

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

Thursday, August 28, 2025

6:00 p.m.

**City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

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

City Staff:

Gina Chamness, City Manager
Jayme Blakesley, Legal Counsel
Jonathan Teerlink, Community and Economic
Development Director

I. *Welcome* – Mayor Dahle.

Mayor Rob 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.*

Andy White - 5690 Pheasant Lane. He thanked the City Council for doing their due diligence and considering the Residential Lighting Ordinance. He was also pleased that the residences that are already in place were grandfathered in. Mr. White suggested exploring options for people who are grandfathered in but would like to come into compliance with the current ordinance. For example, local vendors could be approached and asked to provide a 10% discount for those interested.

IV. *Consideration of the Appeal of Christian and Amanda Hansen for the Subdivision and PUD Approval at 4867 South Floribunda Drive.*

Council Member Fotheringham stated that he will recuse himself from the discussion and vote on this item because his senior advisor for his campaign lives next door to the property under appeal. He does not want any appearance of conflict.

Mayor Dahle explained that the appeal before the City Council essentially turns the Council into a quasi-judicial body. The City Council needs to determine whether proper processes were followed for the approval of the Subdivision and the approval of the Planned Unit Development (“PUD”). For instance, if the Planning Commission followed proper procedures and had the information needed to make the decision.

The appellants introduced themselves. Mr. Hansen reported that he lives at 4867 Floribunda Drive. They have worked hard to live in the City of Holladay and love the space, the mature trees, and the natural privacy and character that their home provides. Setbacks and building pads protect the balance of individual property rights. The Meeting Materials Packet states that “setbacks may provide for

privacy, light, shadow, air movement, passive and active space, vegetation, and also contribute directly to physical and psychological well-being.” PUD flexibility can protect natural features and creativity.

Under base zoning, setbacks are tied to lot size. Larger lots require larger setbacks and the building pad is defined within those setbacks. In a PUD, there is some flexibility, but there are still requirements. Mr. Hansen has concerns about the trees, building pads, setbacks, and privacy. His goal is to explain how the Planning Commission's decision was based on incomplete and misleading information. This was reviewed with their Legal Counsel at Strong & Hanni. Based on that review, the focus is on three clear errors that produced outcomes that were arbitrary and capricious. The first error is the missing trees. Mr. Hansen asked if the applicant, City Staff, and Planning Commission were aware that there were missing trees from the Tree Study.

The Tree Study that was submitted by the applicant left out 14 mature trees along the shared border. Those were not marked to be removed because they were in a building pad zone. Those trees are clearly shown in the PUD. Staff reported that after a careful study, only 7% of the canopy would be removed. When the Commission invited the applicant to reassure neighbors about their commitment to the tree canopy and privacy preservation, they answered that it was evident based on the research done. Mr. Hansen argued that there was no careful research done when many trees were missed. The northeastern border was forgotten. Even the City Attorney brought up missing information from Civil Plans on the northern lot. The record also shows that neighbors raised concerns about tree protection on the south border. The Commission gave those neighbors 10-foot average setbacks.

The Commission was invited to look at the northeastern border tree canopy. There was Commission discussion and a commitment made by the applicant to protect trees and privacy of the southern trees. However, nothing was committed to for the northeastern trees. There is an opportunity for the applicant to show their commitment to preserving the tree canopy equally with larger setbacks.

Mr. Hansen stated that the next error relates to the shed. The Commission was told that there was an existing structure but Holladay City Code states that non-compliant accessory structures may not be reconstructed or replaced in the same location unless brought into compliance with current setback requirements. The map shared by the applicant shows where it is located beyond the four-foot setback. If trees justify more setbacks on the south, a non-complying shed should not justify fewer on the north.

Mr. Hansen referenced sections of the Meeting Materials Packet. The record shows that the City Attorney reminded the Commission that the job of City Staff is to ensure the Code is complied with. They do not advocate for a particular outcome. For the northeastern line, the Commission approved setbacks smaller than the code states. Currently, this would allow for a 55 foot long 16' 8" tall secondary structure wall only four feet from the property line. PUD flexibility is not meant to maximize buildable area on a slope lot. It is intended to produce better outcomes than the base zoning, consistent with neighborhood character and protective of adjacent properties. Mr. Hansen asked the City Council to correct these mistakes and apply consistency. The northeast trees deserve the same protection as the southern trees. That means a 10-foot average setback. As explained in the written appeal, there is no real distinction between primary and secondary structures here. If that is something the Council agrees with, all setbacks should be treated as primary. If there is no agreement with that, then the code requires six feet for a lot that is 24,000 square feet in size, based on the table.

The Staff Report on Page 2 states that the only flexibility afforded is to allow larger or smaller lot sizes and adjust their associated setbacks to accommodate concerns and preserve open space. Associated setbacks mean that lot size and setbacks are still meant to function together. Flexibility is intended to produce better outcomes, like protecting trees, privacy, and neighborhood character. Mr. Hansen explained that this is not about stopping the PUD or future development, but making sure it is right. He asks for fairness and consistency to make sure the PUD is better than the underlying zoning.

Council Member Gray mentioned the architectural rendering where the trees are missing. She asked if those trees were mentioned during the Planning Commission process, which was confirmed. The Commission was made aware of those trees in the process of making their decision. Mr. Hansen believes there was an assumption that those trees were not in the PUD. He assumes that the Planning Commission thought those trees were on the Hansen lot and not in the purview of the PUD, since those trees were not included in the materials that were submitted by the applicant.

Council Member Durham asked if it was explained to the Planning Commission that the trees were on the PUD property. Mr. Hansen did not realize that he had to specify this to the Commission. He shared information about the property. Mayor Dahle understands the issue with the trees on the property line shared with the applicant. He does not understand the issue with the accessory building, as it already exists. Mr. Hansen stated that the setback is based on the geometry of the lot size for the secondary building. There should be a six-foot setback since it is a 24,000-square-foot lot size. Since the applicant can subdivide and the R-1-10 Zone has a minimum of 10,000 square feet, 4 feet is the minimum size on a 10,000 square foot lot. He felt that was misleading, because the lot size is actually 24,000 square feet. There is a table on the Holladay website that shows the lot size for secondary structures, and it clearly states six feet and not four feet for this size of a lot.

Council Member Gray asked about the current setback for the shed and if it is non-conforming. Mr. Hansen pointed out the shed in an image for reference. His Legal Counsel stated that it is not possible to use a non-compliant existing structure to set a precedent. He referenced Page 31, which shows the property line and the tree canopy. He asked that it be compared to the Tree Study that was submitted. Mayor Dahle asked for clarity about what Mr. Hansen believes the Planning Commission did what was inappropriate. Mr. Hansen stated that if an exception was made for it being four feet because of the existing structure, based on Counsel feedback, it is not possible to use an existing structure that is not in compliance to justify a four-foot setback when the Code clearly states that it should be six feet.

Council Member Brewer noted that the question is whether the Commission followed procedure correctly. Mr. Blakesley stated that the City Council can consider whether the Planning Commission decision was appropriate. There might be a question of interpretation. If there are concerns about the application of a standard, it could be sent back to the Commission to reconsider that point.

Mr. Teerlink reported that the application the Planning Commission reviewed for a Subdivision and PUD was brought to Staff earlier this year, with the first meeting held on May 6, 2025. During that meeting, the majority of the documents that are being presented now were shown in some format. This includes aerial imagery, civil drawings, and other photographs of the site. Some of the Commissioners visited the site. The presentation established an Estate situation, which did not

necessarily expand the rights of the R-1-10 Zone, but made it possible to reconfigure some existing parcels. There are a few associated parcels that are not necessarily buildable. The PUD was elected to be presented to the Planning Commission in order to preserve some open space in the surrounding areas. Those areas were elected by the applicant to be preserved for their own means and this was presented to the Planning Commission accordingly, with aerial imagery in the submitted materials.

During the first meeting, there were questions related to access. Mr. Teerlink explained that this has a private lane that accesses a few other homes, including the appellants. The Planning Commission decided to continue the item at that meeting in order for the applicant to clarify some of the concerns that were brought forward. The presentation for the project was re-noticed for July 15, 2025, and it included a lot of the same illustrations, aerial photographs, and civil drawings. There were also some clarification drawings that the applicant submitted related to the previously expressed access concerns. At that time, the Planning Commission reviewed the materials that were presented and made a determination that the four lots that were included within the project boundaries were applicable to the R-1-10 Zone. This included two of the existing homes and two of the existing associated parcels, which were reconfigured to be accessed off the private lane. The configuration of those lots created a lot width scenario, which was the catalyst for the PUD process.

During the Planning Commission Meeting on July 15, 2025, the Commission approved the Subdivision and went into a hearing for the PUD concept. The Commission considered flexibility of setbacks in order to preserve trees that were both on and off the subject property on the south side. On the northeast side, the situation involved a pre-existing condition that was a legal non-conforming use from the County. A lot of those property lines were established before Holladay became a City. The construction of those structures was under a separate jurisdiction. The Meeting Materials Packet includes some PUD considerations. Those are highlighted at the end of the Staff Report.

Mayor Dahle asked what the setback to the property line is on the PUD. Mr. Teerlink reported that on the northeast corner, it is 4 feet. That is the existing building. Mayor Dahle asked what the setback would be if that building came down and it was rebuilt. Mr. Teerlink explained that now that the Planning Commission has approved that setback, it would be 4 feet as well. What was presented to the Planning Commission for review was the setback standards required in the R-1-10 Zone. All of the lots surrounding this property are around 10,000 to 12,000 square feet. The four-foot setback was related to the pre-existing condition of the accessory structure. Council Member Gray believed the logic of the Planning Commission was that there is already a building there at 4 feet, so it makes sense to allow the four-foot setback there. Mayor Dahle did not feel that was an improper thought process.

There was discussion about the side setback. In the R-1-10 Zone, it is calculated based on a percentage of the lot width. Mayor Dahle asked if the lot width was calculated based on a 10,000 square foot lot or a 24,000 square foot lot. Mr. Teerlink reported that it was calculated based on the biggest circle that can be fit within the property boundaries. The reason for this calculation method is to address irregularly shaped properties in the City. Mr. Teerlink explained that the way lot width is defined is: "The diameter of the largest circle that can be inscribed entirely within a lot." He added that the pre-existing condition was highlighted. Mayor Dahle believes the appellants would have liked the building pad to have slid further to the west, away from the property line, because of the trees there. He asked if the trees were considered by the Planning Commission before there was approval for the setback. Mr. Teerlink mentioned the aerial imagery and existing conditions.

Council Member Quinn pointed out that the Planning Commission listened to the neighbors on the south side. She asked if the reason the trees on the appellant side were not considered was because of the existing non-conforming accessory structure. She wanted to understand if the existing non-conforming structure took precedence over the trees. Mr. Teerlink confirmed this for the setback. On the south side, the conversation had to do with protecting the trees that were intended to be preserved within the project boundaries. Council Member Quinn asked whether the property line was visible when the Commissioners visited the site. Mr. Teerlink did not believe it was clear to them.

Council Member Quinn asked if the PUD designation is the reason the applicant could rebuild the non-conforming structure in the same place. This was confirmed. Mr. Teerlink explained that the flexibility in setbacks was afforded to this property in particular, based on pre-existing conditions.

Mr. Teerlink shared an image with the Council and pointed out a protrusion into the four-foot setback that is required. Council Member Durham asked if the image was shared with the Commission, which was confirmed. He wanted to know if the non-conforming building was considered by the Commission, which was also confirmed. Council Member Gray wanted to understand what the Commission was aware of as far as the trees. During the site visit, it was not necessarily clear where the property line was located, but two aerial photographs show the trees within the PUD property.

Council Member Brewer asked if it is possible to ask the Planning Commission whether the aerial photographs were taken into account. Mr. Blakesley explained that the role of the City Council is to examine the record that was before the Commission to make sure there is some connection between what is on the record and the decision made. Council Member Brewer stated that the question is whether the aerial photographs were sufficient to capture their attention about what the architectural drawings did not show. It was noted that the other question is whether there was evidence of trees being in that location on the record. Mayor Dahle believed that there was a reference to the appellant bringing in drawings during the meeting on July 15, 2025, which showed where the trees were.

Mayor Dahle questioned whether the trees will need to be taken down if the home is built the way it is depicted in the PUD. Mr. Teerlink mentioned the current ordinance related to tree canopy sustainability and protection. The code requires Staff review and a proposal from the applicant if trees will be removed that are healthy or otherwise in good condition. The intention is to protect the trees if they are not within a building pad. The current tree preservation ordinance states that if the trees are to be removed, there needs to be an Arborist certification stating that those trees are diseased or dying. It will not be because the pad has been moved to the point where tree removal is forced.

There was additional discussion about the R-1-10 Zone and the four-foot setback. Mayor Dahle believes the question before the City Council is not whether there is agreement with the four-foot setback, but whether the Planning Commission followed an appropriate process to allow that four-foot setback. Mr. Blakesley confirmed this. Mayor Dahle asked the applicant to make their presentation to the Council.

The applicant introduced herself to the Council. Ms. Rennie explained that she and her husband own 4880 and 4888 South Floribunda Drive. There has been close work with the City throughout this process to create something that is thoughtful and compliant. Work was done with surveyors, civil engineers, lawyers, and an architectural designer. At every stage, there has been coordination with Staff to ensure the design aligned with the City Code and requirements. This led to the approval.

As for the question about the trees on the northeastern border, it was noted that the surveyor was in charge of covering the information for the Subdivision. The Hansen property is not part of the Subdivision, which might be why some of those trees are not shown on all submitted materials. It was pointed out that green space was shown in that section. Ms. Rennie does not believe all of the tree trunks are on her property, even though the trees hover over the property. There are no plans to remove those trees. There is a small retention wall that is already there to protect this area. Anything that happened at the boundary in the future would be done carefully to avoid disturbing the Hansen property. Ms. Rennie discussed setbacks and the pad placement. The minimum setback for this lot was carefully reviewed. She mentioned the existing shed in the north corner, which already sits four feet from the property line. It was reiterated that there is a retaining wall next to the driveway. There are no plans to build past that point, as it would not be practical to do so. Any replacement of the existing shed would be in compliance. Ms. Rennie reiterated that the project has been reviewed professionally, was approved appropriately, and is consistent with PUD standards. A lot of time was spent on this proposal. She asked the City Council to uphold the decision made by the Commission.

Mayor Dahle explained that three minutes given to share additional comments. Mr. Hansen stated that there is a standard that is based on the lot size to create the geometry of the square footage for the secondary building, but on the other hand, there is a setback that is smaller than the setback table for secondary setbacks. That has created some confusion. If one of the mandates of the PUD is congruence with the neighborhood, there is no reason the building pad cannot be more centralized. Mr. Hansen pointed out that the trees on the south side were taken into account. Even if the rationale is that a non-conforming shed is more important than trees, it feels like a double standard.

Mayor Dahle may or may not agree with the four-foot setback, but it is within the purview of the Planning Commission to make that decision, based on the fact that this was a PUD. It is not the responsibility of the City Council to decide whether that was appropriate or not. The Council is considering whether the Planning Commission had the necessary information available. Mayor Dahle thinks this is an example of why PUDs exist, because the property owners could have had six lots on this parcel, but the decision was made to have four lots instead. There is an intention to protect as much of the tree canopy and foliage as possible. However, the appellant's argument is that this has not been done on the northeast boundary. The question is whether the Planning Commission was fully aware of the trees on the lot or if there was a belief that those trees were located on the appellant's lot.

Council Member Durham believes there is some evidence that the Commission was aware, but he wonders if it is considered substantial, given the confusion on the different maps. Council Member Gray wants to understand the relationship between substantial evidence and rational basis. Mr. Blakesley reported that the substantial evidence standard is whether there is substantial evidence on the record such that a rational mind could reach the conclusion the Planning Commission reached.

Council Member Gray can see where Mr. Hansen is coming from, but the City Council must determine whether the Planning Commission made a rational decision. She believes there is evidence for a rational decision, even though she would not necessarily have made the same decision. Mayor Dahle was still unclear on the side setback from the house to the property line. Mr. Teerlink does not believe it was ever dimensioned on any of the drawings that he has seen, but he would estimate it to be between 15 and 20 feet. Mayor Dahle asked what it is in the R-1-10 Zone. Mr. Teerlink explained

that it would depend on the lot width, but would be approximately 15 feet for the primary structure. If this were a Subdivision in the R-1-10 Zone, the side setback would likely be 10 feet. Mayor Dahle pointed out that even if the Planning Commission had that information, it would not justify moving the building pad site, because it does not require them to take those trees out. It is possible to build the home desired and still have that tree barrier. The main issue seems to be the concern about the trees on the northeastern side, but it is possible to build the house without removing them.

Council Member Quinn's main concern is the non-conforming shed and the fact that it can be rebuilt in a manner that is non-conforming. She pointed out the green section in the upper left-hand corner of the drawing shown. Mayor Dahle explained that being in the green section indicates non-conformance. Additional discussions were had about the drawing. As the Planning Commission approved the PUD, the building pad is established. The maximum square footage and height would still need to comply. Setbacks were the flexibility granted to the applicant.

Mayor Dahle reminded those present that the City Council needs to determine whether the Planning Commission made an appropriate decision about the PUD based on the information that was provided. He has not seen anything that indicates the Planning Commission made an inappropriate decision.

Council Member Quinn asked if the applicant plans to build to the four-foot setback if the existing accessory structure is removed. Ms. Rennie explained that the shed needs to be removed because right now, it is open with a little bit of coverage. In that area, there is a desire to park two vehicles. Mayor Dahle was concerned that the City Council's comments were not relevant to what is currently being considered. There are certain entitlements based on what the code allows on the property.

Mr. Hansen commented that the challenge of the City Council is to determine whether there is evidence that an ill-informed decision was made. If the record is examined, there was not one question asked about the northern property line, but there were a lot of comments about the southern one. He listened to the recording of the meeting three times. There were a lot of conversations about the southern side and none about the northern side. This is an obvious discrepancy in the discussion.

Mayor Dahle reiterated that the role of the City Council is to determine whether proper procedure was followed. The issue seems to be related to the PUD and what was approved inside the PUD. The setback issue is a difficult one because of the 4 feet. However, it is allowed under the PUD, and the Commission felt that four feet was an appropriate distance. The question is essentially whether the Planning Commission was aware of the trees and felt the buffer would still be provided, or if there was not adequate information provided and a decision was made without that information.

The Council can continue this item to a future meeting if there is no consensus on a decision. Alternatively, it is possible to deny the appeal, which would determine that the Planning Commission made a decision that was appropriate for the PUD approval. Mayor Dahle pointed out that the Council could also refer this matter back to the Planning Commission to make sure the trees are considered. Council Member Brewer stated that there is evidence that there was information available to make a reasonable decision. However, there is also evidence that there is some inconsistency. He is bothered by the inconsistency, especially that the record shows there was no discussion about the northeastern boundary, while there was abundant discussion about the southern side. He would like this to go back to the Commission to make sure everything was fully considered.

Mayor Dahle asked if it could be sent back for a full review or if it could be sent back with comments from the City Council. For instance, the Council could ask the Commissioner to specifically look at certain items. Mr. Blakesley reported that the record of the City Council Meeting will be available to the Planning Commission. That being said, the decision the City Council is asked to make on appeal is binary. Either the Council determines there was substantial evidence that the Planning Commission could rationally reach the decision made, or there was no substantial evidence to support the decision. It is possible to grant or deny the appeal and state the reasons for that decision.

There was additional discussion about how to move forward. Council Member Gray believed the decision comes down to whether the evidence is present. While she does not necessarily like the decision that was made, she does not feel the City Council has the authority to grant the requested appeal. She sees evidence that the Planning Commission was aware of the trees on the northeastern boundary due to the aerial photographs and the comments that were made during the public hearing. Mayor Dahle confirmed that there have been a few references to public comments, which indicates that information was communicated to the Planning Commission. He believes the City Council needs to work towards a motion one way or another on this item. While he understands the position of the appellant, he thinks the Commission had the information necessary to make a decision.

Council Member Durham stated that there is enough evidence to see how the Planning Commission reached the conclusion it did. The fact that the evidence was confusing or conflicting is not the same as stating that there was no substantial evidence. Council Member Brewer agreed. Council Member Quinn wondered whether the setback was based on the shed location rather than the trees. Mayor Dahle believed the trees would remain in place and there would still be a buffer area. He does not see evidence that the Planning Commission did not have the information needed to make a decision.

Council Member Gray apologized to the appellants because she understands a lot of the frustrations that have been expressed. If she felt there was the authority to act on this, she would. However, based on the authority the City Council has on this item, it is not possible to help the appellants in the way that has been requested. As a result, she will vote to support the denial of the appeal. Council Member Quinn echoed the comments shared by Council Member Gray about the appeal request.

Council Member Brewer moved to DENY the Appeal of Christian and Amanda Hansen for the Subdivision and PUD Approval at 4867 South Floribunda Drive. Council Member Durham seconded the motion. Vote on Motion: Council Member Gray-Aye; Council Member Quinn-Aye; Council Member Fotheringham-Recused; Council Member Durham-Aye; Council Member Brewer-Aye; Mayor Dahle-Aye. The motion passed unanimously.

V. *Public Hearing on Proposed Text Amendment to Title 13.86.020 to Add 4659 South Highland Drive to Holladay's Historic Designation List.*

John Brooks Branscomb - applicant. There is excitement to take over an old home that has been empty for five years. He has learned a lot about the house since the purchase went through. In the last few weeks, he met the great-grandchildren of the original homeowner, and there is excitement that the home will be restored. The great-grandson that he spoke to lived there from 1945 to 1961. He stated that everyone in the family is excited to see the house restored. Mr. Branscomb explained that the home will be restored so there can be a jewelry boutique that sells custom pieces. J. Brooks Jewelers is a family business, and there is a plan in place for the house to be used in this way for the next 35 to 40 years. The business will not attract a high volume of traffic, but he noted that there is a

drive-up window. That will remain, as it will result in a unique setting with a pick-up window for repairs. The intention is for this to be the corporate office and the headquarters for the company. Mr. Branscomb introduced his wife, partner and daughter, the designer and architect for the project.

Mr. Branscomb shared the history of the property and explained that the intention is for the home to remain as close to the original era as possible. He reiterated that the great-grandchildren are excited about what has been proposed. The home will be beautiful when the work is completed. Council Member Brewer asked about the current zone. It was reported that it is in the R-M Zone. Council Member Gray expressed appreciation for all that is planned to protect the historic home.

There were no further comments. The public hearing was closed.

VI. *Consideration of Ordinance 2025-14 - Amending Title 13.86.020 to Add 4659 South Highland Drive to Holladay's Historic Designation List.*

Council Member Gray moved to ADOPT Ordinance 2025-14 – Amending Title 13.86.020 to Add 4659 South Highland Drive to Holladay's Historic Designation List. Council Member Quinn 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 unanimously.

VII. *Consideration of Ordinance 2025-15 - Repealing Ordinance 2025-13 and Re-Adopting a New Title 13.84 of the City Code Relating to Outdoor Lighting Standards (Proposed New and Expanded Outdoor Lighting Section for the City).*

Council Member Fotheringham clarified that this involves some technical corrections and the substance of the ordinance is not changing.

Council Member Fotheringham moved to ADOPT Ordinance 2025-15 – Repealing Ordinance 2025-13 and Re-Adopting a New Title 13.84 of the City Code Relating to Outdoor Lighting Standards. 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 unanimously.

VIII. *Consideration of Resolution 2025-21 - Granting the Advice and Consent of the City Council for the Appointment of Members to the Planning Commission.*

Mayor Dahle reported that the above item relates to the appointment of members to the Planning Commission. Paul Cunningham is a re-appointment with Patrick Tripeny being a new appointment.

Council Member Durham moved to APPROVE Resolution 2025-21 – Granting the Advice and Consent of the City Council for the Appointment of Members to the Planning Commission. 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. The motion passed unanimously.

IX. *Consideration of Resolution 2025-22 - Granting the Advice and Consent of the City Council for the Re-Appointment of Members to the Historical Commission.*

Mayor Dahle reported that the above item pertains to the re-appointment of members to the Historical Commission. The re-appointments are for Kim Duffy and Lyman Losee on the Commission.

Council Member Quinn moved to APPROVE Resolution 2025-22 – Granting the Advice and Consent of the City Council for the Re-Appointment of Members to the Historical Commission. 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 unanimously.

X. *City Manager Report – Gina Chamness.*

City Manager, Gina Chamness, shared updates with the City Council. Ms. Chamness and City Engineer, Jared Bunch, met with representatives from the Utah Department of Transportation (“UDOT”), Millcreek, and the Granite School District this week to begin discussions about the replacement of the pedestrian bridge over I-215, connecting the City of Holladay to Millcreek and allowing connectivity for students. There were some conversations related to ownership. A few years back, UDOT asserted that this was jointly owned by Millcreek and the City of Holladay, but nothing could be found that demonstrated it was a City of Holladay asset. Over the last 30 years or so, UDOT has asked municipalities to own this type of bridge. Millcreek, the City of Holladay, and the Granite School District have all acknowledged that the bridge is important. As a next step, UDOT will be looking for funding for a Feasibility Study and a replacement price. That will likely be a year or so out in the future.

Ms. Chamness shared information about the status of ownership and maintenance of the Park and Ride on Wasatch Blvd. There were discussions last fall with Salt Lake County, there have been ongoing discussions with Utah Transit Authority (“UTA”), and more recent discussions with UDOT. Despite all of these discussions, there has not been a lot of energy generated for a solution. With the permission of the City Council, what she would like to do next is send some correspondence to those three agencies to let them know that the City will not be handling maintenance moving forward. She hopes that will encourage some more serious conversations. Council Member Gray asked how likely it is that the approach will encourage conversations. Ms. Chamness is hopeful that it will.

Commissioner Fotheringham asked if the issue relates to ownership. Ms. Chamness reported that it is clear that UDOT owns the Park and Ride, but UDOT has stated that they do not maintain park and rides. No written agreement can be found that spells out who is responsible for maintenance. The park and ride requires some significant capital investment, which is not something she believes Holladay can handle on its own for a property that is not even owned by the City. Mayor Dahle is not certain that the park and ride serves residents of the City of Holladay that much. It is on the border of Cottonwood Heights, and it is a UTA asset that serves skiers. Council Member Gray pointed out that the fact that it is not being maintained impacts City of Holladay residents who live in the nearby area.

Council Member Gray asked about the UDOT statement that park and rides are not maintained by them. Ms. Chamness reported that this is what the Region Two Director shared approximately six weeks back. Her understanding is that there are some locations outside of Region Two that are maintained, but she does not believe that is done in this district. Ms. Chamness informed the Council that approximately five years ago, the County spearheaded agreements for most of the park and rides to the south. Those agreements spelled out the responsibilities. There is a fund that cities and agencies pay into for maintenance, but for whatever reason, this specific Park and Ride was not included.

XI. City Council Reports and District Issues.

Council Member Brewer shared information about the mosquito abatement work. In mid-July, a human contracted West Nile in the South Salt Lake area. It is prevalent now to find it in a lot of the traps, so there will be a push to encourage safety. West Nile can be a problem for the elderly and those with compromised immune systems. Council Member Brewer reported that the South Salt Lake Valley Mosquito Abatement District will go through a Truth In Taxation process. It has been 13 years since that took place. He added that the Historical Commission has a Speaker Series scheduled on September 22, 2025, at 7:00 p.m. He reported that Historian Paul Reeve will speak about the origins of slavery in Utah. It should be an interesting contribution to the Speaker Series.

Council Member Durham reported that the Happy Healthy Holladay Coalition is moving forward on the Communities That Care efforts. It is now the phase where a Community Board will be established. If anyone is interested in public health issues in the City of Holladay, training is scheduled for the Community Board orientation. Council Member Durham reported that his neighbor across the street turned 100 this week. Erma Todt has lived in the City of Holladay for over 50 years and is a long-time resident.

Council Member Fotheringham had a brief conversation with Council Member Gray about the bicycle lane situation at Cottonwood Elementary School. In previous weeks, there were discussions about the fact that the bicycle lane changes to sharrows. However, the sharrows are on both sides of the street and he believed those were only supposed to be on the school side of the street. There was a discussion with Mr. Bunch about keeping those on the east side of the street as opposed to both sides. Ms. Chamness pointed out that parents use both sides of the street, so that needs to be considered. Council Member Fotheringham noted that the school can improve the drop-off zone.

Ms. Chamness reported that the solution was implemented based on previous directions from the City Council. Council Member Fotheringham was not certain that there was clarity provided previously about whether the sharrows should be on both sides of the street. He believed the desire was for it to be on the school side.

Council Member Fotheringham reported that there was a Unified Police Department (“UPD”) incident where a complaint was received and he will reach out to the Chief. Related to that is an issue that has been discussed previously, which is the catwalk situation. This has to do with how the apartments connect to the neighborhood on Westmoor Road. At some point, there will need to be a discussion about a process to consider the closure of catwalks. There are a number of neighbors on the Westmoor side who believe it is a conduit for criminal activity. He suggested that there be an evaluation and work done with UPD. In addition, there can be a City process to determine whether there is justification to close a catwalk when circumstances change. Ms. Chamness stated that she has spoken to Police Chief Justin Hoyal about this situation. He will gather criminal involvement statistics around that area to see if the neighbor's concerns can be substantiated.

Council Member Fotheringham shared information about the Arts Council. The “Newsies” show took place, in which Mayor Dahle and Council Member Fotheringham participated. It was an excellent experience overall and was a success. The Blue Moon Festival will take place on September 20, 2025, but the format will be significantly different from what it has been in previous years. There will not be a concert, but street performers and artists. Council Member Fotheringham reported that the Summer Concert Series has ended, which was also a success. The attendance numbers were high.

Council Member Quinn had nothing to report.

Council Member Gray shared information about Wasatch Front Waste and Recycling. She reported that the City of Herriman is requesting to withdraw from the district. Legal Counsel has found a path forward for them that the District Board needs to approve. Part of that process involves a request for proposal (“RFP”) for a Feasibility Study to see what the financial impact will be if the City of Herriman withdraws, and also if subsequent cities were to withdraw from those provided services.

XII. Reconvene City Council in a Work Meeting.

Council Member Fotheringham moved to RECESS 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, and the Council convened in a work meeting at 8:00pm.

a. Discussion on Adding Brighton Justice Court

Ms. Chamness reported that Salt Lake County gave notice that they intend to cease operating the County Justice System. The Town of Brighton has approached the City about the possibility of contracting with them. If the City Council approves, an application can be filed and they can ultimately enter into a contract. Most issues are traffic-related faced by Brighton as there are very few criminal cases. The total case load for in one year equates to the City of Holladay’s workload for one month or 500 total cases. The intent was to get feedback from the City Council. Mayor Dahle pointed out that they will share the same police precinct and can allocate and divide up the resources. The hope was to get started in January.

b. Funding Options for City Hall Upgrade and Spring Lane.

• Overview - Gina Chamness.

Ms. Chamness reviewed what has taken place with the Spring Lane Project and the City Hall Project over the past two years. She explained that if the Council wishes to move forward with the bond there are various scenarios to be considered. The two projects identified got underway more than two years ago. Last November, the Council discussed the leverage available to fund them, including grant funding. The Council first began discussing the project in March of 2020 and engaged an architectural firm. In July, a presentation was made. In September, there was discussion about planning, phasing, and cost options. At the October Meeting, the City Council made a decision and determined that the building was safe enough for occupants to exit but not necessarily survive in the event of an earthquake.

Mayor Dahle commented that the most cost-effective option was to raze the building and rebuild it. Ms. Chamness explained that the Council decided that there is enough value in the building to keep it and make it as safe as possible. The hope was that it will remain useful for 25 to 30 more years. The architectural firm refined the plans and cost for the building in April of 2024. The decision was made not to include the project in the fiscal 2025 budget, with clarity expected by the end of the calendar year. In November of 2024, options and funding were again considered for Spring Lane and City Hall. That was the last meaningful conversation that took place on this topic.

The process on Spring Lane began a few months after the school district announced the closure. In November, the City Council approved the concept plan and began work in February 2024. An initial presentation was made in April 2024. The decision was made to wait to see what was to happen with

the earmark and ultimately tie the two projects together. There was a group conversation in November of 2024 at which time the Council provided staff with final guidance.

Ms. Chamness explained that with City Hall, they are planning a seismic reinforcement of key parts of the building, both upstairs and downstairs. They plan to refresh the remainder of the building. The Council made the decision not to phase the project and instead complete the work all at once. The original cost estimates included questions regarding the HVAC system and whether a project coordinator would be needed. Those numbers have since been refined. The most recent cost estimate was \$8.5 million, including \$300,000 to be appropriated for fiscal year 2025. Since then, Staff has continued to work on those numbers and reduced the overall construction budget by about \$400,000.

The Spring Lane Project concept design was addressed. Ms. Chamness reported that it was considered by the City Council in July of 2024. The plans included pickleball, a pavilion, restrooms, and playgrounds. The Concept Plan includes a significant amount of landscaping and field improvements. The full concept was presented which included the potential for a dog park that was included as an option but was not defined. Phase 1 included a pavilion, pergola and bridges, restrooms, pickleball, site improvement, and parking overlay at a cost of \$3.8 million. Phase 2 included playground equipment and surface and landscaping on the adjacent side. The total cost of both phases was \$6 million. The next phase included wish list items that could include a dog [park]. The City Council has had thoughtful discussions about the commitment to be made on Spring Lane. Ms. Chamness recalled that the commitment was to build one building first and then add other options over time.

Ms. Chamness reported that in November of 2024 there was a discussion of demolition costs valued at \$1 million. The school district ended up paying that cost, which came out of the August 2025 estimates. The City agreed with the school district in concept on some of their demolition costs and agreed to pick up that cost to preserve bridges as part of the concept design. After demolition, the estimate was expected to be \$400,000. The costs associated with Phases 1 and 2 remained the same. A placeholder was added for wish list items of \$2 million to include contingency based on costs, cost overrides, and general inflation. The cost increase was primarily associated with the wish list.

The budget and funding for the overall projects were next addressed. Ms. Chamness estimated the cost of City Hall at \$9.7 million and Spring Lane at \$9 million. One revenue source was identified as the Community Project Fund. A higher amount was included for the earmark in both the Senate Bill and the House Budget Bill and was recommended by Senator Curtis. In November 2024, the hope was that there would be some budget clarity, which did not occur. Ms. Chamness reported that Congress passed a resolution and the funding was not approved. Staff had heard that there may be possible budgeting options this coming year and there was a chance that the continuing resolutions may include new earmarks.

Ms. Chamness proposed that if they do not receive the \$1.7 million, the \$42 million wish list should be eliminated and postponed until additional funding is available. Staff also included unrestricted capital projects fund balance for \$1.8 million that was associated with previous process. She reported that some federal funding came to the City that could be used for police services, which is how the use was reported.

Mayor Dahle asked if the \$1.8 million offset would be part of the \$17.6 million, which was confirmed. Use of the \$6 million would draw down the Capital Improvement Fund Balance to around \$11 million. Ms. Chamness explained that there were proposals for how to use both the Capital Project Fund Balance. Staff looked into both scenarios and the direction was that it was better to fund for more and use less cash. Nearly \$6 million in fund balance would be used with various scenarios to consider. \$1.2 million in grant funding was proposed, some of which includes funding that has already been received of around \$145,000, and some is a placeholder for money they hope to receive. Mayor Dahle estimated that there is \$15 million in requests and \$6 million estimated. In the past, llCity has received TRCC awards and done well. If they are not successful, Ms. Chamness stated that the Council could look at sponsorships, donations, and other grant opportunities.

Ms. Chamness presented available funding options. The City Council has directed Staff to not use General Fund Balance and included \$500 million in Capital Projects. In November 2024, they had a conversation about Building Authority Bonds versus Sales Tax Revenue Bonds. The direction from the Council at that time was to pursue a Building Authority Bond. The scenarios presented were based on that. With regard to the length of bond repayment, staff built the based with the school district based significantly longer than they expect. The lease is 30 years but they expect the bonds to last 20 years. Ms. Chamness explained that local funds associated with reconstructive funding is approximately \$1.8 million.

Ms. Chamness explained that financial modeling is intended to provide context when making a decision but does not replace budgeting. The City Council and subsequent City Councils will continue to review and adopt the line items every year. She noted that any decision made would not tie the hands of a future Council. She explained that the City Council would not be obligated to continue to fund Public Works increases at 4.5 or 5% and they could look at other solutions.

Mayor Dahle was concerned that people often assume that a Dog Park is an area where animals can be off-leash. It was noted that it will be a fenced area. The point was made that if there is a fenced area, more people will bring their dogs. It was noted that not every dog can be off-leash without a fence. The result will be to satisfy people who want the security of a fenced area that may not necessarily consist of grass.

- **Building Authority and Scenarios – Laura Lewis.**

Laura Lewis presented various options and stated that the first year corresponds to 2020 and goes until 2027. The last payment is in 2046. She referenced the level debt service piece and stated that the gray bars reflect new debt and are the same height. The 2025 bond will have the same level debt payment of around \$800,000. By adding that to the City's existing debt, the total debt service will be close to \$3 million. Another option would be to shorten 2025 and 2026 and add that debt to future years so that the duration is shorter. The advantage of doing that is that the interest costs will decrease slightly. The disadvantage is if any additional debt has to be layered on top. She personally preferred the wraparound option as it is better budgetarily. The drop off date would be 2035 and the principal would be pushed out, which has an impact on raising a few interest costs. With the wraparound option, they have two more years when there are no payments because they borrowed the money and set it aside. They can do capitalized interest with either option. The details of each option were described.

Ms. Lewis explained that the wraparound refers to property tax increase and levels out the cash flow. It creates additional interest over the long term but the burden is on the residents. The assets will be 30 to 40-year assets compared to 20-year financing. There will be an additional benefit where it starts with a lower rate that increases slightly when the other bonds drop off. The consensus of the Council was to pursue Scenario 3.

In response to a question raised, Ms. Chamness stated that the cost of Phase 1, which would not include a playground, would cost \$2.2 million. Council Member Fotheringham commented that property taxes in the City of Holladay are lower than neighboring cities. What is being considered is a small increase for the bond payment. They are hard assets and a great opportunity to enhance the community. Mayor Dahle was supportive of postponing the fields and walking paths. The intent was to pursue Area 3.

Ms. Lewis explained that the intent was to finance the bonds with a Lease Revenue Bond. The physical assets would be the security to the bondholders. To do that, the City would have to create a non-profit entity known as a Local Building Authority (“LBA”) that will be the issuer of the bonds. The City will lease the projects from them. The lease payments will go to the LBA and be used to make the debt payments. When all of the payments are made, the assets belong to the City. This gives the City the ability under a lease structure not to make a lease payment in any given year, at which time the asset goes through bonds. The plan was to meet on September 11, at which time the City Council will be asked to consider the creation of an LBA. The following week, they will adopt the Bylaws and set the officers. The LBA board will then adopt a Bond Resolution and set a date for the public hearing. A public hearing will take place on October 23. They will plan to meet with the rating agencies in person. A rating usually comes back within a few weeks. They will have bond pricing around November 17 and close the first part of December. She expected the interest rate to be around 4.5%.

- **Funding Models – Fred Philpot.**

Fred Philpot highlighted two comments and stated that these decisions influence projections moving forward recognizing that opportunities change. The other element is that the previous fund balance accumulation may not continue. As some revenues go away and they continue to add expenses into the model and layer on additional expenses before the debt service, that is when they can begin looking at revenue potential money and future action. He suggested that it be utilized internally and that the Council continue to monitor revenues and how they grow along with expenditures and be ready to take action, if necessary.

There was a discussion relative to the sales tax, which has remained stagnant over the last two years. If sales taxes do not increase from the prior year the City should have concerns about inflationary pressure on the General Fund. Sales taxes remained at 2.5%. With regard to inflationary impacts and what UPD and Public Works inflationary growth is to the model, Mr. Philpot explained that they looked at 3% inflation by removing the bonds and setting everything to grow at a set 3%. That was then compared to revenues. The result was that the General Fund was stable and there was no need to increase revenues. They found that in the General Fund the Fund Balance could be maintained at an appropriate level without an additional tax increase.

Mr. Philpot explained that they cannot fund general inflation and the UPD and Public Works growth without impacting the revenue stream. A 2% annual increase would be required to cover higher

inflationary numbers for the two expenditure line items. They isolated the scenarios to \$10 million in proceeds. All scenarios will contribute \$10 million to the Capital Improvement Fund to fund the combined cost of the \$18.7 million. They are bringing in four debt scenarios. Two were based on level debt. Scenario 1 is a traditional level debt service over 20 years. Scenario 2 is 20-year level debt including some capitalized interest. The interest payments are pushed out to reduce the upfront obligation. Scenario 3 involves taking a 20-year wraparound debt service and structuring the bonds to maximize the tail end when the debt starts to fall off. Scenario 4 is a combination and wraps it around while capitalizing interest.

That information was plugged into the model to determine how the five-year window will be changed relative to tax policy. A chart was added to show the debt service. By introducing a higher debt service payment upfront they have to put more revenue in the equation with that 9% annually. Capitalizing the interest pushes some of the cost out so the rate goes down slightly. They would be exchanging a short-term reduction for an extended period of revenue growth to cover the cost. Under the wraparound debt, they dropped one percentage by pushing that debt out. He recommended the City be cautious since looking at the five-year window, some of the cost will come in the future. It was noted that the 7.5% is compounding. It is the difference between the model relative to all of the variables versus just the tax impact. The intent was to help the Council understand that the bonding is one component of the General Fund but other variables influence the City that they need to keep in mind.

Mr. Philpot shared a comparison using the General Fund Tax. The average involves a tax bill of \$887 on a \$1 million. Assuming there is a residential exemption, the question was what someone would pay in each community. In this case, the City would be below average. Comparisons were made looking at the equivalent compared to what Holladay residents pay for in the General Fund.

c. Calendar

- *Council Meetings – September 11 and 18, October 2 and 23, November 6 and 20, December 4 and 11.*
- *Utah League of Cities and Towns (“ULCT”) Conference* – October 1 and 2.

XIII. *Closed Session for the Purposes Described in UCA 52-4-205 and 205.*

XIV. *Adjourn.*

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

The City Council Meeting adjourned at approximately 9:45 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, August 28, 2025.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **November 6, 2025**