

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

Thursday, January 19, 2023

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Mayor Rob Dahle
Paul Fotheringham
Dan Gibbons
Matt Durham
Ty Brewer
Drew Quinn

City Staff:
Gina Chamness, City Manager
Jayme Blakesley, City Attorney
Jonathan Teerlink, Community Dev. Director
Jared Bunch, City Engineer
Stephanie Carlson, City Recorder

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. *Public Comments.*

Trudy Jorgensen-Price – Holladay Library. She explained that the Library is partnering with the Holladay Arts Council to provide a Martha Hughes Cannon Exhibit and related programs. An event was scheduled for January 25, 2023, where children’s books related to the suffrage movement would be read. Ms. Jorgensen-Price also noted that there was an ongoing scavenger hunt. In preparation for the spring season, there will be a Growing Microgreens At Home Program on January 22, 2023. Early in February, the Library will partner with the Happy Healthy Holladay Coalition and the Salt Lake County Health Department to offer a QPR Suicide Prevention Program Training. On February 11, 2023, the Library will partner with the Tree Committee for a Tree Talk. She noted that there is still time for the winter reading program, which runs until February 18, 2023.

IV. *2022 Financial Audit Report – Robert Wood.*

Robert Wood from HBME was present to review the details. The Audit Committee previously reviewed the Audit with the City Manager. Mayor Dahle asked that the Fund Balance for the last five years be reviewed as well as the net position numbers. There were improvements in certain areas and the City has a strong cash position. Part of the strong cash position was due to the issuance of two bonds.

Mr. Wood reported that every transaction was not audited and a lot was done on a sample basis. However, there were confirmations with outside agencies. The audit opinion was reviewed. There was an unmodified opinion, which was the best opinion that can be provided to the organization.

Mr. Wood shared the 2022 numbers with the Council, including a summary position of the revenues and expenses. The Fund Statements were reviewed. The State looked at the unassigned, assigned, and committed funds. The City of Holladay is within the State guidelines. Details related to Revenues and Expenses were shared and there were no concerns but there was one State Compliance Finding. The Redevelopment Agency (“RDA”) has been in a significant deficit for years. That being said, the deficit was reduced by nearly \$600,000 in the last year.

There were two additional reports in the Audit, which had to do with internal controls and compliance. Mr. Wood informed the Council that there was one finding in the Final Report. It indicated that the RDA and Stormwater Funds had deficit Fund Balances. This was not in compliance. Council Member Fotheringham wondered what the consequences were for not complying. Mr. Wood explained that this is a common issue with RDAs. At most, there will be a letter received from the State Auditor’s Office asking for a plan of action from the City to address the outstanding deficit. He noted that there was a Management Response included in the report.

Council Member Fotheringham referenced Page 5 of the 2022 Financial Audit Report. He noted that there were strong cash reserves due to various events but it has been the objective of the City to generate a lot of cash reserves. Mr. Wood referenced the sales tax increases that had occurred over the last few years. Mr. Wood reviewed the Fund Balances for the last five years. In 2018, the General Fund balance was \$3.4 million unassigned. In 2022, that number was \$7.2. That meant the General Fund Balance had doubled in five years. The Operating Revenues were at \$15.1 million in 2018, but in 2022, that number was \$23.4 million. Some of that was one-time funding from the American Rescue Plan Act (“ARPA”) and Coronavirus Aid, Relief, and Economic Security (“CARES”) Act. That influx of Federal funds was received by the City but that would not continue in the future.

It was noted that the Enterprise Fund was added, which meant there was an additional layer of complexity. Council Member Fotheringham referenced Page 13 of the 2022 Financial Audit Report and asked about deferred property tax revenue. Mr. Wood explained that it was the anticipated amount of property taxes for 2023. The offset to that entry was shown in the taxes receivable line. It was assessed during Fiscal Year 2022 but would not be collected until Fiscal Year 2023. Governmental Funds indicated that if the amount was not collected within 60 days, it was not recognized as revenue and was deferred. He noted that the same happened for the Tax Increment.

Mr. Wood continued to review the trend analysis of the General Fund. In 2018, 2019, and 2020, the percentage needed to be between 5% and 25%. After that, the State Legislature increased the amount to 35%. The City of Holladay is maintaining a healthy balance. As for the Fund Balance in the Capital Projects Fund, in 2018, it was \$4.7 million and in 2022, it was \$14.7 million. Money was set aside to fund many of the projects the City wants to focus on. Mayor Dahle stated that the 2022 Financial Audit was a healthy report. He commended the previous and current City Council.

V. *Public Hearing on Proposed 2022-2023 Budget Amendments.*

City Manager, Gina Chamness stated that the Budget Amendment reflected changes the Council discussed previously. In the General Fund, a line item would be added for the Development and Fundraising Services Contract, which would be approximately \$20,000 for the remainder of the fiscal year. In the Stormwater Fund, a portion of the ARPA funds received in Fiscal Year 2022-2023 were listed as a transfer with no expenses. On the expense side, the proposal was to fund a property purchase. The associated cost was approximately \$990,000.

Mayor Dahle opened the public hearing. There were no comments. The public hearing was closed.

VI. *Public Hearing on Proposed Purchase of Property for the Installation of Storm Drainage Improvements.*

Mayor Dahle reported that the above item was a public hearing on the proposed purchase of property for the installation of storm drainage improvements. He explained that there were some last-minute issues regarding the agreement. Those issues need to be clarified before there was a vote.

Mayor Dahle opened the public hearing. There were no public comments. The public hearing remained open.

VII. *Consideration of Ordinance 2023-01 Amending the Budget for the Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023 (Approving Changes to the Budget for the Current Fiscal Year.)*

Council Member Fotheringham moved to TABLE Ordinance 2023-01, Resolution 2023-01, and Resolution 2023-05 until the February 2, 2023 Meeting. Council Member Durham seconded the motion. Vote on motion: Council Member Brewer-Aye; Council Member Durham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Council Member Fotheringham-Aye; Mayor Dahle-Aye. The motion to table passed unanimously.

VIII. *Consideration of Resolution 2023-01 Approving a Purchase and Sale Agreement with Kathy Oyler for the Purchase of Property to be Utilized as Storm Drainage Improvement Property.*

The vote on the above resolution was tabled to the February 2, 2023, City Council Meeting.

IX. *Consideration of Resolution 2023-02 Appointing a Mayor Pro-Tem.*

Council Member Fotheringham moved to APPROVE Resolution 2023-02 – Appointing a Mayor Pro-Tem, with Council Member Brewer acting as Mayor Pro-Tem. Council Member Quinn seconded the motion. Vote on motion: Council Member Brewer-Aye; Council Member Durham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Council Member Fotheringham-Aye; Mayor Dahle-Aye. Resolution 2023-02 was approved by a unanimous vote.

X. *Consideration of Resolution 2023-03 Adopting Amendments to the City of Holladay General Plan Relating to Moderate-Income Housing Opportunities. (This Resolution will Approve an Amendment to the City’s Moderate-Income/Affordable Housing Plan Recently Adopted Pursuant to Resolution 2022-24 to Make Technical Corrections).*

Community Development Director, Jonathan Teerlink explained that this was a response to a review by the Department of Workforce Services. Some deficiencies were found in the submittal regarding

General Plan amendments for Moderate-Income Housing. After some discussions, technical changes were made to the existing document. There was a redline version included in the packet. Mr. Teerlink indicated that there were two deficiencies. The first had to do with using verbatim terminology. The other deficiency was choosing Goal O, which was an attempt to acknowledge a partnership with RDA stakeholders in pursuing Moderate-Income Housing Plans. The request was that date certain checkpoints be inserted into the General Plan. Bi-yearly meeting dates were included to outline when those meetings with RDA partners would take place.

Ms. Chamness noted that some of the compliance conversations had to do with potential impacts on the future receipt of B&C Road Funds. That was approximately \$1.2 million per year for the City. Mayor Dahle noted that the City of Holladay was pushed to make a text amendment to the O-R-D Zone to allow for multi-family housing, which was not allowed previously. However, nothing happened with that. The City can allow for various affordable housing opportunities but the City is not the developer and did not build the product. This caused a certain amount of friction between the State and local municipalities.

Council Member Gibbons moved to APPROVE Resolution 2023-03 – Adopting Amendments to the City of Holladay General Plan Relating to Moderate-Income Housing Opportunities. Council Member Durham seconded the motion. Vote on motion: Council Member Brewer-Aye; Council Member Durham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Council Member Fotheringham-Aye; Mayor Dahle-Aye. Resolution 2023-03 was approved by a unanimous vote..

XI. *Consideration of Resolution 2023-04 Approving a Franchise Agreement with Zayo Group, LLC.*

City Attorney, Jayme Blakesley explained that Zayo Group, LLC provides telecommunication services. The Franchise Agreement is for them to place infrastructure and offer service within the City for voice, data, and video. The City has a right-of-way ordinance and the agreement was constructed within the parameters of that ordinance. It is a seven-year term with an option for an additional three years. Mr. Blakesley noted that there was a question during the Work Session about the indemnification language. He tracked down the specific line-by-line changes made. Mr. Blakesley was comfortable with the current language.

Mr. Blakesley clarified that two edits had been made. There was a carve-out on the indemnification that they were not indemnifying willful or negligent misconduct by the City. Mr. Blakesley reported that the second change was language related to damages coming from third-party claims and damages that were incidental, special, punitive, or consequential. For instance, loss of profits. Those kinds of damages were specifically carved out of the agreement. He noted that the proposed language was consistent with the terms of other agreements.

Council Member Fotheringham moved to APPROVE Resolution 2023-04 – Approving a Franchise Agreement with Zayo Group, LLC. Council Member Durham seconded the motion. Vote on motion: Council Member Brewer-Aye; Council Member Durham-Aye; Council Member Quinn-Aye; Council Member Gibbons-Aye; Council Member Fotheringham-Aye; Mayor Dahle-Aye. Resolution 2023-04 was approved by a unanimous vote.

XII. *Consideration of Resolution 2023-05 Approving the Agreement with the Utah Department of Transportation Relating to a Federal Aid Agreement for Highway Planning and Construction.*

The vote on the above resolution was tabled to the February 2, 2023, City Council Meeting.

XIII. *Consent Agenda.*

a. *Approval of Minutes – November 17 and December 8, 2022.*

Council Member Quinn moved to APPROVE the consent agenda. Council Member Brewer seconded the motion. The motion passed with the unanimous consent of the Council.

XIV. *City Manager Report – Gina Chamness.*

Ms. Chamness shared updates with the Council and reported that there was continued work with Millcreek. There was a possibility that the City of Holladay would assume responsibility for its Justice Court services which could possibly begin in July 2023. In March, the intention was to bring a few items to the Council for consideration. The first was a proposed Interlocal Agreement and Resolution that would expand the territorial jurisdiction of the court to include Millcreek. Assuming that the Council was comfortable with that, the Judicial Council would consider the application. If approved, the Administrative Office of the Courts would begin working on programming changes and other necessary changes ahead of a July 1, 2023 start date. Millcreek had been very easy to work with on the agreement. She was confident that something would be shared with the Council in March 2023.

Ms. Chamness clarified that Millcreek currently contracts with Salt Lake County. Salt Lake County had given notice that they were looking at closing the court. The process that was laid out in statute was a two-year process and the Legislature needs to affirm that decision. As a result, it was unclear when the court would close or if the Legislature would permit it to. It was anticipated that the demand for the court would look similar to what it did in 2014.

Ms. Chamness referenced the HR system that the Council allocated funding for. In November, a software system had been implemented that was used to manage timekeeping, benefits, performance management, recruiting, applicant tracking, onboarding, and training. So far, the timekeeping system had been implemented and the performance management component would be unveiled later in the week. No one system was perfect but the current software was much better than the manual time clock that was used previously. It also provided a lot more information to City Staff.

XV. *Council Reports and District Issues.*

Council Member Fotheringham reported that the Arts Council met on January 18, 2023. He noted that planning for the summer events was already underway. The concert lineup was more or less mapped out and he was excited about that. Additionally, at the Rotary, two youth speakers attended the Rotary Youth Leadership Academy in September 2022. The speakers stated that it had been a positive experience and helped with leadership development. Council Member Fotheringham was pleased that there was an organization like the Rotary in the community.

Council Member Durham shared information related to the Tree Committee. The Tree Committee was passionate about the upcoming work for the year. In addition to the Tree Giveaway, which was planned for May 6, 2023, the Committee would hold two events around Arbor Day. One of those events would take place at Crestview Elementary and the other at Howard R. Driggs Elementary.

Four trees each would be planted during those events. As for the Tree Talk series that had been mentioned earlier in the meeting, he believed that would be worthwhile. There were four sessions planned with different topics related to trees. This would take place on the second Saturday of February, March, April, and May 2023. The first and last sessions would have experts from Utah State University Extension to answer any outstanding questions related to trees.

Council Member Brewer asked if the Council Members knew of any City of Holladay residents who were interested in crit races. There was a desire to create a Board. Contact information for those passionate about crit races could be shared and he would pass along that information to the interested parties.

Mayor Dahle reported that he visited Olympus Junior High for the Community Council Meeting. There was an excellent group of people there. He also noted that at the Wasatch Front Regional Council (“WFRC”) Meeting, the Zoo, Arts, and Parks (“ZAP”) team had presented. ZAP was coming up for bond in 2024/2025. There was normally a \$250 million 10-year bond. There had been discussions about an opening on the Tier 2 Funding Board in District 4 and District 6. He wanted to reach out and find out if any of those openings were within the City of Holladay. If so, a City resident needed to apply to serve on the ZAP Committee. He offered to look into that further.

XVI. Recess City Council in a Work Meeting.

Council Member Fotheringham moved to recess the City Council Meeting at 7:14pm and reconvene in a Work Meeting after a 5-minute break. Council Member Brewer seconded the motion. The motion passed unanimously.

a. UFA Critical Risk Assessment – Captain Dan Brown.

Unified Fire Authority (“UFA”) Captain, Dan Brown shared an excerpt of the Standards of Cover document. He explained that the document was over 600 pages but key portions were included in the packet. The Standards of Cover document was a systematic way of looking at the basic service provided by an emergency services agency. The key elements included:

- A community risk assessment identifying the risks common and/or unique to a service area;
- A determination of levels of service to be provided within the area served; and
- An analysis of the agency’s current response capability in terms of time and on-scene performance for personnel and equipment.

Capt. Brown explained that this had been a work in progress in the department for a few years. The Standards of Cover document was a living document that would change as risks were re-evaluated in the community. It would likely be updated every year or every other year. He reviewed data related to the types and number of calls in the City of Holladay as well as the dispatch times. Discussions were had about dispatches based on location. Capt. Brown explained that it varied based on the location and call level. The drive times and travel times were shared. Additional statistics were reviewed as well as the risk assessment in Holladay. For the most part, the Holladay risk assessment was fairly low. The goals moving forward related to the call processing times and turnout times.

Council Member Fotheringham noted that most call types are medical-related but the stations are not optimized for medical calls. It would be an interesting topic to discuss in the future. Council Member Quinn wondered if it would make sense to have an evening with UFA and allow citizens of the City

of Holladay to participate. She expressed concerns about fire risks and trees around homes. Educating residents about the types of trees that were more likely to catch fire could be beneficial. Captain Brown offered to look into scheduling an open house during the spring season.

Ms. Chamness referenced the graph on Page 18 and Page 19. City-wide, she believed the City was in good shape. However, it appeared that the risk escalated for both residential and commercial in the southeast section. As the Gravel Pit expansion was explored in Cottonwood Heights, it was important to look for partnership opportunities. Mayor Dahle agreed. It would be interesting to work with Cottonwood Heights, identify the weak spot in Holladay, and discuss a potential relocation of the station. If that station was relocated, it could be closer to the mouth of Big Cottonwood Canyon. It might be beneficial to contemplate a more efficient location than what currently exists.

b. Business License Report – Georgia Theobald.

Mr. Teerlink explained that since 2005, the Community and Economic Development Department provided internship opportunities. There had been excellent Interns in the past and the new Planning Intern, Georgie Theobald was no exception. She had been able to focus on a project related to the optimization of the existing iWork program, which allowed the Business Licensing Department to track and monitor businesses. That program was set up to track and optimize Building Permits. One of the opportunities that iWork proposed was a point-based system, where a specific pinpoint was placed on a map within the footprint of a building. This would allow data to be associated with that specific location.

Ms. Theobald informed the Council that she loved the internship so far and had enjoyed working on the project. She shared a presentation titled, “Business License Locations – City of Holladay,” and explained that the project will help businesses find available space and focus on buildings, businesses, and suites. There would be a georeferenced point data system and it would be made available to the public. The project goals were reviewed, which included the following:

- Keep track of businesses;
- Know where vacancies are;
- Visualize the dataset; and
- Continually update the data.

Ms. Theobald discussed some of the challenges, shared data collection methodologies, and overviewed example buildings. Mayor Dahle thanked her for the presentation and the work done.

c. Review of Arts Council Programs and Preview of Public Art – Sheryl Gillilan.

Executive Director of the Holladay Arts Council, Sheryl Gillilan shared information about the Arts Council. Last year, the Arts Council rebounded from the pandemic well. She reported that the numbers were back to the pre-pandemic numbers. The Blue Moon Festival and Dance Concert had returned. It had been a robust year. As for the current year, the sculpture for the plaza would be installed in November. Additionally, the Arts Council would take over the management of the July 4th Concert. It would be part of the Summer Concert Series, so there would be nine concerts in total.

Ms. Gillilan reported that a successful Creative Aging Workshop was held in April 2022. She applied for a grant from the Utah Division of Arts and Museums for that. The same grant had been awarded this year, which meant another Creative Aging Workshop could be funded. Also in 2023, two more

utility boxes would be covered with artwork. The Council was working with the Utah Department of Transportation (“UDOT”) on that project.

Ms. Gillilan shared information about the Public Art project, which started in March of last year. There were 126 responses from artists all over the country at that time. There was a committee of seven that reviewed all of the proposals. The committee met in July 2022 and chose four finalists. An honorarium was paid and those artists designed a piece that could go in the plaza. A unanimous decision was made on an artist from Seattle, Washington. An image of the proposed sculpture was shared. Ms. Gillilan explained that the artist had been open about adapting the design and minor alterations had been made. The original proposal was to make the sculpture out of brass. However, that had since changed and the sculpture would be made from stainless steel that would be airbrushed. According to the selected artist, this would create more depth of color. Everyone on the committee and Arts Council was pleased with the design and with the chosen artist.

Council Member Brewer wondered whether information about the sculpture would be shared on the City of Holladay’s social media sites. Ms. Gillilan explained that this would not be done until later on. There might be some video recordings of the creation process or the sculpture installation. Additionally, there would be an unveiling ceremony

Mayor Dahle noted that lighting was not part of the bid for the Public Art project. That being said, it was worth considering whether lighting should be installed. \$20,000 had been set aside for contingency that could potentially go towards lighting. Mayor Dahle believed that as part of the budgeting process, the Council should discuss the area in general. There could be more done in terms of lighting the plaza and the village area. Lighting for the sculpture should also be considered.

Mayor Dahle appreciated the work done by the Arts Council and the leadership that Ms. Gillilan provided. The Arts Council had a lot of creative passion. Council Member Gibbons was impressed by the number of volunteer hours the Arts Council had done in 2022. Based on the information provided to the Council, over 1,000 hours were donated. The level of dedication was extraordinary.

d. Review of 2023 Pavement Projects – Jared Bunch.

City Engineer, Jared Bunch shared information related to 2023 pavement projects. When the Council met last year, he informed them that there was a desire to focus on residential streets in the City of Holladay. In 2023, the intention was to focus on some collector streets, such as Holladay Boulevard south of the Village. There was also a desire to fill in the gap on Murray Holladay Road.

In the northeast area, Salt Lake City is currently constructing water mains. That work was expected to be done by the end of May 2023. Mr. Bunch reported that 3100 East down to 4500 needs to be done as it is one of the worst streets in the City. There had been requests that Salt Lake City reconstruct the water main in that roadway as well, but there was currently no commitment to a specific date. There was a desire from the County to address that, but the work was down the road. Mayor Dahle wondered whether there was someone the City could speak to about the water main. Ms. Chamness offered to reach out and find out where that was on their schedule. It would be possible to communicate the desire of the City to redo that road.

It was noted that some of the pavement projects are bond projects and some were covered under contract. Salt Lake City would do three streets, but everything else would be bid out for a contractor

to complete. Mr. Brunch referenced Cresthill Drive and noted that it had been added to the pavement list as well as 4675 South. He explained that it was beneficial to group streets together so it was possible to maximize efficiency. Streets in the Stanford Lane area were reviewed. Once the residential streets on the 2023 pavement project list were completed, he felt that Holladay would be in good shape as it related to residential streets. The collector streets were still being monitored.

The Council discussed other roads that needed attention. Ms. Chamness explained that the maps included in the Meeting Materials Packet showed the areas where pavement projects would take place over the summer. Some would be done with bond proceeds and some without. As part of the budget submittal for next year, the City would look at the overall spending of the bond proceeds and share options in terms of facilities and road projects. The Council could prioritize the way the remainder of the bond proceeds should be spent at that time. She noted that some of the projects from last summer came in under budget. Additional streets were reviewed and Council Members discussed plowing and snow removal in Holladay.

- e. Calendar*
Council Meetings – February 2 and 9, 2023
Council Retreat – February 23, 2023.

The calendar items were reviewed and discussed.

XVII. *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 and Deployment of Security Systems.*

There was no Closed Session.

XVIII. *Adjourn.*

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

The City Council Meeting adjourned at approximately 8:52 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, January 19, 2023.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **March 16, 2023**