

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

Thursday, October 24, 2024

6:00 p.m.

City Council Chambers

4580 South 2300 East

Holladay, Utah

Briefing Session – 5:30 P.M.

ATTENDANCE:

Mayor Rob Dahle
Paul Fotheringham
Drew Quinn
Matt Durham
Emily Gray
Ty Brewer *-excused*

City Staff:

Gina Chamness, City Manager
Stephanie Carlson, City Recorder
Jayme Blakesley, Legal Counsel
Christian Larsen, Finance Director

Mayor Dahle called the Briefing Session to order at 5:35pm. The Council reviewed discussed items on the agenda. Mayor Rob Dahle noted that additional information on Short-Term Rentals was included in the packet. There were some Council Member concerns about rushing the process.

Mayor Dahle reported that there was a fire on the south side of the City. He is not certain at this time what caused the fire but five UPD officers and one firefighter were at the hospital. It was a pretty bad fire and there is one victim in the hospital as well.

Mayor Dahle reported that there is 1st Quarter Financial Review information included in the packet. It includes revenue and expenditure charts. There will be a Closed Session at the end of the City Council Meeting.

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I. *Welcome* – Mayor Dahle.

Mayor Dahle called the City Council Meeting to order at approximately 6:00 p.m.

II. *Pledge of Allegiance.*

Mayor Dahle led the Pledge of Allegiance.

III. *Public Comments.*

There were no public comments.

IV. *Public Hearing on Proposed Amendments Chapter 13.14.031 - Accessory Dwelling Units.*

Mayor Dahle noted that there was an email comment received from Natalie and Chris El-Deiry that was generally in favor of the proposed changes to the ADU language.

Council Member Paul Fotheringham expressed appreciation to City Staff for all of the hard work that has been done on the proposed amendments. He also expressed thanks to his fellow Council Members, because a lot of time and effort was put into the review. The intention is to be both accommodating and protective. This process required a fair amount of time and thought, but he believes the result will be something that is positive and will benefit the community.

Mayor Dahle opened the public hearing at 6:06pm. There were no comments. The public hearing was closed.

V. *Reports.*

a. *Wasatch Front Waste and Recycling – Pam Roberts.*

Council Member Emily Gray introduced the General Manager of Wasatch Front Waste and Recycling (WFWR), Pam Roberts. Ms. Roberts explained that before she discusses the proposed increase, she will share a brief report with members of the City Council. She thanked Council Member Gray for

touring the facilities to better understand the capital improvement needs. The environmental stewardship and diversion rates for Holladay were shared.

Ms. Roberts provided information regarding House Bill (H.B.) 107 and the requirements for recycling transparency compliance. This bill mandates that municipalities receive reports twice a year on the volume of recycling being collected. Although WFWR submits reports slightly more frequently, there is a section called “District Stats” specifically designed to detail collection tonnages by material type. This information can be included in the Holladay newsletter to ensure that the City’s reporting requirements are fulfilled. Additionally, it is possible to link directly to that page for easy access.

One of the main goals for WFWR is to have customer satisfaction. The container program is very popular, so she shared information about the Seasonal Container Reservation Program (“SCRP”). Holladay City residents had two weeks of SCRП services with 597 total tons of bulk waste. The team was able to accommodate 834 of the 1,088 requested SCRП reservations. That is a 77% accommodation for Holladay versus an average of 74% district-wide. Ms. Roberts reiterated that this is a popular program and noted that the Board has had several discussions about how to expand the service. One of the ideas that has come forward and will be rolled out next season is to limit repeat reservations. Anyone who reserved in 2024 will need to be on a waiting list for 2025. Anyone who was on the waiting list in 2024 will be prioritized in 2025. This will make things as fair as possible.

Another goal for Wasatch Front Waste and Recycling is to focus on employee satisfaction. This year, 11 new trucks arrived and driver satisfaction increased as a result of the new trucks. In June, there is always National Waste and Recycling Workers Day.

District updates and 2025 budget discussion information was shared. She shared a table that outlines the main costs, with personnel being the highest. WFWR is a service provider with 101 full-time employees, 65 of which are drivers. Over the last several years, 10 full-time employees have been added and five of those were for the apprentice program. The wage increases were outlined. Ms. Roberts noted that the starting wage for someone who has a CDL and one year of experience has increased by \$6 per hour over time. In 2021 and 2022, the Board approved the Work For Experience model for hiring and salary. Someone with 12 years of experience will not start at the starting wage, but at the midpoint or above. There is a matrix that was put together by the compensation consultant. The benefit is that there are more experienced drivers coming in.

The Board has been looking at fee increase scenarios between \$5.50 and \$6.50 per month. In Sept the Board gave direction to bring forward a tentative budget of \$6.50 per month, which would raise the fee from \$19.50 to \$26 and that would start in 2025. Whatever fee increase the Board selects would be effective on January 1, 2025. However, due to the billing cycle, residents would not see that until the quarterly bill in April 2025. There have been discussions about billing more often, which could be every other month, to bring in the cash sooner.

There is a public hearing scheduled on November 18, 2024, at 6:00 p.m. The Board has until December 16, 2024, to make the final adoption of the budget. Ms. Roberts believes the timeline is appropriate and will ensure the Board can deliberate on the amount.

Discussions were had about the proposed fee and the last fee increase. Mayor Dahle asked whether the uncommon inflationary pressures in recent years have impacted the needs. It looks like the trend

has been that every four or five years, there is a 15% increase. What is proposed is a 33% increase. Ms. Roberts pointed out that in the past, WFWR waited five years when the increase needed to be done every three or four years. Salt Lake City has one of the highest rates with \$33 per month, but that includes green waste. Currently, WFWR is below Salt Lake City and Murray City for costs.

Council Member Matt Durham asked about the communication plan for the increase. Ms. Roberts reported that she has been presenting to different City Councils and information has been published in newsletters. Once the fee increase has been finalized by the Board, it will be posted on Facebook with contact information. Ms. Roberts expressed appreciation for Council Member Gray and her involvement on the Board.

VI. *Consideration of Ordinance 2024-16 - Amending Title 13 of the City Code to Allow Short-Term Rentals as a Conditional Use in the PO Zone (amendment to Title 13 of the City Code, as they relate to the addition of conditional allowance of short-term rentals within the Professional Office (PO) Zone).*

Planning Staff clarified a few issues that were raised during the previous discussions. Staff and the Planning Commission went through their process and forwarded a negative recommendation to the City Council. They did not support amending the PO Zone at this time but were generally supportive of exploring the matter further during the General Plan update process.

Council Member Gray explained that she has gone back and forth on this issue many times. It could make a lot of sense to have short-term rentals in the PO Zone, but as a general rule, she likes to be methodical in any decision made. She does not feel the Council has had the chance to look at this issue as comprehensively as she would like. Due diligence is important as is looking at short-term rentals comprehensively in the City. The General Plan process will allow for that review.

Council Member Fotheringham agrees with the comments shared. There are certain decisions made that are fairly routine, but changing a Land Use Table is never routine. The Land Use Tables are foundational. While changes can be made to those tables, it is necessary to put a lot of thought into whether those changes are appropriate. He pointed out that changing a Land Use Table impacts the applicant, every parcel in the zone, and neighboring parcels. There can be far-reaching impacts. Since this is something foundational, it cannot be thought of as a routine decision. Council Member Fotheringham is not comfortable with making the land use change to the PO Zone at this time.

Mayor Dahle stated that short-term rentals will continue to become a bigger issue in the community and should be fully vetted. The General Plan process is the appropriate time to have those kinds of discussions and make those determinations. When the City Council considers a text amendment to a zone, the amendments must be considered for the entire zone rather than considering an individual who may benefit from that change. There are 38 properties that could potentially be impacted by this amendment and all need to be taken into consideration. Based on this information, he believes the General Plan process is the time to discuss the matter.

Council Member Durham noted that there were a lot of interesting discussions and he came to the conclusion that this may be an appropriate location for short-term rentals but believes the discussion was being driven by one parcel and individual situation. He does not have an objection to there being a more deliberate process to make sure the right decision is made.

Council Member Drew Quinn has never been a fan of short-term rentals in residential areas. She feels allowing short-term rentals in all of the PO Zone is concerning. Though she has gone back and forth on what the right decision is, at this time, she believes it is best to consider this further through the General Plan process.

Mr. Blakesley explained that the Council has an obligation to act on the application before them. It is not possible to continue it indefinitely and it is not proper to continue it if the intention is to consider it again in six months or one year. The motion should either be to approve or deny the application.

Council Member Gray moved to APPROVE Ordinance 2024-16 – Amending Title 13 of the City Code to Allow Short-Term Rentals as a Conditional Use in the PO Zone. Council Member Quinn seconded the motion. Vote on Motion: Council Member Gray-Nay; Council Member Quinn-Nay; Council Member Fotheringham-Nay; Council Member Durham-Nay; Mayor Dahle-Nay. The motion FAILED with a vote of 5-to-0.

VII. *Consideration of Ordinance 2024-17 Amending Section 11.04.010, Clarifying the Enforcement Authority of the Unified Police Department for Traffic Regulations within the City.*

Council Member Fotheringham moved to APPROVE Ordinance 2024-17 – Amending Section 11.04.010 – Clarifying the Enforcement Authority of the Unified Police Department for Traffic Regulations within the City. Council Member Durham seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Aye; Council Member Durham-Aye; Mayor Dahle-Aye. Ordinance 2024-17 was ADOPTED by a unanimous vote.

VIII. *City Manager Report – Gina Chamness.*

Manager Chamness alerted Council Members to a potential issue that may have an impact on the base amount of the budget contract with the UPD next year. At the beginning of the school year, there were requests to look at where the crossing guards were staffed. As part of that exercise, it was determined that there had been an error for several years in how those crossing guards were being charged to precincts. Seven of the crossing guards were being charged to Millcreek instead of Holladay. That will likely result in a cost of \$65,000 next year. It is believed some savings in other parts of the budget this year can be used to make that adjustment, but it will impact the amount next year.

The 25th anniversary of incorporation will take place in November. There is a time capsule that was prepared 25 years ago. Ms. Chamness explained that the hope is that the City Council will open that and film it before the November 7, 2024, Council Meeting at approximately 4:00 p.m. Mike Kennedy, who is currently the GOP candidate to replace John Curtis in the 3rd Congressional District would also like to introduce himself to the City Council at that meeting.

Ms. Chamness noted that there have been discussions with Council Members about challenges related to the delivery and timeliness of the Holladay Journal, which contains the newsletter. City Staff met with a representative of the Holladay Journal earlier in the day. There are some ideas to solve the issues, but that might include a budget amendment. It is clear that the priority is delivery and timeliness, so there will be more information about how to achieve that in the future.

IX. Council Reports and District Issues.

Council Member Gray reported that Bonneville Junior High School is celebrating their 60th anniversary as a school this year. As part of their Fall Festival on November 13, 2024, there will be a 60-year celebration of the school. The event will take place from 5:30 p.m. to 7:30 p.m.

Council Member Quinn thanked Chief Hoyal for the time and effort he has put into addressing the parking issues at Morningside Elementary School related to the drop-off and pick-up area being used.

Council Member Fotheringham reported that the Arts Council events have wound down for the next little bit. Additionally, the UFA Board discussions have slowed down at this time.

Council Member Durham reported that there will be a Tree Talk on November 9, 2024, at the library. There will be a panel of arborists available this time and residents can ask specific questions.

Mayor Dahle explained that there may be another potential budget impact from UPD. There are a lot of mental health issues impacting communities. There is a detective who spends most of his time addressing these kinds of issues. This is not an issue that is going away, but one that is escalating. Millcreek is interested in bringing on a licensed clinical social worker to work with their mental health detectives. It is possible to look into a partnership with Millcreek and bring on that asset on a pro-rata basis.

Council Member Fotheringham asked if UPD is the correct partnership for that or if it is the Salt Lake County Health Department. The concept is something he supports and feels makes a lot of sense. Council Member Gray asked whether a licensed clinical social worker would come out with the officers or would act as a consultant. Chief Hoyal explained that the idea is that there would be a co-response on certain calls. Additionally, for people struggling with mental health issues, the detective follows up with those individuals. The licensed clinical social worker could then be there as well to make sure there are resources available to the individual. This limits the number of future calls and helps loved ones obtain resources. Council Member Gray expressed support for this addition.

X. Reconvene City Council in a Work Meeting.

Council Member Fotheringham moved to ADJOURN the City 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 7:00 pm.

a. Social Media and You Presentation – Jayme.

Mr. Blakesley reported that he will share a brief overview of the law and will discuss some of the things that have changed in the law. He handed out a Social Media Best Practices sheet.

There were two Supreme Court cases decided together this last spring that related to public officials and their use of social media. Both of the cases mentioned went to the Supreme Court. Ultimately, to answer the question posed, the Supreme Court stated that social media activity is official if they possess the authority to speak and are purporting to exercise that authority on social media. If a social media page is purely personal and is never used to interact with constituents or post official notices, it is possible to keep it personal, but that use must be disciplined. One post seeking feedback on something happening in the City could convert the private page to an official page. On personal

pages, it is appropriate to repost official City communications, and doing so would not covert the personal account.

Mr. Blakesley spoke about election activities. During election season, as a public entity, the City cannot use public resources for election activities. Public resources can mean buildings and locations or even phones and computers if those are paid for by the City. The official City email account also falls into that category. Private resources must be used for any kind of election activity or content. Council Member Gray asked what to do if someone reaches out regarding an election issue through the City email. Mr. Blakesley believes it is appropriate to provide an orienting response. For instance, to state that it is not possible to discuss such matters through the City account but through a personal account or campaign account.

Mr. Blakesley explained that every social media platform is unique in how content is posted, how interactions occur, and how content is moderated. On some platforms, it is possible to moderate comments by comment or post by post, whereas on others, it is only possible to moderate user by user. As an example, on Facebook, there could be an announcement and no comments can be shared. If the same kind of post was made on Instagram, the comments would need to be turned off manually on each post.

Mr. Blakesley encouraged Council Members to be aware of the social media platform being used and the ability to allow for content interaction. He reviewed the handout and noted that there is information about general communication. It includes some of the common questions from elected officials about interactions and moderating content. There is also some advice on whether to have multiple accounts. Mr. Blakesley explained that YouTube and podcasts are mentioned in the handout because people tend to think less about what is said out loud than what is put in writing. Often when elected officials are on those kinds of forums, there can be some uncertainty about when someone is speaking as an individual and when they are speaking on behalf of the City. If there is participation in videos or podcasts, it is recommended that there be identification at the outset.

Mr. Blakesley reported that there is also information about community forums listed in the handout. Council Member Gray asked whether the recommendation is not to participate in community forums where there is no control over the moderation and encouraged Council Members to identify their role and how they are participating.

Ms. Chamness explained that there are times when she will share a City post and invite comments. She wanted to understand whether sharing something from the City that solicits feedback changes the dynamic. Mr. Blakesley suggested sharing the City post without inviting comments.

b. 1st Quarter Financial Review – Christian Larsen

Mr. Larsen reviewed the charts included in the packet. He explained that this is the City-wide summary of revenues. Mr. Larsen pointed out the property tax line item. Typically, property tax is collected in November which is why only 0.7% is shown. As for sales tax, that is typically two months behind collection. Franchise Tax (cable TV) and Google Fiber Franchise Tax are normally received quarterly and the payments have not been received as of September 30, 2024. He reported that the Transient Room Tax is normally distributed two months after collection.

The City-wide summary of expenditures chart was reviewed. Mr. Larsen explained that he has taken all of the expense accounts within each of the departments and put them into one line. The reason the City Council line item is a little bit high is because the annual Utah League of Cities and Towns (“ULCT”) membership was paid as well as some insurance liabilities for the year.

The Arts Fund chart was reviewed. Mr. Larsen explained that this is a more detailed breakdown of the chart that was reviewed previously. He intends to start providing this kind of information to the Council monthly. In the current month for the Arts Fund, there is a negative \$79 and \$90 expense. The reason for that is a correction of the Arts and Culture Manager allocation.

The Grants Fund chart was reviewed next. As for the Capital Projects Fund, he made note of the crosswalk upgrades. In the Debt Service Fund, there have been some contributions from transfers and some interest earnings. The Storm Water Fund chart highlights MS4 monitoring and stormwater projects on Meadowmoor Road and Lone Peak Drive. Council Members thanked Mr. Larsen for sharing the financial information.

c. Calendar.

- *Council Meetings – November 7 and 21, December 12, 2024.*

As for the calendar items, there are City Council Meetings scheduled for November 7 and 21, 2024, and December 12, 2024. The Holla-Ween event will be run by the Youth Council on October 26, 2024, from 2:30 p.m. to 4:30 p.m. Mayor Dahle noted that on November 18, 2024, there will be a 25th anniversary event at City Hall. The Tree Lighting event is scheduled to take place on December 2, 2024, from 5:30 p.m. to 7:00 p.m.

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.*

Council Member Fotheringham moved to go into 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. Council Member Gray seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Aye; Council Member Durham-Aye; Mayor Dahle-Aye. The motion passed with the unanimous consent of the Council.

The Council convened in a closed session at 7:30 p.m. Those in attendance in the Closed Session included Council Members Durham, Fotheringham, Quinn, Gray, and Mayor Dahle. Others present included Gina Chamness, Jayme Blakesley, and Stephanie Carlson.

The minutes of the Closed Session were taken and are on file as a Protected Record

Council Member Fotheringham moved to adjourn the Closed Session. Council Member Durham seconded the motion. The Council roll call vote was as follows: Council Members Durham, Fotheringham, Quinn, Gray and Mayor Dahle in favor. The motion to go out of closed session at 7:45 p.m. passed with a unanimous vote.

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 7:46 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, October 24, 2024.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **December 12, 2024**