 6200 South was postponed. With regard to Highland Drive, staff had questions on the intersection of Lakewood Drive and Highland Drive in terms of which direction to move. UDOT's recommendation was to move to the west at the intersection. The reasoning was based on the transmission lines on the east side of the road. Ms. Chamness reported that Rocky Mountain Power has asserted that they have easements in the area and that it would need to be moved at the cost of the project.

e. Property Tax Discussion.

Ms. Chamness reviewed the Power Point presentation; it will also be on the city's website. The presentation is designed to help citizens understand their property tax bill. She explained that about 12% of each property tax bill comes to the City. The County Assessor is responsible for assessing fair market value of all real property and the Utah State Tax Commission also assesses different kinds of property and those assessments are provided to the County Assessors. The County Auditor then divides the County into tax districts. Ms. Chamness reported that State law prohibits local governments from obtaining a windfall. The idea was that as values of residences or businesses rise, the certified tax rate falls. It was reported that property tax is a revenue based system with some narrow exceptions. Every year the rate changes but the revenue remains the same. The rate is changed annually to generate the same amount of revenue unless there is new growth or the tax rate is increased. Property tax calculation issues were discussed.

f. Council Pictures.

Mayor Dahle asked for input from the Council on having the Council photographed. November 3 was set as the date for photos to be taken.

g. Calendar.

Mayor Dahle reported that he would not present for the November 17 meeting but he would call in, if necessary. A Council Meeting is scheduled for December 1 and on December 8 the Council dinner at Primo's.

The sign at the junior high school was discussed.

With regard to the proposed Harmons' project, the Village Center zone regulations prohibit windows that are covered with opaque surfaces. Harmon's has agreed to put in more windows but they are an interior space so they cannot be clear glass. Council Member Pace suggested that

windows be installed that are covered but later found that they are not allowed by ordinance. A potential change to the ordinance could be made to indicate that no covered windows are allowed unless they are for a grocery store and the Planning Commission determines that covered windows are better than no windows at all. The Council expressed a desire to amend the ordinance to allow the possibility for the Planning Commission to consider covered windows.

XIV *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 Petersen moved to go into Closed Session to discuss personnel issues, property acquisition and disposition and potential litigation. Council Member Gunn seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Stewart and Mayor Dahle voted in favor. The Council convened in a closed session at 9:23 p.m.

Those in attendance at the Closed Session were: Council Members Pace, Petersen, Stewart, Pignanelli, Gunn 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 Petersen 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, Stewart and Mayor Dahle voted in favor. The motion to go out of closed session at 9:59 p.m. passed with a unanimous vote

XV. *Adjourn*

There being no further business, Council Member Stewart moved to adjourn. Council Member Gunn seconded the motion. The Council voted in the affirmative. The meeting adjourned at 9:59 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, October 27, 2016

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: December 1, 2016