

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

**Thursday, October 15, 2020
Meeting Conducted Remotely**

ATTENDANCE:

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

City Staff:
Gina Chamness, City Manager
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney
Paul Allred, Community Development Dir.

I. Welcome – Mayor Dahle.

Mayor Dahle called the meeting to order at approximately 6:00 p.m. He read into the record the Order on Public Meetings of the City Council of the City of Holladay.

II. Public Comments.

There were no public comments.

III. Public Hearing on Proposed Storm Water Utility Fee Ordinance.

Ms. Chamness reported that the above matter has been considered for several years and has been studied by the Holladay@20 Citizen Committee. Through various discussions, it was determined that there is approximately \$18 million in expenses for stormwater improvement projects and projects that need to be completed to comply with State and Federal law. The Holladay@20 Citizen Committee proposed the Storm Water Utility Fee Ordinance to address the needed improvements.

Ms. Chamness reviewed additional upcoming opportunities for public comment during the Ordinance consideration process in addition to tonight's meeting. Mayor Dahle confirmed that public comment will remain open until the Council is comfortable moving forward with a decision. A video regarding the proposed Storm Water Utility Fee Ordinance was made available on Facebook Live.

Mayor Dahle read into the record the names of Jon Greaves, David McAllister and David Dean who submitted written comments that will be included with the minutes.

The Mayor opened the public hearing at 6:14 pm.

Lyn Felton - 4477 South Peach St. He reported that he submitted a list of comments entitled "Storm Water Assessment Questions." He asked about a discrepancy in the CIP assumption amounts. Ms. Chamness offered to address the matter with Mr. Felton off-line. Mr. Felton added that he considered the consultant numbers to be somewhat misleading. He supported the City moving forward with Scenario #3.

Ryan Steele - 4876 S Colony. He expressed support for the fee. He suggested that the City create a website to track the status of projects. He stated that the proposed fee is not sufficient for all of the needed capital improvements and asked for a list of the proposed capital projects.

James Clissold - 2031 E Lincoln Cir. He was required to submit a Stormwater Retention Plan for his property to ensure that no stormwater runs off his property. He asked if because he was required to ensure that stormwater does not run off of his property if he would be eligible for a waiver of the Stormwater Utility Fee. Ms. Chamness stated that the proposed ordinance anticipates a credit for that type of situation. The ordinance also provides for an appeal process for anyone wishing to contest the fee.

There were no further public comments. The public hearing remained open

IV. *Public Hearing on Proposed Rezone for Property Located at 4813 South Viewmont Street from R-1-21 to R-1-10 (Greg Fabiano, Agent, for Owner, Cheryl Cromar, to amend the City of Holladay's Zoning Map from R-1-21 (one home per half-acre), to R-1-10 (one home per 10,000 square feet).*

Greg Fabiano, applicant -8121 Copper Canyon Way was present on behalf of the property owner, Cheryl Cromar. The Cromar family wishes to subdivide the property, which is just less than one acre in size. The property was zoned R-1-10 by Salt Lake County prior to the City's incorporation. The City then rezoned the property to R-1-21. In order to subdivide the property, it would need to be reverted to an R-1-10 zone. The applicant was seeking to subdivide the parcel into three buildable lots. The applicant has met all of the necessary requirements for open meetings and was reviewed by the Planning Commission. The project was determined to comply with the City of Holladay's General Plan.

Paul Allred, Community Development Dir. Provided the staff report. He noted that the project has received a great deal of vocal opposition. The R-1-15 zone would allow for two lots rather than three as requested by the applicant, and would be more appropriate.

Mr. Fabiano explained that there is no intention to include high-density housing within the project and nothing out of the ordinary is proposed. They are seeking to develop three lots, but if not three, they would also accept the ability to build on two lots. Mayor Dahle asked about the size of the lots. Mr. Fabiano described the various lot sizes and stated that all similar in size.

Mayor Dahle opened the public hearing at 6:42 pm. He acknowledged the receipt of written comments from Bryon Smith who submitted written comments that will be included with the minutes.

Kate Meier - 4810 S Viewmont St. He mentioned that the General Plan principles provide that the City should support the current zoning. She stated that the neighborhood does not support a rezone.

Tim Begue- 4835 S Viewmont St. He is opposed the project because the neighborhood is already experiencing the impacts of increased density.

Dan Smith - 4805 S Viewmont St. He echoed the concerns regarding increased neighborhood traffic. He was more amendable to a rezone to R-1-15.

Peter Hathaway - Bonair Street. He reported that his lot abuts the subject property. He stated that the zoning done prior to the City's incorporation was damaging. He supported preserving the City of Holladay's character with larger lots and recommended that the zoning remain as-is.

There were no further public comments and Mayor Dahle closed the public hearing at 6:54 pm.

Mayor Dahle reported that the Council will be discussing the matter during the Work Session and the matter will be on the November 5th agenda for a vote.

V. *Public Hearing on Proposed Vacation of Public Right-of-Way – Lynne Lane Walkway (a proposal to vacate a portion of Lynne Lane which currently serves as a public walkway connection between Lynne Lane and 4500 South).*

Ralph Carlson, applicant- -2217 East 4500 South. He explained that the project began several years ago when Officer Barney was shot in the nearby cul-de-sac. The path is open to the public and has been the source of numerous problems and criminal activity over the years. The path is a blight and has not been maintained other than by the neighbors.

Manager Chamness reported that Salt Lake County was the original owner and the walkway was not transferred to City ownership until recently. The Council is only considering the walkway and not the right of way aligning 4500 South or Lynne Lane. The Council previously discussed the possibility of using a surplus process to dispose of the parcel; however, because it is a right-of-way parcel it must go through the vacation process.

Mayor Dahle clarified that if the parcel were vacated it could be landscaped, but not be built on. Council Member Durham asked about the practical implications of vacating the property. Ms. Chamness explained that vacation requires a public hearing process, whereas a surplus process would allow the action to be taken administratively. City Attorney, Todd Godfrey, described the vacation process.

Council Member Gibbons asked if eliminating access to the property was considered. Mayor Dahle suggested discussing that during the Work Session.

Council Member Quinn asked if Holladay Water Company will need ongoing access to the property. The applicant, Mr. Carlson, was aware that access will continue to be needed by the Holladay Water Company and intends to provide access in the future.

Mayor Dahle opened the public hearing at 7:08 pm and acknowledged written comments from Laura Walker, Tara Hills, Tanya Bates & Connie Zaccheo that were made part of the record.

Brett Graham - 4450 Lynne Lane . He stated that criminal activity primarily occurs at night. He supported the path being closed or controlled.

Bonnie Pace - 4470 South Lynne Lane. She owns the home directly west of the walkway and agrees that there have been problems with trash and graffiti, however, since she installed a fence, the problems have been resolved. She supported keeping the path open with controls in place.

Tanya Bates - 4445 South Lynne Lane. She stated that she enjoys the path as a walkway. She hoped to keep the trail open as long as it is maintained. She suggested adding lights to the pathway.

There were no further public comments and Mayor Dahle closed the public hearing at 7:18 pm.

VI. *City Manager Report – Manager Chamness.*

Ms. Chamness reported that the Governor of the State of Utah has announced a movement from a color-coded response to COVID-19 and a movement toward a public health data-driven metric called the Transmission Index that will be based on a number of factors. Currently, Salt Lake County is in the high transmission index level, which means that masks are required in public settings, indoors and outdoors, where social distancing cannot be maintained. Ms. Chamness sought additional clarification but stated that gatherings of more than 10 people are discouraged. City staff is currently required to wear masks. She believes the new guidelines may present some challenges with upcoming City matters.

VII. *Council Reports and District Issues.*

Council Member Gibbons thanked Ms. Chamness and staff for their efforts.

Council Member Quinn asked about a sponsorship sign that blew down and asked if it needed to be rehung by the City. Ms. Chamness agreed to look into the matter. Council Member Quinn reiterated concerns regarding traffic on 3900 South but stated that things were looking better.

Council Member Petersen commented that her constituents are interested in various items on the current agenda including the golf cart issue.

Mayor Dahle reported that the Arts Council currently has their art show up for exhibit in the basement through noon the following day. He also had a recent conversation regarding the Coronavirus Aid, Relief and Economic Stimulus (“CARES”) Act funding and learned that other jurisdictions used funds to help businesses with advertising. He asked Ms. Chamness to reach out to other jurisdictions to review their processes so that the City of Holladay can also help businesses with advertising.

Council Member Fotheringham moved to recess the Council Meeting and reconvene in a Work Meeting. Council Member Quinn seconded the motion. The motion passed with the unanimous consent of the Council. The Council convened in a work meeting at approximately 7:30 pm.

VIII. *Recess City Council to a Work Meeting.*

a. *Discussion on Previous Public Hearing Items:*

- Rezone;

Council Member Petersen considered the three-home request to be pretty dense but had not yet made a decision.

Council Member Durham did not have a definitive opinion but wondered if the R-1-15 zone could be considered. Mayor Dahle stated that it would likely require a renewed application. Mr. Godfrey confirmed that a new application process would be the more appropriate course to follow. Mayor Dahle agreed with staff and the Planning Commission in opposing the application. He stated that an R-1-15 application would seem to be appropriate after completing a renewed public process. Council Member Gibbons was inclined to vote against the R-1-10 zoning.

Council Member Fotheringham asked if the property could be subdivided without changing the zoning. Mr. Allred confirmed that the current zoning of the property would not allow the property to be subdivided.

Mr. Godfrey explained that in its current state, with only one home on a large lot, the property would not be of concern because it is consistent with the neighborhood. Mr. Allred concurred. Council Member Quinn agreed with the previous comments and supported the applicant in re-applying for a zone change to R-1-15. Mr. Allred indicated that the issue has come up in several similar situations.

- **Lynne Lane Vacation; and**

Mayor Dahle stated that the Planning Commission was unanimously opposed to the request to have the parcel vacated, which staff supported. The rationale was based on neighborhood walkability.

Council Member Durham understood the applicant's concerns but he was concerned about leaving the pathway open for pedestrian access and not maintaining the path. He discussed the issue and was concerned that there are a lot of small paths in the City that are similar in nature. He was inclined to maintain pedestrian access but stated that the City needs to address maintenance issues. Council Member Gibbons agreed but did not want the City to forfeit ownership of the ground.

Council Member Quinn asked if there was any chance of obtaining grant funding to improve the walkway. Ms. Chamness stated that that could be considered but that the trail is shorter and it may be challenging to obtain funding if it is not linked to another pathway. Mayor Dahle thought the City might also be able to find funding through the capital budget and possibly connect with some volunteer groups to perform maintenance work. He supported mitigating safety concerns for the pathway but thought that encouraging walkable pathways should be a priority. Council Member Fotheringham echoed Mayor Dahle's comments.

Council Member Petersen stated that one of the City's goals is to create a walkable community and Lynne Lane is heavily used.

Police Chief, Justin Hoyal, stated that the unfortunate events regarding Officer Barney should not be a deterrent to supporting the walkway since the incident was only in the vicinity of the path.

Mayor Dahle concluded that the Council is consistent with the Planning Commission. The matter was to be posted for a vote by the City Council on November 5.

- **Storm Water Ordinance.**

Mayor Dahle recapped the information in the Council packet and stated that the matter will be open for further public comment at the November 5 meeting.

Council Member Gibbons reported that a number of constituents contacted him who are opposed to the Stormwater Fee as a method of raising funds as an alternative to a straight property tax increase. Mayor Dahle reiterated that there is no need to close the public hearing.

Council Member Fotheringham discussed the various fee scenario options for consideration. He encouraged the public to review the infrastructure needs of the City of Holladay on the City's website.

Ms. Chamness addressed discrepancies in the actual cost of the project and agreed to follow-up on the issue. There was discussion regarding providing information on the City's website for the various projects to be done and the projected costs.

Mayor Dahle asked the Council if there were other issues they would like staff to address at the November 5 meeting. Staff was asked to review Option #3 in comparison to #4 regarding the possible fee structures and provide more detail on fee collection. Mr. Godfrey discussed the legalities of Stormwater Utility Fees and said was comfortable with Council's proposed direction. Ms. Chamness added that the Stormwater Utility Fees will likely be characterized as an enterprise fund.

b. Update on Holladay Crossroads Zone Public Engagement.

Ms. Chamness reported that the City will need to change direction on the above matter given the State of Utah's directions under COVID-19. She would present new suggestions at the next meeting.

c. Discussion on Golf Carts.

Mayor Dahle mentioned that a video was compiled by Chief Hoyal clarifying the issues surrounding golf carts. He wanted the Council to decide whether to adopt an ordinance regulating golf carts before the video is released to the general public. By Utah State statute, unless a City specifically authorizes the driving of golf carts by ordinance, they are illegal.

Council Member Fotheringham stated that the use of golf carts is illegal unless made legal and there is not a lot of desire to make them legal. Ms. Chamness agreed and asked if the Council was ready to receive public input on the legality of golf carts. Chief Hoyal reported that the Police Department currently addresses golf cart use by educating the public on legality and safety. Ms. Chamness clarified that the law is silent on the legality of golf cart use prior to May 2020. It then changed to be illegal unless an ordinance was adopted legalizing golf cart use.

Council Member Petersen raised concerns about children driving golf carts and safety issues. She felt that the Council needs to hear from residents with public input. She was concerned about regulation if golf carts are legalized.

Council Member Fotheringham asked Chief Hoyal what direction is needed from the Council. Chief Hoyal agreed that it is a significant issue in the community but stated that the Police Department will abide by the Council's direction. The video produced by Chief Hoyal was viewed by the Council.

Mayor Dahle asked the Council for direction on addressing a Golf Cart Ordinance. The Council discussed potential direction addressing education in the community as well as possible regulation. The Council agreed to post the video on the City's website in February and determine next steps based on public input.

d. Calendar.

- October 12-16 – Fine Art Show
- October 10-31 – Plein Air Exhibit
- November 5, 12, 19 – City Council Meetings
- November 22 – Interfaith Service
- November 30 – Tree Lighting

Mayor Dahle reported that he may not be present at the November 5 or 12 meetings. He briefly reviewed the calendar items.

IX. Adjourn.

Council Member Fotheringham 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 9:00 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, October 15, 2020.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **December 3, 2020**