

**MINUTES OF THE
HOLLADAY CITY COUNCIL MEETING
BRIEFING SESSION**

**Thursday, January 23, 2020
City Council Chambers
4580 South 2300 East
Holladay, UT 84117**

ATTENDANCE:

Mayor Rob Dahle
Paul Fotheringham
Matt Durham
Drew Quinn
Sabrina Petersen
Dan Gibbons

City Staff:
Gina Chamness, City Manager
Todd Godfrey, City Attorney
Jonathan Teerlink, City Planner
Paul Allred, Community Development Director
Stephanie Carlson, City Recorder
Chief Hoyal, Unified Police Department

Mayor Dahle called the meeting to order at approximately 5:30 p.m.

The agenda items were reviewed and discussed. Mayor Dahle informed the Council that they should seek clarification on questions they may have without getting into a debate during the public hearing. He expected the more complex issue to be the hearing on maximum heights.

The Mayor reported on the condemnation resolutions. The City has not condemned property for some time. The process was to adopt a resolution approving the condemnation process that follows a period of negotiation.

The Council discussed minor edits to the proposed meeting minutes scheduled for adoption.

Chief Hoyal from the Unified Police Department (“UPD”) provided the Council with information an upcoming training for UPD Board Members scheduled for February 27 from 10:00 a.m. to 3:00 p.m. at the UPD Main Office at 3365 South 900 West. He also reported about the mountain lion in Canyon Cove that was trapped and relocated.

There was discussion about the calendar and the upcoming Utah League of Cities and Towns Conference. Mayor Dahle encouraged New Council Members to attend.

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CITY COUNCIL MEETING

I. *Welcome* – Mayor Pro-Tem Fotheringham.

Mayor Dahle called the meeting to order at approximately 6:02 p.m.

II. *Pledge of Allegiance.*

The Pledge was led by Mayor Dahle.

III. *Public Comments.*

There were no public comments.

IV. *Public Hearing on Proposed Amendment to Title 13 Pertaining to Maximum Heights Allowed within the Holladay Village Zone.*

Jon Teerlink, City Planner presented the staff report and stated that the request is to amend the Holladay Village Ordinance as it pertains to building heights. The applicant, Chris Ensign presented a proposal to amend building heights in the Holladay Village Zone as they pertain to elevator shafts and maximum heights in the Village Zone. In 2016, the ordinances were modified and the overall heights were reduced considerably compared to the originally approved heights in 2006 when the Holladay Village Zone was created. Mr. Teerlink reported that some streets require the ground floor to be wholly retail in order to preserve the tax base. To create a viable space, some heights need to be slightly higher than what would normally be allowed in the Village Zone. Mr. Teerlink explained that higher main floor elements result in the overall height extending beyond the maximum height allowance and making it difficult to design and build upper levels. The Planning Commission ultimately submitted one recommendation, which was remanded back to them for further review based on consideration brought forward by the applicant.

In December 2019, the Planning Commission met with the applicant and was made aware of his issues pertaining to elevator shafts. Mr. Teerlink stated that elevator shafts in the Village Zone are allowed to exceed the maximum heights by up to six feet. Some projects in the Village Zone have residential uses on the top levels and subsequently, have roof deck amenities. Reaching the roof deck in an elevator with a six-foot dimension was proving difficult. The Planning Commission

found that an eight-foot dimension would be adequate; however, the applicant had been unable to find equipment that fits within the eight-foot dimension. Subsequently, the Planning Commission recommended 14 feet, which would be required for the carriage car and hoist mechanism. The surround of the shaft must be architecturally compatible with the building and approved by the Design Review Board (“DRB”).

The second element proposed is to increase maximum heights in two zones. The packet contains a display of a crosshatched area with a 35-foot height maximum. The areas that abut residential properties are limited to a 32-foot height maximum. The heights were included in the 2016 moratorium initiated by City Council and the heights were reduced overall. The 32-foot area was previously 38 feet and the 35-foot area was previously 48 feet. The Planning Commission recommended that all parcels have retail on the main floor, particularly along Murray Holladay Road and Holladay Boulevard. Heights of up to 38 feet will be allowed if, in the redevelopment design proposal, 13 feet of floor to ceiling height of retail space is provided. If so, the Planning Commission can approve a 38-foot building. The Planning Commission recommendation that was forwarded to the City Council was unanimous. Essentially, if retail is required, adequate heights must be allowed.

Council Member Petersen asked about the elevator shaft location and expressed concern with the overall height being close to 50 feet. She commented that area residents are concerned about the proposed density. She supported having the retail use on the bottom level, but not residential.

Mr. Teerlink reported that the Planning Commission had the same concern. They put a caveat on the elevator shaft as being a residential passenger elevator. Council Member Petersen asked about the origination of the six-foot height from 2016. Mr. Teerlink explained that the Holladay Design Standards address rooftop decks; however, the design standards did not foresee a way to get to the rooftop decks without a staircase. The Code addresses stairwell enclosures, which are allowed to go up to eight feet above the maximum heights.

Mr. Teerlink stated that the elevator shaft element is a standard that was only limited to the mechanical equipment with the understanding that the elevator would stop at the top level, not the top of the roofline. The Planning Commission reasoned that if a car is eight feet high, height would be added for the mechanical equipment, which would require the hoist and beam on top of that. Mr. Teerlink explained that that is how the Planning Commission arrived at 14 feet for the elevator shaft. He clarified that that assumed there would be some type of amenities on the roof. He explained that the rooftop area is approximately 20’ x 20’. As long as the area is not considered a livable area that requires heating or air-conditioning, it is acceptable to have amenities such as garden boxes and fireplaces. The DRB makes recommendations to the Planning Commission who then makes the final decision.

Council Member Petersen stated that residents might want an outdoor space since they will not have a yard. She commented that aesthetically it is wonderful but recalled that there was discussion about how large amenities such as trees can be on rooftops. Depending on the location, the amenities could block views for others. She stated that it should not be a blanket approval and there should be a detailed discussion about how and what will be allowed. She remarked that a strict zone was created for a reason.

Clarification was sought with respect to the number of stories that would be allowed with the proposed height change. Mr. Teerlink confirmed that the approval is still three stories but the additional height will accommodate the elevator shaft. Council Member Petersen remarked that previously the thought was that 35 feet would not allow for more than three stories.

Chris Ensign was identified as the property owner. He first addressed the elevator height, stating that the proposal for the Terraces was submitted before the moratorium and the Code change. The rooftop amenity consists of approximately 5,000 square feet with multiple fireplaces, a barbeque area, a pavilion, and trees that are lit. He commented that it has been a major draw. He noted that rooftop amenities are one of the main amenities buyers want.

Mr. Ensign explained that in learning about the Elevator Code, he realized that 43 inches are needed above the elevator. If an elevator is approximately 7 ½ feet tall, an additional 42 inches are needed to exit the elevator and then the roof. He proposed a height of 13 feet to get residents to the top of the roof via a method other than stairs. Initially, the applicant thought eight feet would work, but after conducting a technical review of the Elevator Code, they realized that was insufficient. Mr. Ensign stated that the building footprint is 22,000 to 24,000 square feet and the elevator shaft is less than 1% of the height of the building. Elevator sightlines are on the back half and further from Murray Holladay Road.

Council Member Petersen asked if it would be possible to locate the elevator closer to the middle of the building. She did not object to the location of the trees. Mr. Ensign stated that it would be worth reconsidering the location to address line of sight concerns.

Mr. Ensign was asked if the rooftop amenity would still be viable if the Council did not approve the height amendment request. He stated that if the height amendment were not approved, the rooftop amenity would not be included. The greatest benefit they want to offer residents is accessibility. It was noted that the elevator concern only pertains to rooftop amenities. The elevator would still serve all three residential floors. Mr. Ensign addressed the issue of ceiling heights for buildings where retail is required.

Mayor Dahle opened the public hearing at 6:30 pm. There were no public comments and Mayor Dahle closed the public hearing at 6:31 pm.

V. *Public Hearing on Proposed Rezone for Property Located at 2006 and 2020 East 3900 South from RM to Professional Office (PO).*

Paul Allred, Community Development Dir. introduced the rezone request and stated that it involves slightly less than one-half acre of land west of the Black Diamond project. The request was to change from an RM Zone to Professional Office (“PO”). The PO Zone works because the land is not attractive for residential and the area to the right of the property has a Mixed-Use Community Commercial (MU-CC) General Plan designation. No negative public comment was received.

Adam Watts, applicant - 2221 S 2000 E. He has been working with Dr. Ludlow on the review of the site for several months. They want to bring forward a project that economically viable and develop a building that is compatible with the residential uses to the south. They are proposing a 5,000 square-foot single-story medical/professional office with a 2,500 square-foot basement. Dr. Ludlow plans to move his current Holladay practice to the new site and occupy the facility. The

applicant also met with the neighbors to discuss buffering to the south of the building or designing a building that is residential looking in its concept in order to blend in.

Mayor Dahle opened the public hearing at 6:37pm.

Tatyana Golub - 3921 S 2000 E. She expressed concern that her bedrooms are facing north and are only four feet away from the wall. She was concerned about how she will be impacted by traffic. Mayor Dahle stated that the issues raised pertain to the design plan and are not City Council issues. He informed Ms. Golub that she would be able to raise her concerns at the public hearing on the site plan.

There were no further public comments. Mayor Dahle closed the public hearing at 6:42pm.

VI. *Consideration of Resolution 2020-02 Authorizing Condemnation of Easements located within the Corporate Boundaries of the City of Holladay for Public Street Purposes (Fryer/Paterson Property).*

Mayor Dahle stated that the City received funding for the installation of four left-hand turn lanes on Highland Drive to deconflict movement. The City worked for many months on a resolution but was unable to resolve the outstanding issues with one of the current landowners. This left the City in the position of pursuing condemnation. There was no one present wishing to address the Council.

Mayor Dahle confirmed that a left-hand turn lane would be built to access southbound travel. He confirmed that the City Council is not required to conduct a public hearing and the City was proceeding under State statute, not City ordinance.

Council Member Petersen moved to approve Resolution 2020-02. Council Member Quinn seconded the motion.

Council Member Gibbons stated that eminent domain is a power that the Council should be conservative about using. This specific action could serve as a safety boon for many residents. The condemnation is minimal and the landowner was not present. Therefore, the matter might be a good instance in which to use eminent domain.

Council Member Petersen commented that the City spent 16 months working toward a resolution with the landowners but was unsuccessful. It was reported that the City allocated \$3 million for the project.

The Council roll call vote was as follows: Council Members Gibbons, Quinn, Fotheringham, Durham, Petersen and Mayor Dahle in favor. Resolution 2020-02 was approved by a unanimous vote.

VII. *Consideration of Resolution 2020-03 Authorizing Condemnation of an Easement located within the Corporate Boundaries of the City of Holladay for Public Street Purposes (Gardner Property).*

Manager Chamness updated that Council and recommended the item be withdrawn from the agenda. Staff met with the property owner the previous Tuesday and reached an agreement on a

remaining item regarding fence height once the right-of-way is reestablished. A new agreement was in the process of being drafted.

Council Member Fotheringham moved to remove agenda item number seven from the agenda. Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Quinn, Fotheringham, Durham, Petersen and Mayor Dahle in favor. Resolution 2020-03 was removed.

VIII. *Consideration of Resolution 2020-04 Approving City Council Rules of Procedure.*

Council Member Fotheringham moved to approve Resolution 2020-04 Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Quinn, Fotheringham, Durham, Petersen and Mayor Dahle in favor. Resolution 2020-04 was approved by a unanimous vote.

IX. *Consideration of Resolution 2020-05 Appointing a Member to the Wasatch Front Waste and Recycling District Board.*

Mayor Dahle recommended that Council Member Dan Gibbons be appointed to serve on the Wasatch Front Waste and Recycling District Board.

Council Member Petersen moved to approve Resolution 2020-05 appointing Dan Gibbons to serve on the Wasatch Front Waste and Recycling District Board. Council Member Quinn seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Quinn, Fotheringham, Durham, Petersen and Mayor Dahle in favor. Resolution 2020-05 was approved by a unanimous vote.

X. *Consideration of Resolution 2020-07 Authorizing Designated Individuals as Signatories on Various Financial Accounts.*

Mayor Dahle reported that the additional signatories include himself, Council Member Fotheringham, Council Member Petersen, and Ms. Chamness as signatories for various financial accounts.

Council Member Petersen moved to approve Resolution 2020-07. Council Member Fotheringham seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Quinn, Fotheringham, Durham, Petersen and Mayor Dahle in favor. Resolution 2020-07 was approved by a unanimous vote.

XI. *Consent Agenda.*

a. *Approval of Minutes of November 7 and 14, 2019, and January 9, 2020.*

Council Member Fotheringham moved to approve the minutes of November 7 and 14, 2019, and January 9, 2020, with an amendment to the minutes of November 7, page 6 to reflect that he was focused on the zone change and not the Plan. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

XII. *Council Reports and District Issues.*

Council Member Gibbons commented that he had a productive meeting with the Historical Commission. After reviewing the Holladay General Plan and the City ordinance, he believes the Commission has the authority to make recommendations to both the City Council and the Planning

Commission for historic structures that can be designated as historical and potentially give advice to the Planning Commission on applications that pertain to historic properties. He commented that the Commission might need some direction.

Council Member Quinn reported that she spoke with a constituent who is concerned about a home near her that is being used as a short-term rental and was pleased to hear that the issue is on the Council's radar. Council Member Quinn requested that the Council review the issue and let residents know that short-term rentals are not in accordance with Holladay ordinances. Mayor Dahle asked staff to add the discussion about short-term rentals to a future agenda.

Council Member Fotheringham reported that he recently attended a City Council Meeting in Murray where a resolution in support of the Equal Rights Amendment ("ERA") was passed. He commended the City of Murray but did not recommend the City of Holladay get involved in political issues.

Council Member Durham reported that he received word from Skyline High School that construction of the new school is underway. The school is addressing issues regarding parking and facilities for its athletic teams. He added a note of remembrance for long-time resident Richard Sager who passed away the previous week.

Council Member Petersen reported that during her walks she has noticed local residents smoking in the park and dropping cigarette butts. She asked if the Council has the authority to ban smoking in the park. Ms. Chamness offered to research the issue.

Council Member Petersen reported that Robin Hough has approached her several times about passing the ERA resolution. She reminded the Council that they have adopted similar resolutions in the past so it was likely that residents will continue to raise the issue.

Mayor Dahle reported that a meeting is scheduled for Jan. 29 with Dr. Bates from the Granite School district. Council Members wishing to attend were asked to let him know so that the meeting can be properly noticed.

The Mayor reported on the First Responders Breakfast held the previous Saturday. It was a great success and he thanked those involved in the event.

XIII. City Manager Report.

Ms. Chamness reported that the Associated General Contractors of Utah recognized Knudson Park as Project of the Year. She stated that it is the fifth award the park has received.

Ms. Chamness stated that she, Chief Hoyal, Mr. Allred interviewed three individuals who applied for the Code Enforcement Officer position. The selected candidate was to begin work on February 1.

a. Financial Report.

Ms. Chamness reported that overall the City is in good financial shape. In terms of property taxes, the City receives a major distribution from Salt Lake County for property taxes in December and additional distributions from the end of March through the first of April. She believes the City will

exceed its property tax collection goals. She reported that sales taxes are on a two-month delay but are on budget. Franchise taxes are generally delayed by one month. The Telephone Franchise Tax is down and she questioned whether that was due to the elimination of landlines. Staff would review the issue closely as budget preparations get underway for next year.

Ms. Chamness noted that in the Capital Projects Fund the line item for the roof at City Hall went substantially over budget due to a number of factors including the cost of labor.

b. *Project Report.*

Ms. Chamness reported that the City received a grant for the Gunderson Lane Project. It was intended to be a simple sidewalk fill-in project but there were complications. One issue was the slope at Gunderson Lane and 2000 East. The project was significantly over budget and after some review, staff put the project back out for bid in the hopes of receiving lower bids during the winter months.

Ms. Chamness was asked to provide an updated list of major City projects and priorities for the year.

Council Member Fotheringham moved to recess the Council Meeting and commence the Work Meeting after a short break. City Council Member Gibbons seconded the motion. The Council voted in the affirmative and the meeting recessed at 7:17 pm

XIV. *Recess City Council to a Work Meeting*

a. *3900 South Presentation.*

Katie Kourianos, from Horrocks Engineers, has been working closely with staff on public outreach for the 3900 South Reconstruction Project. She presented an overview and update on the project. She explained that the project is a full reconstruction from 3900 South from 2300 East to Wasatch Boulevard and is funded by County and Federal government grants. She reviewed the proposed improvements including a diagram of a typical cross-section and review of the project timeline. Progress was being made to pursue needed right-of-way purchases. Ms. Kourianos closed with an overview of the team's outreach and communication actions and informed the Council that reactions have been positive. A question was raised about the placement of overhead signals on Hillside and Sunningdale Avenues. It was noted that the placement was based on feedback from the community.

b. *Holladay@20 Citizen Advisory Group Update and Survey Discussion.*

Mayor Dahle introduced the report on the Citizen Advisory Group. The results were presented by John Ashton, Chair, and John Norton, Vice-Chair. Mayor Dahle reported that the Advisory Group is tasked with making recommendations to the City Council and to provide updates leading to the recommendations. Mr. Ashton reviewed the group concept and provided a summary of the work conducted. He reported that the group was formed about one year ago and was tasked with improving citizen involvement, providing ideas for funding, and being part of the public relations effort.

Since its inception, the advisory group has focused on communication strategies with Holladay residents with respect to taxes. To assist with that, the group and the City created a website called "Holladay@20" where information was updated regularly. They also conducted two community

surveys which resulted in valuable feedback. They intend to conduct another survey in March. On October 14, the group hosted an Open House. The group also made presentations to various citizen groups where they received valuable feedback. Mr. Ashton stated that the majority of citizens view the project positively.

Mr. Norton stated that the group intends to synthesize the feedback they are receiving and will develop strategies for moving forward. He asked the Council to contemplate what the group can do to help the Council move forward. A comment was made that there are two primary concerns including funding of the Capital Improvement Project (“CIP”) list and the \$63 million in unfunded capital projects that need to be addressed. It was suggested that there be a recommendation on funding as well as prioritization of projects that need to be completed. Mayor Dahle did not expect the Council will receive a priority list because the advisory group is not tasked with developing priorities. The group can advise the Council about areas that residents are concerned about and what they are willing to pay for. The Council will need to make decisions and priorities based on that information.

Mr. Ashton suggested that the Council and the group work together on project messaging. He commented that the group has prepared a presentation that can be given to various groups. Mayor Dahle suggested the topic also be part of the Council’s upcoming Town Halls. It was suggested that the Council get a pulse from citizens on what they consider to be the top priority projects without addressing funding.

Ms. Smith provided a presentation on Holladay@20. She commented that Phase One focuses on priorities from the CIP list without addressing the source of funding. Phase Two was focused on the most palatable options for revenue generation. She reviewed general take-a-ways including the public perception of local taxes, funding, and City amenities. The information that seemed to be most persuasive for increasing funding included the costs of maintenance, the fact that the City’s needs do not reflect the current budget, and the City’s public safety and budget constraints.

There was discussion about the survey process and logistics. Moving forward, Ms. Smith asked the Council to contemplate how to match package items needing funding in the future. She clarified that the survey responses were based on an informed sampling of residents.

c. Discussion on Previous Public Hearings.

Mayor Dahle presented the upcoming application from Mr. Ensign and informed the Council that this issue will be on the February 6 agenda. Council Member Petersen did not object to the three-foot height as long as it is restricted to retail buildings. She commented that the elevator shaft is beneficial because of the rooftop amenities. The Holladay Village Zone is a unique and beautiful feature because of the constraints the City has applied to it. Discussion ensued on the benefits of rooftop amenities and the location of the elevator shaft. Commissioner Petersen desired additional information before making a decision on the matter.

Mayor Dahle commented that he saw no issues of concern regarding the rezone on 3900 South.

d. Continued Discussion on Council Internal Policies.

Mayor Dahle introduced the proposed Council Internal Policies. A comment was made that Council Members currently in the Utah Retirement System (“URS”) are able to make contributions

from their salaries pending Council Approval. It was suggested that the action be approved with additional language that future Council Members who are already vested be eligible for contribution. Staff would craft language to present to the Council for consideration and a vote on February 6.

e. *Calendar.*

- January 30 – 4:30 p.m. – Council Photos
- January 30 - 6:00 p.m. – Joint Planning Commission Work Meeting
- February 6 and 20 – City Council Meeting.
- March 5, 12, and 26 – City Council Meeting
- April 2, 9, and 23 – City Council Meeting

XV. *Closed Meeting Pursuant to Utah Code Section 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation and Property Acquisition and Disposition.*

There was no closed meeting.

XVI. *Adjourn.*

Council Member Durham moved to adjourn. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 9:20 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council Meeting held Thursday, January 23, 2020.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **March 12, 2020**