

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, August 20, 2015
Council Chambers
4580 South 2300 East
Holladay, UT 84117**

Council Meeting 6:00 p.m.

ATTENDANCE:

Mayor Rob Dahle
Lynn Pace – *arrived at 7:15 p.m.*
Patricia Pignanelli
J. James Palmer, Jr.
Steven Gunn
Sabrina Petersen

City Staff:
Randy Fitts, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder
Paul Allred, Community Development Director

I. *Welcome* – Mayor Dahle.

Mayor Dahle conducted and called the meeting to order at 6:07 p.m.

II. *Pledge of Allegiance.*

The Pledge of Allegiance was led by Ben Templin, from Scout Troop 202.

III. *Public Comments.*

There were none.

IV. *Recognition for Chris Bertram.*

Mayor Dahle recognized Chris Bertram and his family as well as Sheriff Jim Winder. He also recognized all other in attendance whose life Chris has touched in his 24 yrs of law enforcement service.

Sheriff Jim Winder commented that he has known Chris since he was hired. Chris is a rare individual; he is a policeman's policeman. Regardless of the position he has held he is first and foremost a street cop. He will be greatly missed by the UPD organization.

Council Member Pace presented Chris with a street sign and commented that he is the perfect officer for neighborhood and community action.

Council Member Petersen read the resolution honoring Chris.

Manager Fitts and Stephanie Carlson, City Recorder presented Chris with a shadow box that is to remind him of the many council meetings he has attended and discussion items over the years. He will be missed by staff and the citizens of Holladay.

V. *Decision on Appeal for SOHO Food Park*

Council Member Gunn moved that we deny the appeal from the appellants relating to the SOHO food court and that we uphold the decision of the Planning Commission, with one exception, that exception being that we remand the matter back for the consideration of the application by the

City's Design Review Board. The Planning Commission should then consider the recommendation of the City's Design Review Board, if any, and should determine whether or not any changes should be made to the approval or conditions of approval. This motion is based on the following findings:

1. The appellants presented three primary concerns with the decision of the Planning Commission. Those concerns were: (1) review by the Design Review Board; (2) parking concerns and traffic congestion at the site; and (3) safety concerns raised by the use. While the appeal raises other arguments, they generally can be categorized in these major concerns.

2. The City Council specifically finds that the Planning Commission did consider parking issues arising from the proposed use and imposed reasonable conditions to alleviate parking concerns at the site. Those conditions include the posting of signs on Kentucky Avenue and providing some parking on-site. The appellants complained of parking in the adjacent businesses. The Council specifically finds that parking in adjacent businesses is not a matter for consideration under the arguments of the Appellants and that the adjacent businesses can address those issues if they choose to do so. The Council also notes notwithstanding the Appellants assertions regarding the lack of available public parking, the significant number of available parking stalls in the Holladay Village Center area and the purpose of the Holladay Village Zone to create pedestrian traffic.

3. The City Council finds that the Appellants assertions regarding safety concerns at the site are not supported by substantial evidence in the record of proceedings before the Planning Commission.

4. The Appellants arguments regarding noise at the site are not supported by substantial evidence in the record of proceedings before the Planning Commission, and further appear to be concerns regarding enforcement of the City's noise ordinance, and not arguments addressed to the Planning Commission's decision.

5. The Appellant's assertion that there is insufficient room at the site to create the required walkway is not supported by substantial evidence in the record of proceedings before the Planning Commission.

6. The Council finds that the Planning Commission's direction on the posting of signs on Kentucky Avenue was ambiguous. The Council finds that the direction should be that the applicant pays for and the City to post the signs on Kentucky.

7. The Appellants' arguments relating to the installation of improvements on site are arguments directed towards enforcement of the permit conditions and not issues regarding the issuance of conditional use approval. The Applicant is directed to install the necessary improvements within 30 days of the written decision on this matter.

Council Member Palmer seconded the motion.

Council Member Pace supports the decision but would like to add a couple of points that need further discussion. These don't change the decision but may supplement the reason why. One of the main concerns was traffic impact on the adjacent neighborhood which includes speed or volume of traffic. As to the speed of traffic it is clear that the reconfiguration of the road, addition of stops

signs and crosswalks is pretty clear mitigation of any concerns that may arise with the speed of traffic. As to the volume of traffic, there was nothing in the record except an allegation that putting in a food truck court will bring more cars. Anything will bring more cars than a vacation lot which was there. He also commented on light pollution, but there is nothing in the record that talks about light or alleges any impact and feels this is a non-issue. Council Member Pace then addressed the issue of safety and parking. As to parking, there is no question we need to revisit our ordinance. The whole concept of the Village Center was to make it walkable. There is evidence in the record that the Planning Commission was sensitive to the concerns of the neighborhood and recommended the installation of signs. That should be adequate to mitigate any impact to the neighborhood. He feels there was substantial evidence in the record on traffic, safety and parking that whatever adverse impacts were identified have been addressed.

Mayor Dahle stated that the arguments made by Council Member Pace support the motion.

The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. The motion to deny the appeal was approved by a unanimous vote.

Mr. Godfrey stated that this matter will be remanded to the Design Review Board and they will look at the plan and make a recommendation to the Planning Commission. The Commission can change the conditions of the permit or leave it as it. He will prepare a written decision of the Council's motion for their review and approval.

Council Member Gunn stated that he shares the appellants concerns about parking but it was not his job to decide if the conditions set on parking were correct. The role of this body was to decide if the procedure followed was correct and if there was substantial evidence in the record that supported the decision of the Planning Commission.

VI. *Consideration of Resolution 2015-19 Granting a License Agreement for Mark Olsen*

Council Member Gunn moved to approve Resolution 2015-19. Council Member Petersen seconded the motion.

Council Member Pace made a motion to amend the agreement with the following two modifications. One is to add who in the City signs off on the site plan and secondly that there is some type of insurance. Council Member Gunn seconded. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. Resolution 2015-19 was approved by a unanimous vote.

VII. *Consideration of Resolution 2015-20 Granting Advice and Consent of the City Council for the Appointment of Members to the Historical Commission*

Council Member Pace moved to approve Resolution 2015-20. Council Member Palmer seconded the motion. The Council roll call vote was as follows: Council Members Pace, Petersen, Pignanelli, Gunn, Palmer and Mayor Dahle in favor. Resolution 2015-20 was approved by a unanimous vote.

VIII. *Council Reports.*

There were none

IX. *Other Business.*

X. *Recess City Council Meeting and Convene in an RDA Meeting.*

Council Member Petersen moved to recess the City Council Meeting and convene in an RDA meeting. Council Member Pace seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:03 p.m.

XI. *Adjourn City Council Meeting and Convene in a Work Meeting*

Council Member Petersen moved to recess the City Council Meeting and convene in a work meeting. Council Member Pignanelli seconded the motion. The Council voted in the affirmative and the meeting adjourned at 7:21 p.m.

WORK MEETING
August 20, 2015

ATTENDANCE

Mayor Rob Dahle
Lynn Pace
Patricia Pignanelli
J. James Palmer
Sabrina Petersen
Steven Gunn

City Staff
Randy Fitts, City Manager - *excused*
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney
Paul Allred, Community Development Director
Clarence Kemp, City Engineer

Mayor Dahle convened the Council in a Work Meeting at 7:35 p.m. after visiting the playground site.

a. Update on City Hall Park/Playground.

Clarence Kemp updated the Council on the park. He commented that we are working on the grant application for the park. The next phase is using existing walkways around the exterior and one around the green space. The grant includes shade structures and seating.

b. Discussion on Trees in the Plaza

Mayor Dahle discussed the opportunity to create a “room” on the plaza with a tree canopy. It would be an area that would encourage people to sit and visit. It would consist of about 10-12 trees that grow together to create a canopy. It would be placed in the center of the plaza between the two buildings.

The Council expressed concern about blocking sight lines and needing to be sensitive to the retailers. Council would like to move forward with a design concept. They want to make sure to involve the businesses if we decide to move forward.

c. Discussion on Arts Council Appointments

The Council felt there was not a need to bring in each member. Council Member Gunn feels like the Chair needs to be recognized by the Council for all their work.

d. Calendar

The Council will hold a social on August 27 at Council Member Pace’s house. There will be an employee luncheon on September 1 at Noon provided by the Mayor. The next meeting of the Council will be Sept. 10.

e. Other Business.

Council Member Pignanelli followed up with the council on the West Nile notification the fogging of park. She passed out an FAQ sheet from the company on the fogging.

Council Member Petersen would like to make sure the Council follows up with looking at the parking requirements for food trucks before next season.

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

XII. Adjourn Work Meeting.

There being no further business, Council Member Petersen moved to adjourn and reconvene as an

RDA Board. Council Member Pignanelli seconding the motion. The Council voted in the affirmative. The meeting adjourned at 8:33 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, August 20, 2015.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: 9-17-15