

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

Thursday, July 16, 2020

**Meeting Conducted via Electronic Means,
in accordance with the Utah Open and Public Meetings Act,
as Currently Modified by Executive Order of the
Governor of the State of Utah**

ATTENDANCE:

Mayor Rob Dahle
Matt Durham
Paul Fotheringham
Daniel Gibbons
Sabrina Petersen
Drew Quinn

City Staff:

Gina Chamness, City Manager
Stephanie Carlson, City Recorder
Todd Godfrey, City Attorney

I. Welcome – Mayor Dahle.

Mayor Dahle called the meeting to order at approximately 6:11 p.m. He read the Determination concerning Public Meetings in the City of Holladay and the decision to conduct them electronically due to the current COVID-19 pandemic with a virtual anchor location.

II. Public Comments.

There were no public comments.

III. Consideration of Addendum #5 to the Cotton Bottom Agreement.

Mayor Dahle reported that the proposed changes were reviewed the previous week and the closing date extended through the end of July. Additional clarity was desired on the language in Exhibit A regarding what the applicant would be doing in the short term. Mayor Dahle stated that he and Council Member Quinn met with the developers and walked the sit and what was agreed to is reflected in updated Addendum #5.

Council Member Quinn expressed concern with some of the language in Exhibit A that she considered vague. After walking the property, it was clear that they all had a similar vision. She was pleased with the ideas put forward by the developers and suggested that it be put in writing. A specific list was prepared for the items to be completed and reflected in the revised Exhibit A.

Mayor Dahle indicated that he sent the Council a page from the Purchase and Sale Agreement referencing Paragraph 7d, which is addressed in Paragraph 8. He expressed issues with language pertaining to going out to the open market and seeking protection, which would allow the City to repurchase the property under the terms anticipated. It was not that an appraised value is less than \$200,000.

Council Member Fotheringham remarked that they have great confidence in their partners. He expected that the current difficulties will resolve themselves. He looked forward to working with

the Bar X owners. Council Member Gibbons was pleased with the way the addendum was structured in Exhibit A. He noted that it covers every issue discussed in previous meetings. Because the partners are impacted by COVID-19, as the City is, he believed it does not make sense to hold Bar X to the previous agreement. He expressed support for the amendment and felt it was the best option for all involved.

Jeff Bernard, the owner of Bar X, appreciated the City's flexibility given the circumstances and was excited to execute the current plan. He did not expect it to be a lesser product in the end.

Council Member Fotheringham moved to approve Addendum #5 to the Cotton Bottom Agreement. Council Member Gibbons seconded the motion. The Council roll call vote was as follows: Council Members Fotheringham, Gibbons, Durham, Quinn, Petersen and Mayor Dahle in favor. Addendum #5 was adopted by a unanimous vote.

IV. *Consideration of Ordinance 2020-12 Amending Title 13.76.700 Regarding Grading and Retaining Wall Standards.*

Mayor Dahle reported that the proposed ordinance involves a grading and retaining wall issue discussed the previous week. He confirmed that minor grammatical errors had been corrected.

Council Member Quinn moved to adopt Ordinance 2020-12, Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Fotheringham, Gibbons, Durham, Quinn, Petersen and Mayor Dahle in favor. Ordinance 2020-12 was adopted by a unanimous vote.

V. *City Manager Report – Manager Chamness.*

City Manager, Gina Chamness reported that she was expecting to receive the sales tax numbers for May the following week. She would be reviewing the budget in September to determine if adjustments were needed.

Ms. Chamness indicated that there has been a substantial increase in COVID-19 cases in the City of Holladay. There were currently 89 to 90 active cases, approximately half of which were associated with a long-term care facility outbreak. Ms. Chamness reported that the Arts Council would be holding its first Uncommon Concert the following Saturday.

VI. *Council Reports and District Issues.*

Council Member Petersen had heard from several constituents regarding the status of the lights at the high school. Ms. Chamness' understanding was that the lights have been installed. She also stated the National Criterium Bike Racing Society has reached out asking if the City of Holladay would be willing to host a two-day event. She confirmed that she would be arranging a meeting to further discuss the details.

Council Member Quinn received an email from a constituent asking if the City would be considering Google fiber in the future. Mr. Godfrey stated that as a general rule, Google approaches communities and has not been responsive to communities reaching out to them. Google selects its locations and looks at geographic locations beyond the boundaries of one particular city and coordinated communities. With Google's move to Millcreek, he believed they could remain hopeful that the City of Holladay would be considered.

Council Member Gibbons reported that a resident expressed concern with the condition of the sidewalks outside Cottonwood Elementary. He asked about the next step in addressing the concern. Ms. Chamness stated that \$75,000 was allocated in the budget for sidewalk improvements. She believed that most of that money would be used to close a gap in funding on the Gunderson Lane and 2000 East Project that currently underway. Once the project is complete, funds may be available. She stated that the priority of the project can be further discussed at that time.

Council Member Gibbons reported that he met with Cottonwood Heights City and the developers' Traffic Engineer, Ryan Hales regarding the A.J. Rock gravel pit development. He displayed a rendering depicting access to the proposed project.

Council Member Gibbons reported that he and Chief Hoyal spent time with a resident who lives along the west side of Wasatch Blvd to discuss an issue with frequent overnight camping alongside the road. Chief Hoyal recommended that no parking signage be posted and enforced that would prohibit parking from 10:00 p.m. to 6:00 a.m. The intent was not to place signage all the way up, but only within the proximity of Holladay residences. Chief Hoyal reported that the area in question is wide and in addition to camping, there is overnight parking taking place, large amounts of trash being left behind, public urination, and other unsavory activities. He believed that the 10:00 p.m. to 6:00 a.m. restriction would prevent late-night disturbances. It was the consensus of the Council to post signage.

Mayor Dahle reported that he received several inquiries about the Holladay Hills site as construction there has halted. There had been an issue with the sewer district who became reluctantly involved. The City planned to work with the developers and the sewer district to put compromises in place to allow the project to continue moving forward.

Council Member Fotheringham stated that he previously reported a complaint brought by a Kings Row resident and asked if there had been any action initiated by the City. Ms. Chamness explained she had spoken to staff but would follow up and report back. Council Member Fotheringham also had a similar complaint from Marie Prokopis who had an issue on Spring Run Drive. She was concerned that she had not received a response from Code Enforcement. Council Member Fotheringham noted that the property had been sold and the issue may resolve itself.

VII. *Recess City Council to a Work Meeting.*

Council Member Fotheringham moved to recess the City Council Meeting and reconvene in a Work Session. Council Quinn seconded the motion. The motion passed with the unanimous consent of the Council. The Council convened in a work meeting at 6:55 pm.

a. Discussion on Golf Carts.

Mayor Dahle reported that there is legislative language in the packet on golf carts. The issue involved the legality of golf carts on City streets. Ms. Chamness explained that golf cart use on streets is permitted and requires a driver's license. During the last Legislative Session it was clarified that a person may not operate a golf cart on the highway unless authorized by the municipality in which the highway is located. She emphasized that if the City does not specifically permit golf carts, they may not legally operate on the streets. Mr. Godfrey recalled that both Title 41(a) and the State Transportation Act define a highway as any street. Assuming that is true, Ms.

Chamness wished to have a policy conversation with the Council as to whether they are interested in looking at a modification to public ordinances that prohibit golf carts within the City.

Council Member Fotheringham expressed concern with underage drivers operating golf carts but was not overly anxious to create an ordinance. Council Member Petersen agreed with the concern regarding unsafe practices and underage drivers. She did not have an issue with adults or licensed drivers but believed that the youth with no supervision are causing the safety issues. Mr. Godfrey interpreted the new statute to read that if the City plans to allow the use of golf carts, it must be specified.

Mayor Dahle commented that golf carts are currently not allowed because the City does not have an ordinance. If the desire is to allow them, the Council needs to create an ordinance and establish parameters. Council Member Quinn believed that based on her interpretation, they need to specifically allow them. A statute will notify residents of requirements regarding operation.

Council Member Petersen understood that presently, golf carts are not allowed and suggested that the Council they either agree that they will be allowed and specify conditions or determine that they are not allowed. She suggested an educational campaign. Mayor Dahle had not heard enough about the issue to warrant the creation of an ordinance. Ms. Chamness confirmed that information will be provided for the September issue of *The Journal*.

b. Holladay @20 Review.

Mayor Dahle reported that the Citizen Advisory Group made a presentation to the Council in May. He believed the Council was wise to delay the matter to next year with the commitment that the findings of the Citizen Advisory Group were valid. He explained that the conversation turned to timing as they look for guidance from the Council on whether they wish to bifurcate the storm drain issue and the tax increase or do them together.

Assistant to the City Manager, Holly Smith presented the following options for the Council's consideration:

- Educate and revisit work done with the Citizens Advisory Group this fall. Staff will prepare messaging materials, revisit the financial model, and use the time between now and the first of the year to review, reeducate, and prepare. Another mailer would be sent out with a survey opportunity and information on Town Hall Meetings. Citizen input could also be collected to allow for discussion and a potential decision by April 2021. The City would then be ready for the FY 2021-2022 budget leading into the Truth in Taxation process.
- In the event of a resurgence of COVID-19 cases, engagement in the fall may be difficult. As a result, some messaging may not be in place and timing may not be beneficial. Town Hall Meetings could be held in the fall with an Open House in February or March allowing in-person meetings before the Council makes a final decision.
- Should the Council wish to pursue the Storm Water Fee this fall, staff would have it in place by January 2021 and deal with the property tax increase in the Spring of 2021. An Open House was recommended in October, however, it could be challenging with the current

COVID-19 situation. The benefit was that collection of the fee could take place sooner and still do Truth in Taxation in August 2021 with collection in November 2021.

Council Member Gibbons was in favor of the first option. He believed there were budget issues that are equally pressing that will be a factor in the ultimate decision and include sales tax issues as a result of COVID-19 that could potentially be impacted by the Unified Police Department (“UPD”) situation. He stated that there may be even more compelling reasons to consider a tax increase aside from the capital improvements. Ms. Smith explained that the financial model includes all of the components and is a comprehensive evaluation of the City’s resources and expenditures. If it is the desire of the Council, they could create education pieces or provide input if there are changes or other items related to public safety or sales tax revenue.

Council Member Fotheringham questioned whether it makes sense to separate the two pieces. He explained that the storm water issue could be dealt with more independently and the property tax piece could be addressed in the spring. He had not formed an opinion but recognized it as a potential opportunity. Mayor Dahle stated that they budgeted for a 10% decrease in sales tax and there will be other issues associated with Utah Retirement Systems (“URS”). He understood that the storm drain piece is not time restrictive like the property tax portion and could be managed in a COVID-19 environment. He wondered if they should start the storm drain piece and then roll out the educational piece in January and February.

Ms. Smith explained that the Storm Water Fee is straight forward. Property tax would require an explanation of how residents will be impacted by the increase.

Ms. Chamness recalled that the previous Council struggled with this issue when it was discussed two years earlier. There was concern regarding the implementation of a fee to be followed within six months by a property tax increase and the appearance of not being transparent. She believed there were good arguments for both options and the decision depends on the Council. Mayor Dahle suggested that if they decide to proceed with the Storm Water Fee, that it be moved fairly through the public process. He understood that the Storm Water Fee is easier to implement than a property tax increase but emphasized the importance of taking it through in the current virtual format. Ms. Chamness reported that Millcreek City has gone through a similar process and adopted a fee of \$9.81 per Equivalent Residential Unit (“ERU”). She confirmed that the Millcreek City Council voted unanimously to support the imposition of a fee likely to start in January 2020.

Council Member Fotheringham explained that the fact that the monies cannot be used other than for storm water is a huge factor. He believed there was a demonstrable need for storm water monies. With the City currently using savings, he was in favor of the storm water piece moving forward. Mayor Dahle stated that the consensus was to begin the Storm Water Fee process and consider the property tax piece after the first of the year. Ms. Chamness wondered if it would be helpful to have Fred Philpot provide the Storm Water Fee model. Mayor Dahle agreed with having Mr. Philpot give a more comprehensive overview at the August 20 meeting.

c. Discussion of CARES Act Budget.

Ms. Chamness reported that the City received \$906,000 from Salt Lake County as part of their direct allocation “CARES” Act funding to address the impacts of COVID-19. She noted that the allocations must be spent prior to the end of September and there are certain guidelines that the City must operate within.

Ms. Smith stated that a survey was issued where the City utilized approximately 600 emails from the business licensing database of which 97 responses were collected. Responses by industry were listed with dental, hair salons, and mental health professionals being listed under the “Other” category. Questions and responses included the following:

- The number of employees and customers served on a weekly basis. It was determined that approximately 4,500 were served between the 92 businesses or 50 people per week.
- The type of changes or closures that were experienced. Many reported reduced staff and operating hours.
- Upticks in expenses or changes made to do business in the COVID-19 environment. Many experienced an increase in Personal Protection Equipment (“PPE”) and cleaning supplies. 70% did not report a change.
- Grants or loans received. Approximately 50% received some form of funding.
- The amount received. The amount awarded varied between \$10,000 and \$250,000.
- Where businesses need the most help. The majority reported that rent payments are the area where they are struggling the most.
- Those that answered ‘no’ to receiving funds were asked to respond to the type of help needed. Rent, payroll, PPE, and hand sanitizer were all needed.

Ms. Chamness reported that because it is a grant, the funding was paid directly to the County. The County then needs to ensure compliance with all CARES Act regulations. The City of Holladay signed an agreement specifying that they are responsible for how the money is spent. Council Member Fotheringham expressed concern with the City being held responsible should funds be misspent by those receiving the grant. Ms. Chamness confirmed that if money was spent improperly and there was an audit, the City would need to reimburse the County for any funds that are spent improperly. Ms. Chamness recommended that any grant process be rigorous and ensure compliance. She would explore whether the County is willing to act as an agent on the City’s behalf.

Ms. Chamness next reviewed the proposed \$906,000 budget split between this fiscal year and last fiscal year. Guidance was provided by the Treasury on July 8 that will change the staff time figures from last year. She confirmed that staggered shift times will not count toward. She assumed that \$87,000 in staff time could be used, \$14,000 in physical improvements made to City Hall, plexiglass in the Court Room and the Planning Department, and new tables in the Mount Olympus Room allowing them to social distance during public meetings. Technology expenditures were

reviewed with \$30,000 going toward computers to facilitate remote work. Telephones were also upgraded to allow calls to be answered remotely. Upgrades to the Council Chambers were planned to enable hybrid meetings. Other items included placeholders for the City Attorney's Office and COVID-19 related fees of \$25,000, Bailiff services in the amount of \$30,000, and UFA and UPD costs.

Mayor Dahle was of the understanding that matching funds were coming in with a potential shortfall that could be covered. He stated that it now appeared that they would be absorbing the full cost and suggested utilizing CARES Act funds to cover those costs. He explained that they are additional costs that will not be covered or subsidized through the Unified Fire Authority ("UFA") or UPD. Ms. Chamness reported that the same amount was included for both UFA and UPD.

Ms. Chamness stated that \$1,500 had been spent on staff PPE and 10,000 was allocated for ongoing needs. Ms. Smith explained that \$100,000 would allow the City to provide 1,000 businesses with one gallon of hand sanitizer and 150 disposable masks.

Ms. Chamness stated that they allocated the following:

- A placeholder of \$150,000 for a business grant program;
- \$20,000 to help with live streaming costs;
- \$12,000 for additional City Hall cleaning costs; and
- A contingency of \$25,000 for additional items.

Ms. Smith reported the Utah Community Action ("UCA") is a non-profit group that is helping administer CARES Act funding for both Salt Lake County and Salt Lake City, and most notably providing rental assistance to prevent people from being forced to enter homeless shelters or face eviction. The Mayor agreed that this effort will benefit the underserved in the City. Ms. Smith confirmed that UCA provides a buffer and pays the property owner directly.

Mayor Dahle preferred to see more money go to small businesses directly. Without adequate resources, the Council would need to discuss where they would like to prioritize funds. Council Member Durham understood that small businesses need help with their rent and asked if they could contract with the County to administer the funds. Ms. Smith confirmed that the County could help get grant money to businesses to help with payroll and rent assistance. The County also has a list of sectors they are targeting and residents who may qualify for relief funds. Ms. Chamness confirmed that it was the consensus of the Council to move forward.

d. Review of Priority Goals for 2020.

Ms. Chamness provided an update of the Council's priorities for 2020 and their progress. She confirmed that the ADU issue will go to the Planning Commission in the next few weeks and return to the Council in September. The Chapter 2 update to the General Plan will be presented in September. Plaza updates, including bike racks and furniture, had been delayed due to vendor production issues related to COVID-19. The Skate Park was funded in the budget but the design phase had become secondary to the priority of the CARES Act funding with options to be presented in the late Fall of 2020.

Ms. Chamness reported that electric vehicle charging stations in the Village have been installed.

Council Member Durham suggested that the Council focus on their goal of engagement, especially with COVID-19. With respect to a constituent request, he asked for information regarding the pickleball courts. Ms. Chamness stated that they have received a fair amount of negative feedback, particularly from those who disagree with the quality of the pickleball courts as well as confirmation that they are used often and are suitable for recreational play.

Council Member Petersen asked where the Skate Park plans are coming from and suggested involving the community, especially the youth, to show how government and budgeting works. She believed that the more the youth are involved, the more likely they are to use it. Ms. Chamness stated that design details had yet to be determined.

Council Member Gibbons commented that they have had conversations with the landowner who is most interested in Holladay Crossroads. He suggested that in-person Town Hall meetings be held before moving forward.

e. Discussion on Holladay Boulevard Speed.

Mayor Dahle reported that this is a continuation of the previous discussion regarding lowering the speed limit along Holladay Blvd between the Village and Cottonwood Elementary. A Traffic Study was conducted and there was not a consensus from the Council for reducing the speed limit to 35 MPH.

Council Member Gibbons stated that the Traffic Study conducted by Dr. Joe Perrin in April included taking data from three locations. The study utilized the average speed and the 85th percentile to determine a number. He described a sight distance and grade issue near the elementary school caused by the blind corner. Roadside development, culture, and roadside friction was the second condition and included parents picking up children and students walking to and from school. A third factor involved safe speeds for curves, hazardous conditions, pedestrian activity, and parking practices.

Council Member Fotheringham believed there was cause for reducing the speed limit to 35 MPH from the Village Center to the end of the school zone on the south side of Cottonwood Elementary. He strongly recommended that the speed limit be reduced to 35 MPH from the Village Center to the southernmost school zone.

Council Member Petersen reported that she had not received Dr. Perrin's Traffic Study Report and was not prepared to discuss or comment on it. She believed the decision should be based on facts.

Council Member Quinn was concerned as she has grandchildren who attend Cottonwood Elementary. She supported the speed limit reduction.

Council Member Durham was in favor of a speed limit reduction. Ms. Chamness confirmed that the consensus of the Council was to pursue the speed limit reduction and stated that signage could be posted in the next few weeks.

Mayor Dahle recommended that Council Member Petersen be given an opportunity to review the report and suggested that the matter be tabled to the August 6 Work Session.

f. Calendar.

- August 6 and 20 – Council Meetings

VIII. Closed Meeting Pursuant to Utah Code Section 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation and 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 potential litigation and property acquisition and disposition. Council Member Quinn seconded the motion. The Council roll call vote was as follows: Council Members Durham, Fotheringham, Quinn, Gibbons and Mayor Dahle voted in favor. The Council convened in a closed session at approximately 8:53 p.m.

Those in attendance in the Closed Session included Council Members Durham, Fotheringham, Quinn, Gibbons and Mayor Dahle. Others present included Gina Chamness, Todd Godfrey, 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 Petersen seconded the motion. The Council roll call vote was as follows: Council Members Durham, Fotheringham, Quinn, Gibbons and Mayor Dahle voted in favor. The motion to go out of closed session at 9:03 p.m. passed with a unanimous vote.

IX. Adjourn.

Council Member Fotheringham moved to adjourn the City Council Meeting. Council Member Quinn seconded the motion. The Council voted unanimously in the affirmative.

The City Council Meeting adjourned at approximately 9:04 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, July 16, 2020.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **September 3, 2020**