

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

Thursday, November 8, 2018

**Mt. Olympus Room
4580 South 2300 East
Holladay, UT 84117**

BRIEFING SESSION - 5:30 p.m.

ATTENDANCE:

Mayor Rob Dahle
W. Brett Graham
Steven Gunn
Mark Stewart
Sabrina Petersen
Paul Fotheringham

City Staff:

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

Mayor Dahle called the Briefing Session to order at 5:35 p.m. The Council reviewed the agenda items.

Council Member Gunn reported that since the last meeting he and Mr. Allred have met with Steve Glaser and Chris Kamlowksy on the Tree ordinance. Language was added to specify that if a deciduous tree is removed, it shall be replaced by one single deciduous tree. The voucher policy was also discussed. The possibility of modifying it to help offset the cost was mentioned. The Mayor recommended that the Tree Committee further study the voucher program and expand it to include waterway trees. He did not want to present a hardship to someone who has to remove a dead tree from the bank.

Mr. Godfrey referenced page four, line 24, of the proposed Tree Ordinance pertaining to the standards to approve a plan for tree canopy sustainability. It specifies that the proposed buildings and improvements cannot feasibly be oriented other than proposed to allow for preservation of the existing tree canopy coverage. He considered that to be fairly restrictive. He suggested that there not be a value judgement between trees and the use of private property.

Mr. Godfrey explained that that the permit to remove a dying or diseased tree from a waterway in prior versions would have required Planning Commission approval. It was stricken several versions ago, however, in a recent version the language was put back in inadvertently.

Mayor Dahle next addressed agenda item number six and stated that Council Member Peterson asked that it be placed on the agenda. Mr. Godfrey explained that there is a pending application that raises concern; however, the proposed ordinance would not affect that application. There was concern about some of the conditional or permitted uses in the C-2 zone and whether the Council is doing its part to preserve that property and protect the fiscal integrity of the City long term. More growth was being generated in the C-2 zone so it was thought that now may be a good time to reassess some of the uses.

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City Council Chambers

4580 South 2300 East

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Council Meeting 6:00 p.m.

ATTENDANCE:

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W. Brett Graham
Steven Gunn
Mark Stewart
Sabrina Petersen
Paul Fotheringham

City Staff:

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

I. *Welcome* – Mayor Dahle.

Mayor Dahle called the meeting to order at 6:05 p.m.

II. *Pledge of Allegiance.*

The Pledge was recited by those in attendance.

III. *Public Comments.*

Paul Eagleston - 4920 Cottonwood Ln. He stated that after the Cottonwood Mall plan was approved, it became evident that the majority of Holladay residents were opposed to the plan. He asked if it was the Council's intent to follow the public's desire.

Todd Godfrey, City Attorney stated that the issue has not yet been discussed by the Council. He indicated that there are numerous complicating factors. He commented on the legal status of the application based on the vote and the disposition with the Supreme Court is in flux. It was his opinion that there is no legal way for the City to unilaterally revoke the property interest that is present in the approved application.

Mr. Eagleston observed that during the process, some Council Members were silent while others, including the Mayor, were campaigning for the plan. He wondered if the view of the citizens would have changed their positions. Council Member Graham commented that the public does not speak with one voice and there are supporters on both sides of the issue. The Council can only respond to applications, it is still privately owned property.

Mayor Dahle defended his position as a citizen and indicated that he would not campaign for it in his capacity as Mayor.

Heather Knighton - 2876 E Nora Dr. He addressed Proposition 14. She understood that there are people on both sides of the issue. She asked that they come together and consider Holladay as a whole.

IV. *Public Hearing on Proposed Tree Canopy Sustainability Ordinance.*

Mayor Dahle opened the public hearing at 6:17:30 pm. There were no public comments. Mayor Dahle closed the public hearing at 6:18 pm.

V. *Consideration of Ordinance 2018-18 Adopting a Tree Canopy Sustainability Ordinance.*

Mayor Dahle thanked Council Member Gunn for his efforts. He noted that there has been a lot of thought put into it as well as a great deal of compromise and public input to get it to this point.

Council Member Gunn pointed out that the proposed ordinance requires the replacement of trees in waterways. A voucher program is in place in the City that is administered by the Tree Committee and provides vouchers that cover a portion of the cost of trees. Until now, the program was limited to street trees. Although the ordinance does not reference the Tree Voucher Program, the Council has discussed the likelihood of directing the Tree Committee to extend it to include trees that are removed from waterways. They also proposed increasing the amount of the vouchers.

Mayor Dahle recalled that when the voucher program was originally considered, they budgeted about \$10,000 toward it but did not get many requests and subsequently cut the budget. He thought it would be appropriate for the Tree Committee to revisit the ordinance and expand and increase the voucher program budget. It was suggested that the budget discussion include the cost of including a public education campaign and a report from the Tree Committee on the program.

Council Member Gunn moved to adopt Ordinance 2018-18 with the following modification: strike language from the proposed ordinance as follows: on Page four, Section D subsection 2 delete section B. Council Member Petersen seconded the motion.

Council Member Stewart commented that the ordinance has been in effect for several years and became an issue when a lot in his district on Walker Lane was clear cut. There was a huge uprising among area residents, which resulted in him getting involved with the ordinance. Several community meetings were held to discuss the importance of trees. What has been challenging was addressing the importance of protecting trees while also preserving private property rights. With the proposed ordinance, he believed they had reached a compromise. He explained that someone is allowed to cut down a tree in their yard and there would be no need to come into the City and ask for approval. The intent of the ordinance is to prevent issues involving clear cutting a property. The ordinance requires someone to ask for approval before removing trees and agreeing to replace them. He considered it to be a great compromise. One of the things that makes Holladay unique is the tree canopy. He expressed his support for the proposed ordinance.

Council Member Graham agreed with Council Member Stewart and applauded the work of the Tree Committee and Council Member Gunn. He stated that he loves trees and wants more of them and his vote was not against the objective but the mechanism. He felt that it applies unevenly to people based on the trees on a lot. Someone who doesn't have trees on their property is treated very differently from someone who does and the proposed his opinion was that the proposed ordinance impinges on private property rights. He expressed his opposition. He hoped to see an increase in the voucher program.

Mayor Dahle was sensitive to both sides and stated that it has been difficult to balance private property rights despite the fact that it is good for the community. The existence of zoning indicates that municipalities have a role to play in regulating private property. Although not a perfect solution, he considered this to be the City's first opportunity to state that Holladay plans to continue to develop and much of the tree canopy being lost is on private property that has been undeveloped. He felt that the City has a duty to get involved and have a mechanism in place to replant trees that are taken out as a result of development in order to regenerate the canopy in the future.

The Council roll call vote was as follows: Council Members Petersen, Fotheringham, Stewart, Gunn and Mayor Dahle in favor, with Council Member Graham opposed. Ordinance 2018-15 was adopted with a 5-to-1 vote

VI. *Consideration of Ordinance 2018-19 Imposing Temporary Zoning Regulations Regarding Permitted and Conditional Uses in the C-2 Zone and Specifically Storage Units, Residential and Multi-Family Residential Uses.*

Council Member Petersen reported that an application has been received for a storage unit facility on property that is zoned C-2. Her intent was not to prevent the use but to study the conditional and permitted uses in the City. The last time the uses were reviewed was nine years ago and the uses that were envisioned at that time are completely different. The intent was to look at different uses in the C-2 zone and determine if that is the best use for the City. Storage units generate property taxes but take away the opportunity for sales and other taxes and is a low impact use in terms of police and fire. She indicated that the proposed ordinance will in no way impact the application that is already before the City but will place a temporary hold of up to 180 days on other applications coming forward. She wanted an opportunity to step back and determine whether it is something they want in the C-2 zone.

Mayor Dahle thought it was justifiable to look at the two uses. He supported taking a pause to allow the Planning Commission to study the issue. Mr. Godfrey indicated that 1½ years ago when the City did a comprehensive rewrite and review and adoption of a new General Plan, the two C-2 zones were critical to the mix and balance of the City. He commented that there is always a use for property to go to the easiest application of a land use. He was worried that they were pushing the edge of the C-2 currently.

Council Member Petersen recalled that when they reviewed the overall Master Plan, they were careful with respect to where the C-2 is located and had no desire to add to it. She considered this to be a good opportunity to pause and reconsider the situation and whether they are doing what is best for the City in their C-2 zones.

Mr. Allred believed this was the right direction for this use. There is another similar project in the crossroads area that was a carry over. He commented that no one anticipated this type of a use being proposed at that location. He asked if it would be the Council's intent to also exclude residential mixed use. He noted that currently residential mixed-use with commercial is allowed in the C-2 zone and is a use that has been proposed on the site. One possibility would be a mixed-use residential PUD.

Mr. Godfrey commented that what they may ultimately be willing to do with residential would be a truly integrated mixed-use. If uses are considered that are called out in the moratorium ordinance, he suggested they discuss fully integrated mixed-use projects consisting of different uses in the same building. Possible verbiage changes were discussed. Mr. Godfrey suggested that storage units be addressed as well as any use that suggests ground floor residential.

Council Member Petersen moved to consider Ordinance 2018-19 opposing temporary zoning regulations regarding permitted and conditional uses in the C-2 zone and specifically storage units and ground floor residential. Council Member Stewart seconded the motion. The Council roll call vote was as follows: Council Members Petersen, Fotheringham, Stewart, Gunn, Graham, and Mayor Dahle voted in favor. Ordinance 2018-19 was adopted unanimously.

VII. City Manager Report – Manager Chamness.

City Manager, Gina Chamness, reported that Knudsen Park was getting a lot of use. They were experiencing some implementation challenges with one relating to off leash dogs in the center area. She and Ms. Smith met with Salt Lake County Animal Services earlier in the week and asked that they focus on education in the fall and spring months regarding the leash requirement in the parks before beginning enforcement. Signs had been ordered and would be posted soon.

Ms. Chamness indicated that Salt Lake County implemented the 4th Quarter Transportation Funds which will be generated between October 2018 and July 1, 2019 and then flow directly to the City. Approximately \$40 million was expected to be generated. The County had begun the application process and the City would be making a couple of submittals. The first consisted of a joint submittal with Millcreek City for 3900 South, which consists of a request for \$4.7 million to complete the project. In addition, they have been approached by Salt Lake City to participate in an alternatives analysis with Salt Lake City and Millcreek to look at multi-modal connectivity, which may include bus rapid transit or a streetcar. Salt Lake City was contributing a \$40,000 match to make the grant proposal more appealing. Millcreek planned to contribute approximately \$10,000.

Ms. Chamness reminded the Council that in this year's budget they provided just over \$200,000 toward unrestricted capital projects. She proposed that they also include a match of \$5,000 demonstrate their commitment. Mayor Dahle expected Millcreek to be the prime beneficiary if a connection is made and felt that a match of \$5,000 would be appropriate. Ms. Chamness explained that the application is also proposing to consider alternatives to Holladay Crossroads.

Ms. Chamness indicated that there are a couple of intersections for which the City has received several million dollars from the Wasatch Front Regional Council (WFRC) for improvements along Highland Drive and 6200 South. The engineer the City has been working with on both projects, Todd Perkins, exceeded the budgetary cap by over \$50,000. Because of their procurement practices, UDOT has no flexibility. The UDOT Project Manager, Mr. Perkins, and Ms. Chamness had spoken and she proposed that the City reimburse Mr. Perkins directly for some of those expenses in an amount not to exceed \$25,000 to be consistent with the City's own procurement practices.

VIII. Council Reports and District Issues.

Council Member Gunn was updated on the status of the 'no camping' sign to be posted at Knudsen Park.

Council Member Petersen reported on the upcoming production of *The Messiah* was scheduled for November 25 at Olympus High School.

Council Member Fotheringham reported that the Bonneville Community Council was very appreciative of the 'no parking' signs on Matteo and the enhanced crosswalks that have been installed.

The Mayor reported that it has become a tradition in Cottonwood Heights to have the neighbors cook a meal for first responders who are either on duty or between shifts. The event will be held on Monday, November 19 from 5:00 p.m. to 7:00 p.m. at City Hall.

IX. Recess to City Council Work Meeting.

Council Member Gunn moved to recess and reconvene in a Work Session. Council Member Stewart seconded the motion. The motion passed with the unanimous consent of the Council. The Council convened in a work meeting at 7:27 pm

1. CIP Advisory Update.

Ms. Smith reported that the formal application deadline for the citizen advisory group for the Capital Improvement Plan is Friday, November 16. She provided a list of residents who have requested an application. Two have formally applied. Other potential applicants were identified. Once applications are submitted, they will be reviewed and narrowed down. The intent was to kick off the group early in the new year and involve them in the budgeting process for the next fiscal year. Ms. Smith indicated that they plan to include a message in the newsletter to educate citizens.

2. Discussion on Traffic Calming.

Ms. Smith indicated that there have been several requests from residents about traffic calming. There has been no formal process to address these issues. Information was submitted in an effort to obtain general policy direction and possibly adopt a formal guideline. Various traffic calming measures should also be suggested that are permissible. The traffic calming process used by another city was described that allows a process of evaluation.

Manager Chamness reported that enforcement has been complaint based. It was noted, however, that the Police have received complaints on nearly every street in the City. As a result, they typically rotate through the City. Ms. Chamness stated that the proposed plan would ensure that they are treating all residents consistently and fairly.

Ms. Smith stated that there are engineering standards for the roadway classifications in terms of what the speed limit should be. She noted that those issues will be taken into consideration.

Council Member Stewart had heard that nationally cities have moved away from traffic calming devices because they give people a false sense of security.

3. Discussion on Uses in the Holladay Village (HV) Zone.

Mayor Dahle reported that he received a call from Tom Henroid who indicated that he has been in negotiations with Chase Bank on the remaining corner space next to Great Harvest. He was

concerned that allowing another restaurant use there will overtax the parking facility. When trying to obtain a permit, it was discovered that a bank is not an approved use in the area.

The Mayor explained that in that area of the Village, ground floor spaces are required to be a retail use. Banking is not a retail use. If the desire is to pursue such a use there, Mr. Godfrey suggested including banking or credit unions in a retail classification. He recommended, however, that the City be cautious about how they approach it to avoid opening up arguments about other professional office uses that have already been denied on the ground floor. The Mayor stated that he would inform Mr. Henroid that the Council has not changed their stance on the matter and are not supportive of amending the uses.

Mayor Dahle reported that he met with Ken Melby who is very open to a discussion with Craig Hale on shared parking for SoHo. He indicated that 42 parking stalls will be available after 5:00 p.m. on weekdays and all day Saturday. The Mayor thought there was a great opportunity to link the two and address safety concerns that exist with Soho by allowing people to park on the lot adjacent to the use. He also had no issues with the improvements being considered. The suggested cost was \$1,100 per year to offset his costs, which the Mayor considered very reasonable.

4. Calendar – Schedule of Upcoming Meetings.

Council Meetings: December 6. The Interfaith Service is scheduled for November 18 at 6:30 p.m. History Night – November 15 and the Tree Lighting in November 26. The Council Christmas Social is Wednesday, December 5 at 6:00 p.m. The Canvass was to take place on Tuesday, November 20 at 4:00 p.m.

X. Closed Session pursuant to Utah Code Section 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.

XI. Adjourn City Council Meeting.

Council Member Gunn moved to adjourn. Council Member Stewart seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 8:10 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Meeting held Thursday, November 8, 2018.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **January 17, 2019**