

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

**Thursday, October 3, 2024
City Council Chambers
4580 South 2300 East
Holladay, Utah**

Briefing Session 5:30 pm

ATTENDANCE:

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

City Staff:

Holly Smith, Assistant City Manager
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney

Mayor Dahle called the Briefing Session to order at 5:30. He noted that Chief Hoyal will be doing a presentation to retiring Chief Randy Thomas as part of his awards presentation.

The Council reviewed the agenda and went over some minor edits and clarifications to the employee manual.

**MINUTES OF THE
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**Thursday, October 3, 2024
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Holladay, Utah**

Council Meeting – 6:00 pm

ATTENDANCE:

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

City Staff:

Holly Smith, Assistant City Manager
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney

I. *Welcome* – Mayor Dahle.

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

II. *Pledge of Allegiance.*

Chief Randy Thomas led the Pledge of Allegiance.

III. *UPD Incentive Awards Presentation.*

Precinct Chief Justin Hoyal honored Chief Randy Thomas. He and Chief Thomas were hired together and eventually, Chief Thomas became the Chief in Midvale and Chief Hoyal became the Chief in Holladay. Throughout this career, Chief Thomas has been a mentor and has offered support. Over the last five years, when he has been out of town, it is Chief Thomas who has taken watch over the City. Every time he has called Chief Thomas, there was a willingness to assist. A few years ago, there was a large property theft case in the community and several search warrants were happening simultaneously. Chief Thomas not only sent others to help but came personally to assist. Chief Thomas has always been a friend to Holladay. His service will be missed. Chief Hoyal presented Chief Thomas with the Division Commander Award.

Chief Mazuran noted that one sign of a good leader is someone who talks to their colleagues and advisors and asks for advice. Chief Hoyal is someone who does that. He also wants the City Council to know that although Chief Thomas was assigned elsewhere, he has done a lot to support to the City. Chief Thomas has been a phenomenal leader and is very well respected in the organization.

The UPD Incentive Awards were presented to Detective John Saulnier and Officer Kennedy Rasmussen. Chief Hoyal reported that both are phenomenal employees. Both continue to go above and beyond to serve the community. The UPD Incentive Award comes with a certificate as well as a \$100 incentive on their paycheck. On August 23, 2024, Detective Saulnier responded to a report of a drowning in Holladay. The information was that a six-year-old had drowned in a swimming pool.

Detective Saulnier arrived on scene, assessed the condition of the victim, and began administrating rescue breaths to the child. Shortly after that, the child began to breathe again. It was later determined that the child had been underwater for over two minutes. Detective Saulnier is to be commended for his quick actions. He always helps people in need and is an asset to UPD, the City of Holladay, and the community. His actions helped to save a child.

Officer Rasmussen is constantly going above and beyond her responsibilities. The Holladay Precinct received a letter from the Victim Advocate in the Millcreek Precinct regarding the outstanding efforts of Officer Rasmussen. It was a letter of recognition because Officer Rasmussen assisted on a possible domestic violence investigation. Officer Rasmussen exhibited exemplary sensitivity towards the victim, who was struggling to feel safe enough to speak to officers. Officer Rasmussen provided a safe platform that allowed the victim to communicate. Her hard work and kindness is appreciated.

IV. Public Comments.

Trudy Jorgensen-Price shared information about the library. October is an exciting month because the library system is doing the costume swap event again this year. Anyone with costumes that will not be used can trade them for something different. Costumes can be brought into the Holladay Library between October 8 and 16, 2024, and a token will be received to attend the swap on October 19, 2024. There will be an after-hours star party with the Astronomical Society on October 11, 2024, at 7:00 p.m. That will take place in the parking lot and there will also be crafts and snacks inside.

Bob Neslen – owns office building at 2091 Murray Holladay Road and is a resident of Holladay. He asked the Council to consider the possibility of a text amendment to the PO Zone to be able to add business uses, as there are a lot of office buildings along Murray Holladay Road. Recently, he found out that a massage therapist provider or similar use is not allowed in that zone. He feels it would make more sense for there to be a text amendment rather than many different rezones to properties in the area. Mr. Nelsen asked that this situation be taken into consideration. He hopes the process can be streamlined.

V. Public Hearing on Proposed Text Amendment 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.

Community and Economic Development Director, Jonathan Teerlink, presented the staff report. The request is to allow property that is zoned PO to have short-term rentals. ne. Though the subject property was recently rezoned from R-M to the PO Zone, short-term rentals are not allowed under that new zone.

Council Member Paul Fotheringham noted that the PO Zone does not have any residential uses, let alone an allowance for short-term rentals. The only exception would be residential in a Planned Unit Development (“PUD”) that has mixed-use, but the code language specifically excludes short-term rentals. It seems the lack of short-term rentals in the PO Zone was not an oversight, but that thought went into the decision.

All short-term rental approvals in the City are conditional approvals granted by the Planning Commission. Council Member Brewer believed this allows the Commission to assess impacts based on the specific circumstances, which was confirmed.

Mike Ault - the applicant representative shared some background information with the Council. It was explained that the intention is for his parents to live in this building for the remainder of their lives. There are plans for two apartments, one for his parents and one for rent. The PO Zone provides the ability to create offices, but still have a live/work situation. There is a desire to see short-term rentals allowed. During the Planning Commission process, there was a procedural irregularity. The applicant was not given notice of the hearing. Mr. Ault explained the reason this property was rezoned to PO as opposed to C-2 is that the community did not want the rezone to C-2. Allowing short-term rentals in the PO Zone would lessen the impact of the commercial because the commercial is used during the day and the short-term rental is used at night. He reported that there are currently eight properties in the PO Zone. Of those, letters have been submitted on behalf of five of the property owners. It is believed that many owners in the R-M Zone will likely be in favor as well.

Mayor Dahle opened the public hearing at 6:40 pm. There were no comments. The public hearing was closed.

VI. *Consideration of Resolution 2024-29 - Appointing Allison Jester as the City's Emergency Management Coordinator.*

Mayor Dahle reported that there are two items associated with the new Emergency Management Coordinator. The City Council needs to appoint Allison Jester to the position and then adopt the Comprehensive Emergency Management Plan. The first item for consideration is the appointment.

Council Member Fotheringham moved to APPROVE Resolution 2024-29 – Appointing Allison Jester as the City's Emergency Management Coordinator. 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; Council Member Brewer-Aye; Mayor Dahle-Aye. The motion passed with the unanimous consent of the Council.

VII. *Consideration of Resolution 2024-30 - Adopting the Comprehensive Emergency Management Plan.*

Council Member Quinn moved to APPROVE Resolution 2024-30 – Adopting the Comprehensive Emergency Management Plan. 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; Council Member Brewer-Aye; Mayor Dahle-Aye. Resolution 2024-30 as approved by unanimous vote.

VIII. *Consideration of Resolution 2024-31 - Approving Amendments to the City Employee Manual.*

Council Member Gray moved to APPROVE Resolution 2024-31 – Approving Amendments to the City Employee Manual, with the following changes:

- Changing parental leave from 160 hours to 240 hours;
- The inclusion of PTE on Page 26;
- An edit to the first part of the sentence in F (ii) on Page 33.

Council Member Fotheringham seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Aye; Council Member Durham-Aye; Council Member Brewer-Aye; Mayor Dahle-Aye. Resolution 2024-31 was approved by a unanimous vote.

IX. Consideration of Resolution 2024-32 - Approving an Amended Interlocal Agreement Among Public Entities Regarding the Community Renewable Energy Program.

Council Member Drew Quinn that during the latest Legislative Session, two of the bills that were passed made some changes to the Community Renewable Energy Act. One of the changes is that municipalities no longer have to have made the Resolution that Holladay made back in 2019. That opens up the possibility of new municipalities joining the program and Midvale will now be a participating community.

Since the original utility agreement listed the names of all the participating municipalities, that needs to be changed. In addition, the names for Kearns and Emigration Canyon were updated from townships to cities. Council Member Quinn reported that another bill updated renewable to clean. If there are more changes made, the Interlocal Agreement will not need to be approved again.

Council Member Quinn moved to APPROVE Resolution 2024-32 – Approving an Amended Interlocal Agreement Among Public Entities Regarding the Community Renewable Energy Program. Council Member Brewer seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Aye; Council Member Durham-Aye; Council Member Brewer-Aye; Mayor Dahle-Aye. Resolution 2024-32 was approved by a unanimous vote.

X. City Manager Report – Holly Smith.

Assistant City Manager, Holly Smith, shared updates with the Council. The official kickoff of the General Plan update started yesterday under the leadership of Mr. Teerlink. There will be a full presentation on that project, including the timeline that will proceed over the next year, at the meeting in December. The team is currently working on organizing a Steering Committee and developing a Community Engagement Plan

Ms. Smith reported that there is a new grant program that has been established by the Division of Water Resources. This is a grant that would help the City satisfy requirements that are now part of the General Plan. City Planner, Carrie Marsh, is working on the application, which is due on October 24, 2024.

Registration will open in November for the National League of Cities 2025 Congressional City Conference held in Washington, DC March 11 to 13, 2025. Ms. Smith wondered who on the Council might want to attend the conference to reach out.

Ms. Smith reported that the Historical Exhibit Experience is moving forward. As things are moving from design into construction, it is clear that there needs to be a program name that can be marketed. The Steering Committee, project consultant, and staff came up with some options. She read some of the options to see what the Council's reaction was to the possible word choices:

- Holladay Echoes: A Living History;
- Rooted Together: A Living Museum.

Council Member Fotheringham prefers the word “rooted” to “echoes,” as that word seems to project more togetherness. Council Member Gray agreed with that. Council Member Quinn liked the word “rooted,” because it also makes people think about trees, which the community is known for. Council

Member Brewer noted that a lot of people stay in Holladay for long periods. As a result, he also likes the word “rooted” more than “echoes.” Council Member Durham agreed.

XI. Council Reports and District Issues.

Council Member Gray reported that Wasatch Front Waste and Recycling is dealing with increased costs and is looking at increasing the fees for waste collection. A number has not been finalized at this time. There will be a public hearing held on October 28, 2024, at 6:00 p.m.

Council Member Quinn attended the ribbon cutting for Sola Salons. It is always nice to meet people in the business community. School is back in session and she has attended the Morningside Elementary and Howard R. Driggs Elementary Community Councils. Earlier in the day, she met with Chief Hoyal, City Engineer, Jared Bunch, and the Principal at Morningside Elementary School to look into the parking issues there. Morningside Elementary School has some challenges because there are a lot of students who come from outside of the nearby neighborhood and are dropped off.

Council Member Fotheringham shared information about the One Kind Act a Day program and the interfaith panel. That will take place on October 9, 2024, from 11:30 a.m. to 1:30 p.m. It includes lunch, there is no cost, and it is all sponsored by One Kind Act a Day. Some important topics will be addressed at that time. He offered to send the email about the panel to anyone interested in attending. Council Member Fotheringham reported that the Summer Concert Series concluded a little later than usual, because of the concert that needed to be rescheduled. It was a wonderful way to end the series.

Council Member Durham attended an organ donation event last week that was done in collaboration with the Holladay Lions and the Happy Healthy Holladay Coalition. As for the Tree Committee, there is excitement about some of the communication. There will be a Tree Talk on October 12, 2024, at the library. It will be an open panel with arborists and residents can ask questions.

Council Member Brewer reported that History Night is scheduled for 7:00 p.m. on October 7, 2024. There will be artifacts on display and stories shared about early settlers. It should be an interesting event. Council Member Brewer thanked all involved in the redesign of the Holladay website. It is easy to find the information and it is responsive. He appreciates all of the effort.

Mayor Dahle reported that he has received calls from residents with various issues. He is grateful that the staff is always very responsive and does their best to address those resident issues.

XII. 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 meeting was adjourned at 7:00 pm.

Mayor Dahle convened the Council in a work meeting at 7:10 pm.

a. Review of Proposed Changes to the Accessory Dwelling Units (“ADU”) Language.

Mayor Dahle reported that the Council will review the proposed changes to the Accessory Dwelling Units (“ADU”) language. Mr. Teerlink shared the summary of changes with the Council:

- Various numbering and order errors were addressed;

- Various grammatical and technical issues were addressed;
- The larger ADU setbacks for new construction were removed;
- The proposed setback reduction provision for the conversion of existing buildings was retained:
 - Include sub-grade allowance at 100% reduction.

Based on previous discussions, it appeared the 25-foot height allowance was acceptable for an ADU. Council Member Brewer asked if the building envelope still applies, which was confirmed. Mayor Dahle thanked the staff for all of the hard work that was done on the proposed language.

b. *Presentation on Residential Lighting – Jonathan Teerlink.*

Mr. Teerlink shared presentation slides on outdoor lighting. He explained that the purpose of the discussion is to address concerns about lighting associated with residential uses. Commercial lighting standards are regulated and reviewed by the Planning Commission, as per 13.08.080.E13, and within the newer zones: Holladay Village, Holladay Crossroads, and Residential Office. Mayor Dahle noted that it might be worth considering that commercial code and exploring whether it makes sense to look at requirements for residential new builds and remodels. Mr. Teerlink explained that this will require an additional level of review when a house comes in. Most security lights that people go out and purchase are not dark sky compliant. There are some standards in the commercial zones already. He shared information and example images about light trespass, glare, skyglow, and clutter.

There are dark sky compliance requirements with ADUs already. What is being discussed relates to lighting on remaining residential structures and properties. Recent housing trends include the installation of soffit and landscaping lights, which have increased the amount of light pollution. There are often complaints received from residents about seasonal lighting and sports court lighting as well.

Several possible considerations were shared with the City Council, which include the following:

- With very few exceptions, require all lighting to be fully shielded;
- Limit soffit lighting locations;
- Limit yard lighting in number and/or locations and directions;
- Reconsider existing lumen limits in favor of spectrum color and directional fixtures;
- Consider guidelines for using permanent and temporary holiday lighting;
- Require a Lighting Plan as part of residential Building Permit applications.

Discussions were had about whether this should be a zoning code or health regulation. Mr. Teerlink explained that municipalities that have adopted residential lighting standards either locate their provisions within the zoning code (development standard) or as a health regulation (noise, mosquito abatement). Council Member Quinn reported that there was an interesting presentation last year at the Utah League of Cities and Towns (“ULCT”) conference from the City of Moab. At that presentation, it was noted that it was a difficult transition process into full dark sky compliance. She thinks it makes more sense to start with new builds and remodels rather than focus on what already exists. Down the road, it might be possible to gradually implement the standards elsewhere.

Council Member Gray explained that she is most concerned about neighboring lights shining into homes. Mr. Teerlink reported that there have been issues like that in the past. There is normally soft enforcement and work done with the property owner to address the matter. The Code Enforcement

Officer is excellent at informing residents that it is possible to have light without light trespass. Council Member Gray noted that it sounds like Holladay already does some enforcement. Mr. Teerlink explained that there has been a soft-sided approach where the issue is explained to the owner. There are lighting standards for sports courts, but not for yard lighting, decorative lighting, holiday lighting, and so on. Council Member Brewer believed the suggestion is to catch issues during design.

Mayor Dahle mentioned the amendments that were previously made to the Tree Ordinance. He asked how that impacted the staff workload. Mr. Teerlink explained that when there are amendments, it can increase the burden of review. Mayor Dahle believes there is support to limit what has been discussed to new builds and remodels for the time being. City Attorney, Todd Godfrey, pointed out that there will be a burden placed on staff since they will need to start looking into the fixtures. That additional review burden is not insignificant and is something for the City Council to consider.

Mayor Dahle asked if these discussions should continue to occur now or during the General Plan update process. Mr. Teerlink noted that dark sky compliance can be highlighted during that process. The Council further discussed light pollution in the community and how to best address the issue. Mr. Teerlink stated that at some point, there can be language brought forward for new construction.

c. *Knudsen Park Shared Use Path Discussion – Holly Smith.*

Ms. Smith shared information about the Knudsen Park shared use path. In 2023, the City conducted a study to explore the possibility of a shared-use path along I-215 between Highland Drive and Holladay Boulevard. The path will improve connectivity and accessibility for people walking and bicycling in the community. It will also provide enhanced links to the regional trail network. She explained that most of the proposed trail runs along an existing, relatively flat shelf of the I-215 corridor, but there is an elevation change when approaching Knudsen Park.

When all of the options were presented to the City Council in the fall of 2023, the preferences were a hybrid of Alternatives 1 and 2 and Alternative 4. Staff is preparing a grant application and is asking for Council guidance on the preferred option. Council Members were not interested in pursuing Alternative 4 any further because of the much higher price associated with the work.

d. *Discussion on Previous Public Hearing.*

The Council discussed the previous public hearing on the proposed Text Amendment to the PO Zone. Mayor Dahle stated that there was a Planning Commission process where the Commission and staff were not in favor of approving the text amendment and were more in favor of including this in a broader discussion that will take place as part of the General Plan update. Mayor Dahle pointed out that the Text Amendment would not only impact the subject property but all of the areas where the PO Zone exists and could potentially exist. He asked if short-term rentals are allowed in the C-2 Zone. Mr. Teerlink corrected the record and stated that short-term rentals are not allowed in the C-2 Zone, but are allowed in R-2 and R-M.

Council Member Brewer discussed the location of the applicant property and the areas that are zoned PO. Council Member Durham asked whether there could be a variance in the PO Zone. Mr. Teerlink reported that land uses are not available through the variance process. Mayor Dahle asked what the Highland Drive Master Plan section C says about the subject property area. Mr. Teerlink stated it is primarily commercial. Mayor Dahle discussed potential rezones to the PO Zone. If other properties are rezoned to the PO Zone and the Text Amendment moves forward, there could be short-term rentals

allowed on those properties as well. He is trying to determine the difference between an office commercial use and a short-term rental in terms of impacts on the community

Council Member Brewer asked for more information about the conditional use process. Mr. Teerlink explained that if it determined there will be impacts from that use on the surrounding area, the Planning Commission can apply conditions to mitigate those impacts. If it is not possible to create conditions to mitigate the impacts, the application can be denied. However, he explained that it is difficult to deny a conditional use because it is essentially an allowed use with standards that are tailored to the site.

Council Member Fotheringham pointed out that it specifically states that a short-term rental cannot be located in a PUD. The definition clearly includes that language and it seems purposeful. As a result, he feels it makes sense to have a thoughtful process as part of the General Plan review. Council Member Brewer believes allowing a short-term rental makes sense for this particular property. It was noted that the text amendment will impact properties other than the subject property. Council Member Fotheringham explained that if this was a site-specific application, the discussion would be much simpler. In this case, the discussion is relevant to the entire PO Zone.

Council Member Durham asked if there is an affordable housing impact one way or the other based on this decision. Having long-term rentals in the PO Zone is a way to move towards affordable housing, but short-term rentals might undermine that. Mr. Teerlink explained that based on the locations of some of the PO Zone properties, there will likely not be much of an impact on housing affordability. That being said, short-term rentals in general are primarily commercial ventures.

Council Member Gray wanted to know if there is a way to place a limit on the number of short-term rental units in an area. Mr. Teerlink reported that some cities have been able to do that and have been fairly successful so far, but it can create complications as well. Mayor Dahle pointed out that the PO Zone is a commercial zone and short-term rentals are considered commercial ventures. As a result, it might make sense to pair the two together. This location notwithstanding, the PO Zone does require a larger setback from residential neighborhoods. If short-term rental is not allowed in this space, there will be another commercial use in the area instead. That will have a certain amount of intensity, which will likely be higher than that of a short-term rental. He personally does not like short-term rentals inside residential neighborhoods, but it might make sense to allow them in this commercial zone. Council Member Fotheringham would rather see it here than in the R-2 and R-M Zones. He believes there should be a policy discussion about short-term rental locations in the City.

Council Member Quinn asked if there could be a requirement that part of the use needs to be office space or commercial. Mr. Teerlink confirmed that it is possible to require that the short-term rental be an accessory to the use. Council Member Gray thought it was important to consider affordable housing, as previously mentioned by Council Member Durham. Additional discussions were had about short-term rentals and how those rentals impact affordability.

Mayor Dahle reiterated that the Planning Commission recommended consideration of short-term rentals in the PO Zone during the General Plan update process. That being said, he does not see the justification to not allow the conditional use now. Council Member Fotheringham noted that it is important to consider unintended consequences. He wants to make sure enough thought is given to this matter to determine what could happen in the future. While he does not have an issue with this

property having a short-term rental, it is important to remember that this goes beyond the one property. There are always unintended consequences that need to be taken into account. The Council talked about areas where the R-M Zone is located and what is currently allowed under that zone.

Mayor Dahle believes this comes down to whether or not there is justification to wait for the General Plan process to occur. He asked Council Members to consider possible unintended consequences before the next City Council Meeting on this item. Council Member Quinn asked if staff had thought of any potential unintended consequences. Mr. Teerlink noted that there would need to be strict enforcement of building access, but that would be a landowner issue rather than a City issue.

e. *Calendar.*

- *Council Meetings – October 17, November 7, and 21, December 12, 2024.*

The calendar items were reviewed and discussed.

XIII. *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 Brewer seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Aye; Council Member Durham-Aye; Council Member Brewer-Aye; Mayor Dahle-Aye. The motion passed with the unanimous consent of the Council.

The Council convened in a closed session at 8:23 p.m. Those in attendance included Council Members Durham, Fotheringham, Quinn, Gray, Brewer, and Mayor Dahle. Others present included Stephanie Carlson, Jon Teerlink, Holly Smith and Todd Godfrey.

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

Council Member Brewer moved to adjourn the Closed Session. Council Member Fotheringham seconded the motion. The Council roll call vote was as follows: Council Members Durham, Fotheringham, Quinn, Gray, Brewer and Mayor Dahle in favor. The motion to go out of closed session at 8:40 p.m. passed with a unanimous vote.

XIV. *Adjourn.*

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

The City Council Meeting adjourned at approximately 8:42 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, October 3, 2024.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **December 12, 2024**