

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

Thursday, November 17, 2022

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Mayor Rob Dahle
Paul Fotheringham
Dan Gibbons
Drew Quinn
Matt Durham – *excused*
Ty Brewer - *excused*

City Staff:
Gina Chamness, City Manager
Todd Godfrey, City Attorney
Stephanie Carlson, City Recorder
Jonathan Teerlink, Community Dev. Dir

I. *Welcome* – Mayor Dahle.

Mayor Rob Dahle called the meeting to order at approximately 6:00 p.m.

II. *Pledge of Allegiance.*

Mayor Dahle led the Pledge of Allegiance.

III. *Presentation on 2022 Helping Hands Awards.*

Mayor Dahle shared information related to the Helping Hands of Holladay Award. Executive Director of the Arts Council, Sheryl Gillilan recognized Helping Hands of Holladay 2022 recipient, Emily White, who has worked with the Arts Council over the last several years and advocated for a public mural in Holladay. Ms. White addressed the Council.

Mayor Dahle reported that the other two recipients of the Helping Hands of Holladay 2022 Award had decades of collective Legislative service. Some of the issues Senator Jani Iwamoto and Senator Patrice Arent had been involved with related to clean air and water. Additionally, their work focused on social justice reform and policies that advocated for the safety and well-being of those who were most vulnerable in the community. Mayor Dahle shared statistics related to gender inequality. He noted that it is important for elected bodies to reflect the population. The City of Holladay is fortunate to have had such strong representation over the last several decades.

Mayor Dahle shared information about Senator Iwamoto and stated that she was the first Asian American woman to hold public office in Utah. Her career focused on criminal and social justice issues, campus safety enhancements, and environmental quality improvements. Senator Iwamoto addressed the City Council. Mayor Dahle shared information about Senator Arent and explained that she has been in public service for three decades and helped pass over 90 bills. Senator Arent addressed the Council. The Helping Hands of Holladay 2022 Award recipients were congratulated.

Council Member Fotheringham expressed gratitude for Senators Iwamoto and Arent. He was delighted to have worked on the campaigns for the Legislators sitting in the front row of the City Council Chambers. He appreciated the mentoring he had received. Council Member Quinn was thankful for the time and effort that Senator Arent put in whenever an issue for Legislation was proposed. All of the recipients of the award positively contributed to the community. Council Member Gibbons praised Senator Arent and her dedication to being a public servant.

IV. *Public Comments.*

Laurence Horman reported that he is considered homeless. He distributed informational documents to the Council and stated that homelessness is a problem that is pervasive around the world. It is something that needs to be handled at a local level. While there is no single solution to homelessness, there are two things that need to be done to move forward with permanent solutions. This includes housing approaches and continued support for public services. Mr. Horman explained that the problems often associated with the homeless are drug abuse, criminal activity, and mental health issues. However, those issues impact a small percentage of homeless individuals. Most homeless people do not have mental health issues outside of the difficulties that come with being homeless. In addition, most homeless people are not drug addicts or criminals.

Mr. Horman reported that there are issues with shelters, which do not create long-term solutions. Resource centers are beneficial and have a purpose but are not the final or single solution. Through his advocacy work, he learned that the money comes from the State, the influence comes from the County, and the groundwork is done at a local city and township level. He urged the City of Holladay to act at a local level to address housing issues. Too many people have been in and out of the system and through the programs. Mr. Horman explained that many homeless individuals do not trust the systems that are in place because there is no long-term assistance. Building trust is essential. People are not resistant to assistance but are resistant to being let down repeatedly.

V. *Consideration of Ordinance 2022-22 - Amending Title 13.80 Off-Street Parking Requirements.*

Council Member Fotheringham moved to ADOPT Ordinance 2022-22 – Amending Title 13.80 – Off-Street Parking Requirements. Council Member Quinn seconded the motion. Vote on Motion: Council Member Fotheringham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Mayor Dahle-Aye. Ordinance 2022-22 was adopted by a unanimous vote.

VI. *Introduction of Salt Lake County Public Works Operations Director Crystal Hulbert and Consideration of Resolution 2022-27 - Approving an Interlocal Agreement with Salt Lake County for Public Works.*

Manager Chamness introduced Crystal Hulbert, the New Salt Lake County Public Works Operations Director. She reported that Ms. Hulbert had served in the position since the end of July. Salt Lake County invited Ms. Chamness to participate in the interview process and she was impressed by the enthusiasm and commitment to customer service exhibited by Ms. Hulbert. Ms. Hulbert introduced herself to the Council and stated that she previously worked in the Salt Lake County Public Works Engineering Department and has since moved to Operations.

Ms. Chamness reported that a few changes were proposed for the contractual relationship with Salt Lake County. The contract traditionally renews annually and the proposal was for the contract to be extended for five years with a 180-day exit for either party. The 180-day period was the same as in

the existing contract. The new contract would provide the City of Holladay with an additional layer of safety. Ms. Chamness noted that it would take time for the City to start a Public Works Department if that becomes necessary. As a result, a buffer period was beneficial. She stated that the costs would still be negotiated on an annual basis.

Council Member Fotheringham believed that the Interlocal Agreement specifies that the budget discussions will take place annually but the renewal of the agreement would be extended. This was confirmed. Mayor Dahle referenced the Cost of Services template. \$2.24 million was mentioned and he wondered if that matched the budget line item for the year. Ms. Chamness confirmed this. Mayor Dahle asked what would happen if more is needed than is budgeted. For instance, if there was a very heavy snow year. He wanted to understand if what was listed was a fixed cost. Ms. Chamness clarified that approximately four years ago a change was made to the contractual relationship to address those issues. Before that time, a light snow year meant that the City paid less and a heavy snow year meant that the City paid more. That was no longer the case on the labor side. It may still be possible for the materials to exceed what was set aside.

Council Member Fotheringham moved to APPROVE Resolution 2022-27 – Approving an Interlocal Agreement with Salt Lake County for Public Works. Council Member Gibbons seconded the motion. Vote on Motion: Council Member Fotheringham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Mayor Dahle-Aye. Resolution 2022-27 was approved by a unanimous vote.

VII. *Consideration of Resolution 2022-28 - Approving a Franchise Agreement with Syringa Networks, LLC.*

City Attorney, Todd Godfrey reported that State Code gives cities the authority to manage their own rights of way. Traditionally, the utilities and other fixtures were controlled within the street. He reported that the City of Holladay had a Franchise Agreement with Syringa Networks, LLC, for a number of years. The original agreement was a seven-year agreement with a renewal provision. That renewal provision had not been exercised in a timely manner but Syringa Networks, LLC wished to remain in the streets and continue the fiber use. That required a new agreement, which was before the Council for consideration.

Mr. Godfrey reported that the new agreement was similar to the previous agreement. The only changes that were made related to what would happen if Syringa Networks, LLC abandons its system. For instance, how the utilities would need to be removed. The format of the agreement had changed slightly as well. Mr. Godfrey recommended approval of the agreement and felt that it protected the interests of the City well.

Council Member Quinn noted that Syringa Networks, LLC, is already in the community. She wondered where their equipment was located. Mr. Godfrey reported that there is conduit and fiber in streets throughout the City. He did not believe the entire City was covered. It was only in select locations but the last time he saw their map it was fairly significant. Syringa Networks, LLC pays the Telecommunications Tax, which is 3.5% of their gross receipts. If the State does away with the Telecommunications Tax, the City could collect the same amount of money as a Franchise Fee.

Council Member Gibbons moved to APPROVE Resolution 2022-28 – Approving a Franchise Agreement with Syringa Networks, LLC. Council Member Quinn seconded the motion. Vote on

Motion: Council Member Fotheringham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Mayor Dahle-Aye. Resolution 2022-28 was approved by a unanimous vote.

VIII. City Manager Report – Gina Chamness.

Ms. Chamness shared updates with the Council. The City issued an RFP in September for a website redesign and received 20 responses that were then reviewed by a selection committee. The list was narrowed down to four who were interviewed. The Selection Committee had since identified the best candidate. The vendor has a lot of experience in website redesign and almost exclusively builds municipal websites. It was estimated that the design process would cost slightly more than what was set aside. The total cost would be approximately \$53,000. The extra amount could be covered without a budget amendment. The new website would be live toward the end of next summer or early fall.

Council Member Fotheringham asked about Staff’s ability to update the website and add new content. Ms. Chamness explained that there were no concerns. The vendor the City hoped to engage in contract negotiations with offered slightly more flexibility. She was excited about the calendaring options and stated that it would be easier for City Staff and residents to access City-related content.

Ms. Chamness shared information related to the \$50,000 that the Council set aside for re-engagement with a Federal Lobbyist. During the budget process, the Council determined that it was time to reengage with a Federal Lobbyist because of the return of the earmarks. An RFP was released in September 2022 and a Selection Committee was formed. There were six responses to the RFP and three interviews were conducted. There was a preferred firm that the City wanted to engage in contract discussions with. Ms. Chamness reported that the cost estimates were higher than what was budgeted. A budget adjustment would not be needed in the current fiscal year but would be needed next year. The City Council set aside \$50,000 for this purpose but for a full year of that contract, approximately \$100,000 would be needed.

The first-choice firm has deep relationships with the Congressional Delegation and she felt that the City would be well-positioned to access some of those funds for infrastructure projects. Ms. Chamness wondered if there were objections from the Council about starting the contract negotiations. Council Member Fotheringham believed the City was on the right track. It seemed that there would be a notable amount of money circulated. Hiring a Federal Lobbyist would make it possible for the City to maximize the amount that could be brought into the City.

Mayor Dahle referenced the number of funds that are available. The cost of a Federal Lobbyist would be a drop in the bucket compared to the potential that could be brought into the City. The preferred vendor was a smaller and more intimate firm that knows the representatives well. Council Member Fotheringham asked what type of projects the City anticipates obtaining funds for. Ms. Chamness stated that the RFP is broad but the intention was to obtain funds for Highland Drive and the Wasatch Boulevard Plan. There was also a need for stormwater infrastructure.

IX. Council Reports and District Issues.

Council Member Fotheringham reported that he judged the STEM Fair at Spring Lane Elementary School. He met several dozen, young scientists and had been a fun event to attend.

Council Member Quinn reported that she attended the Interfaith Service the previous weekend. On

November 14, 2022, she also attended the Speaker Series. Both events were enjoyable and appreciated.

Council Member Gibbons was pleased with the Speaker Series. There were over 100 attendees. He expressed gratitude for the City volunteers who serve on various Committees and groups. He was thrilled with the direction of the Historical Commission as well. Council Member Gibbons reported that on November 14, 2022, the annual public hearing was held for Wasatch Front Waste and Recycling and the 2023 budget was passed. This included a \$2.50 rate increase for basic waste services, which would change the cost from \$17 to \$19.50. The increase was to address high fuel costs and market rates.

Mayor Dahle appreciated all who attended the Interfaith Service and the Historical Commission Speaker Series. He planned to host a City Hall event on December 1, 2022, which would be a wonderful way to kick off the holiday season. Mayor Dahle noted that a Tree Lighting event would also be held on November 28, 2022.

X. *Recess City Council in a Work Meeting.*

Council Member Fotheringham moved to recess the City Council Meeting and reconvene in a Work Meeting. Council Member Gibbons seconded the motion. The motion passed unanimously. The Council convened in a work meeting at 7:30 pm.

a. *Discussion on Proposed Text Amendment – Lot and Density Standards within the Foothills and Canyons Overlay Zone (“FCOZ”).*

Mayor Dahle reported that the public hearing was still open and members of the public could share additional comments during the Dec. 8 meeting.

During the last discussion on the FCOZ amendment, it was noted that three particular parcels would be impacted should the amendment be considered and approved. The vote had not been scheduled for tonight’s meeting because not all Council Members were present. He felt that the item deserved to have a vote from the full Council.

Mayor Dahle commented that he could see both sides of the issue. Council Member Fotheringham stated that the circumstances did not compel him to override the previous decisions that were made. He was confident that the processes that took place were more than adequate. There would have been an opportunity for the applicant to address his issues at the time rather than attempting to do so many years later.

Council Member Gibbons believed the issue was scalability. The property owner wanted to get the best use out of his property possible. This was understandable and the desire to do so made sense. On the other hand, the protections were put in place to protect the foothills regardless of the scope. As a result, he was reluctant to chip away at the broad protection that applied County-wide. Council Member Gibbons agreed with the comment shared by Council Member Fotheringham with respect to timing. The FCOZ has been in place for a very long time and the applicant had not taken action.

Council Member Quinn noted that during the last discussion, it was mentioned that the property owner had 1.97 acres. It was suggested that the applicant purchase a small piece of land from a neighboring owner.

Mayor Dahle explained that the intention of the FCOZ was to protect the foothills and the water. The three parcels that would be impacted by the amendment were right below Wasatch Blvd and abut residential areas that have already been developed. He wondered what the impact would be especially when the parcels still need to meet the 30-degree development standard. The amendment would not necessarily be that impactful but he wanted to honor the intention of the FCOZ. He was reluctant to make a zone change when it seemed that the best solution would be for the applicant to acquire a small piece of property to have enough acreage.

b. Discussion on Community Renewable Energy Low-Income Programmatic Strategies.

Council Member Quinn reported that something that the State Statute requires of the Agency is to make special provisions for customers deemed to be low-income. Those are customers who either qualify for one of the low-income programs that Rocky Mountain Power offers or are at least 60 days delinquent on their power bill. The Legislature informed the Agency that those customers need to be treated differently. Council Member Quinn reported that the next Community Renewable Energy Agency Meeting was scheduled for December 5, 2022. At that time, the Low-Income Programmatic Strategies would be voted on. Council Member Quinn reviewed some of the suggested strategies.

The first strategy was the Termination Fee Waiver. That strategy would opt in everyone, even low-income residents, but if the program was too expensive for a resident that resident could exit the program without having to pay the Termination Fee that everyone else would have to pay. The second strategy was an Enhanced Monthly Bill Credit. This would cost those in the program a small amount and supplement the low-income residents. The third option was Program Donation Facilitation. Council Member Quinn was not certain why that option was on the list because Rocky Mountain Power does not have a way to collect those donations. The fourth option was an Automatic Opt Out. She clarified that everyone in the participating communities would automatically be opted in unless otherwise communicated to Rocky Mountain Power. The fourth strategy suggested that low-income residents would automatically be opted out of the program.

Council Member Quinn had studied the different options and her recommendation was the Termination Fee Waiver. She was hesitant to automatically opt anyone out. Everyone who could be in the program should be. If someone decides that they cannot handle the additional cost, it would be possible for that person to opt out without paying the fee. Another advantage of that option was that it would not add any extra costs to those who want to participate in the program. She asked for Council Member feedback. Council Member Gibbons was supportive of the Termination Fee Waiver. It seemed less complex and would not create an additional burden for the other participants. Council Member Fotheringham agreed and felt that an automatic opt-out was offensive.

***c. Calendar:
Council Meeting – December 8, 2022
Tree Lighting – November 28, 2022***

The calendar items were reviewed and discussed.

XI. Closed Session Pursuant to Utah Code Section 52-4-204 and 205 to Discuss the Physical or Mental Health or Professional Competence of an Individual, Potential Litigation, Property Acquisition, and Disposition of Security Systems.

There was no Closed Session.

XII. Adjourn.

Council Member Fotheringham moved to ADJOURN. Council Member Quinn seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 7:41 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, November 17, 2022.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **January 19, 2023**