

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING**

**Thursday, October 4, 2018
Mt. Olympus Room
4580 South 2300 East
Holladay, UT 84117**

4:30 p.m. Joint City Council and Planning Commission Field Trip to Knudsen Park.

BRIEFING SESSION - 6:00 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 6:04 p.m. Design Review Board (DRB) Nominees Tom Fox and Nolan Mendenhall were introduced. Mr. Fox and Mr. Mendenhall talked about their background.

Council Member Petersen stated that there is a character in the Village Center that the Council has strived to maintain. The intent of the DRB is to enforce what exists. She encouraged Messrs. Fox and Mendenhall to read the Vision Statement for the Village Center. The Mayor thanked both men for their willingness to spend their personal time to protect and preserve the vision of the area.

The Arts Council nominees were next introduced. Mayor Dahle reported over the last few years, the Arts Council has come into its own in terms of providing an asset to the community through various events. Council Member Petersen appreciated that both bring something new to the Arts Council. She also thanked Council Member Gunn for his work on the Arts Council.

Clint Salisbury and Jeffrey (JC) Conrad introduced themselves and provided a brief background.

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City Council Chambers
4580 South 2300 East
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Council Meeting 6:00 p.m.

ATTENDANCE:

Mayor Rob Dahle
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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 6:35 p.m.

II. Pledge of Allegiance.

Lucas Ogden, Scout Troop 685 led the Pledge.

III. Public Comments.

Ann Granato - SL County Council. She reported that she has attended each of the Council Meetings in the district to hear what their issues are and let them know what she is doing. She has been very involved in transportation and working with Holladay and Millcreek on the 3900 South projects that are being planned. She was also working with the County to obtain funding to be infused into the program. She was also working on Parks and Recreation funding to benefit both cities for recreational areas. She had also been very involved with the Central Wasatch Commission (CWC) on what will be taking place in the canyons. She urged the Council to stay in contact and let her know how she can best serve the City.

Katie Reed - 2240 E Lauri Kay Dr. She urged the Council to vote against the tree ordinance as she considers an overreach of government into private property rights. She pointed out that the new iteration does not consider the cost that the City would expend trying to create justice for citizens in this regard. It seemed to her that in order to adopt a Tree Ordinance, a survey must first be conducted. Ms. Reed commented that the ordinance makes no accommodation for the fact that trees are living organisms. As a taxpayer, she was opposed to expending City funds for such a use. It also opens the City up to a potential lawsuit. The ordinance does not take into account that trees change over time and climate and weather changes are not taken into account. She claimed that the need for citizens to expend resources for maintenance was also not considered.

Council Member Petersen moved to take agenda items 6 and 7 out of order and address them next. The motion was seconded by Council Member Graham. The motion passed with the unanimous consent of the Council.

The Council next addressed agenda items 6 and 7 after which they continued with the agenda items as printed.

IV. *Public Hearing on Proposed Chapters 13.07.030 and 13.76.700 Regarding Maximum Grade Alterations in Residential Zones.*

Mayor Dahle reported that the above item was introduced by former Council Member Lynn Pace regarding issues he had with grading.

Jonathan Teerlink – Planner provided a brief staff report. Complaints have been received in the past from abutting property owners who live on an older property. The next door neighbor wants to rebuild the home and/or rebuild or build a garage. He noted that the slope of the property may have a negative slope away from or above the street. If it slopes away, the common practice is to make the entire lot flat. Doing so raises the grades by two to four feet above the backyards of the older property, which has accommodated the development with the natural slope and topography of the neighborhood. The concerns pertained to privacy, private property trespass, and storm water retention issues. The result is a garage that is three to five feet higher than the backyards of the abutting property owners. The maximum height of the garage may comply with maximum height limits because it is measured from the old grade which is very intrusive to the neighbors next door. Compounding the problem is an erosion situation where there are sprinkler systems that have failed or a long, deep driveway that accesses the garage. There is the potential for property damage with erosion taking place under the neighboring fence.

Mr. Teerlink reported that the Planning Commission has considered the issue over several months in an effort to create a maximum fill standard. They determined that if the natural grades are to be changed by more than two feet, Planning Commission approval is required. The intent would be to determine what the neighbors' issues might be. The Planning Commission determined that rather than apply a strict standard, to instead apply a conditional use so that if there are adverse effects, the neighbors will have an opportunity to voice their concerns.

City Attorney, Todd Godfrey, expressed support for the conditional use standard. He explained that it presents the appropriate amount of regulation on the property and focuses on how to fix the negative impacts that impact adjacent properties. He considered that to be the appropriate level of regulation.

Mayor Dahle opened the public hearing at 7:02:19pm. There were no public comments.
Mayor Dahle closed the public hearing at 7:02:35pm.

V. *Public Hearing on Proposed Amendments to Chapter 13.04 Clarifying Existing Definition of Accessory Building.*

Mr. Teerlink provided a staff report. People are "attaching" accessory buildings to the home so they don't need a conditional use permit. The dwelling needs to be substantially attached by an enclosed space to the main home. Specific verbiage to include in the chapter was discussed.

Council Member Petersen had an issue with the footprint and did not think it should be allowed to be larger than the primary dwelling and is uncomfortable with it being a conditional use.

Mr. Teerlink explained that accessory buildings currently are limited in terms of footprint based on lot size. In order to exceed the maximum size, it would be necessary to request a conditional use permit before the Planning Commission. There could be conditions applied to the additional size based on abutting properties or other conditions that may be imposed. Staff has found that developers and residents have decided to attach their garage to the house based on the belief that because it is one structure there is no need for Planning Commission review. Mr. Teerlink stated that the City does not have a strong enough definition of what constitutes a detached structure whereas attaching it to the building connotes different restrictions.

Types of attachments were described. In order to attach an accessory building and avoid going through the conditional use approval process for size, it needs to be substantially attached with a conditioned space that has walls, a roof, and a foundation. The Planning Commission drafted text that specifies that if the total size of the accessory building exceeds the size of the main home or primary structure, it automatically requires Planning Commission approval regardless of whether it is attached.

Mayor Dahle stated that regardless of whether an accessory structure is attached, it still has to comply with height, setback, and impervious surface requirements.

Mr. Teerlink explained that requiring the accessory garage, when it is attached to the house, needs to be part of the home. This requires the garage to have larger setbacks. He noted that accessory buildings have a much smaller setback than the house. The Commission was comfortable specifying that if the proposed garage is larger than the main home, Planning Commission review is warranted.

Mayor Dahle opened the public hearing at 7:18:40. There were no public comments. **Mayor Dahle closed the public hearing at 7:19pm.**

Council Member Gunn described the proposed changes and continued to be troubled by the notion that an accessory building can be larger than the main building. He felt there should be some limitation based on the footprint of the main dwelling. Setback issues were discussed.

Community Development Director, Paul Allred, explained that with accessory buildings, it is still necessary to meet the graduated height requirement. In addition, accessory buildings cannot be the same height as the home and are limited at a height of 20 feet. The issue has been with the size of the accessory buildings being requested in that they have become increasingly larger.

VI. *Consideration of Resolution 2018-34 Granting the Advice and Consent of the City Council for Members to the Arts Council.*

Council Member Petersen moved to approve Resolution 2018-34 with members being Lisa O'Bryan, Clint Salisbury, and Jeffrey Conrad. Council Member Stewart seconded the motion. The Council roll call vote was as follows: Council Members Graham, Fotheringham, Petersen,

Gunn, Stewart, and Mayor Rob Dahle in favor. Resolution 2018-34 was approved by a unanimous vote.

VII. *Consideration of Resolution 2018-35 Granting the Advice and Consent of the City Council for Members to the Design Review Board.*

Council Member Petersen moved to approve Resolution 2018-35 with Tom Fox and Nolan Mendenhall as members. Council Member Stewart seconded the motion. The Council roll call vote was as follows: Council Members Graham, Fotheringham, Petersen, Gunn, Stewart, and Mayor Rob Dahle in favor. Resolution 2018-35 was approved by a unanimous vote..

VIII. *Consent Agenda.*

a. *Approval of Minutes – June 21, August 2 and 23, 2018.*

Council Member Petersen moved to approve the consent agenda. Council Member Stewart seconded the motion. The motion passed with the unanimous consent of the Council.

IX. *City Manager Report – Manager Chamness.*

Manager Chamness reported that she and Assistant to the City Manager, Holly Smith, recently attended a workshop that Salt Lake County hosted earlier in the day on the hidden costs of free parking. Mr. Allred participated in a panel representing all cities in Salt Lake County and addressed parking challenges and the advisability of parking minimums and maximums.

Ms. Chamness stated that earlier the week she hosted a meeting of Salt Lake County City Managers. They had an opportunity to discuss a number of issues that are important to everyone including the future of justice courts. The Council of Mayors planned to host a discussion of justice courts within the next few months.

X. *Council Reports and District Issues.*

Council Member Graham reported that he met with Cameron Diehl from the Utah League of Cities and Towns earlier in the week and stated that the League will be holding their board meeting on October 15 to address the upcoming legislative session.

Council Member Fotheringham indicated that the Youth Council will be spearheading the Trunk or Treat on Monday, October 30. This Tuesday, the Youth Council also participated with the Mayor in the Assistance League's annual event involving bagging up clothing donations.

Council Member Fotheringham stated that he recently met with a resident from his district who believes there is an inappropriate storage facility on the inside of a condominium complex. They have separately owned garages that are not used by residents that are being rented out. He also heard about a new online business called Neighbor.com where people can rent out extra space in their home for sleeping and storage. He commented that perhaps their discussion on short-term rentals needs to be expanded beyond bed and breakfasts. He had also spoken to the President and Vice President of the HOA about the suspected use.

Council Member Fotheringham spoke to Ms. Chamness about the Fire Station Appreciation Breakfast with the fire station platoons. The idea was that once per month, two members of the Council or a member of the Council and a guest would host breakfast for the platoon that is on

duty on a specific Saturday of each month. Once every quarter each platoon would have an opportunity to be served breakfast. It would be an opportunity to express appreciation for the good work the Fire Department does. It was noted that at some point the program may be expanded to the Police Department and City employees.

Council Member Petersen stated that a constituent reached out to her and expressed some of the same concerns she has had with the rebuilding of homes along the east side of Wander Lane and the lack of sidewalks there. She was aware that the City has a sidewalk program in place but doubted it would be enough. She noted that potentially nearly every home from Murray Holladay Road to 4500 South on the east side has been torn down and rebuilt. She felt the City had missed an opportunity to place sidewalks on the east side of Wander Lane, which is a main thoroughfare for children walking to school. She suggested they come up with a better sidewalk program for homes that are rebuilt and remodeled, particularly if they are located along certain walkways that connect children to schools.

Ms. Chamness reported that earlier in the week, she and Council Member Gunn met with a resident who shared the same concerns. One of the issues is the number of trees that would need to be removed. The lane is tiny and there is a canal on one side. Last spring, the City Engineer prepared a cost estimate and the estimate to be around \$700,000, including moving utilities. Council Member Petersen's understanding was that when homes are purchased, torn down, and rebuilt, the sidewalks are to go in at the new owners' expense. Ms. Chamness stated that that is correct unless the fees are waived. Council Member Petersen realizes it is an expense but that it has been a missed opportunity in some areas.

Staff repeatedly receives requests from people who do not wish to install sidewalk. Several options are offered including deferring the improvements, payment in lieu, or waiving the requirements. Council Member Gunn suggested another option, which was to make it a one-way road. Council Member Petersen suggested that property owners be offered two choices rather than three. Possible options were discussed.

Council Member Gunn stated that one of his constituents who lives on Kentucky Avenue has suggested that they add to their animal ordinance a provision that prohibits allowing pets to roam. He also asked that the City consider sterilization requirements for animals.

Council Member Stewart updated the Council on the Happy Healthy Holiday Committee who is putting together a City-wide walk that will begin in March. Advertising will be done in December and January to promote the club. They will rotate each week to the various parks in the City. He acknowledged a tour taken earlier in the day of Knudsen Park. He was very impressed with it and was excited for residents to start using it. Several constituents had reached out to him asking when it will be opening. He commented that they picked the right construction company to do the park as they have done a very good job and completed the work on time. He felt that the park will be a great asset to the City and his district in particular.

Mayor Dahle reported that he has been working with the County and a few citizens who are actively involved in mountain biking. They discussed the possibility of taking the open space that abuts the courts and ball fields at Olympus Hills Park and turning it into a mountain bike

training track. There are 12 acres there and they have made huge strides over the past few months. The next step will be to present the plan design to the public. He felt they have a singular opportunity to take what is a very unused piece of open space in the City and turn it into an amenity. He expected to see the initial design the first part of November after which they will begin to set up public engagements, particularly with residents next to the park in January and February.

The Mayor expressed an interest in meeting with staff to revisit the open space piece in Hughes Canyon, which is an easement for the water pipeline to determine whether there is an opportunity for a dog park.

Mayor Dahle reported on changes taking place within the Unified Police Department (UPD) such as Herriman and Riverton separating. He suspected it will result in major reorganization of the pooled services portion of the UPD. There is also legislation that would allow the UPD to select its own Chief. The Board would like to separate from that relationship and have the Sheriff be over the County police services.

XI. *Recess to City Council Work Meeting.*

Council Member Gunn moved to recess and reconvene in a Work Session. The motion was seconded by Council Member Stewart. The motion passed with the unanimous consent of the Council.

1. Discussion on Previous Public Hearings.

The Council discussed the two proposed text amendments. The Council would like more information and discussion on accessory buildings. They are ready to approve the grade change at the next meeting.

2. Presentation on Water and Sewer Districts.

Ms. Chamness reported that several weeks earlier a question was raised about water companies and who provides services in the City. Ms. Smith made a presentation on water and sewer district issues. She reported that there are three culinary water providers in the City and two sewer providers. The service areas were identified as well as the individual providers and how they operate. The culinary water service providers were identified as Holliday Water (4,000 connections), Jordan Valley Water Conservancy District (8,780 connections), and Salt Lake City Public Utilities (91,500 connections). The sewer providers were identified as Cottonwood Improvement District and Mount Olympus Improvement District. Both recently increased their rates.

Issues pertaining to water rights were discussed. Mr. Godfrey reported that once water rights are acquired as a City they cannot sell them. Because they are required to use any water right they have, it is important to make sure that what is purchased can be put to use in a gainful way.

A question was raised by the Mayor about whether the gutters belong to the City or the residents. Ms. Chamness reported that the City has an ordinance in place that states that maintenance of gutters belongs to the residents. She explained that in some cases the City has agreed that if the gutter is an important waterway they have to share, there is a provision in the ordinance for a

50/50 cost sharing program for sidewalk, curb, and gutter. Her understanding was that that has not been funded in about 10 years.

3. Discussion on Housing Gap Coalition Resolution.

Mayor Dahle agreed with the philosophy of the resolution but questioned whether Holladay complies with much of what is suggested. He did not want to promise in a resolution something they do not think they can deliver.

4. Calendar – Schedule of Upcoming Meetings.

Council Meetings: October 11 and 25, November 1, 8 and 15. The Interfaith Service is November 18 at 6:30 p.m. History Night – November 15. The Council Christmas Social is Wednesday December 5 at 6:00 p.m.

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

XIII. 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 9:21 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Meeting held Thursday, October 4, 2018.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **November 1, 2018**