

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

**Thursday, November 5, 2020
Meeting Conducted Remotely**

ATTENDANCE:

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

City Staff:
Gina Chamness, City Manager
Stephanie Carlson, City Recorder
Jayme Blakesley, Attorney
Jared Bunch, City Engineer
Holly Smith, Assistant to the City Manager

I. Welcome – Mayor Dahle.

Mayor Dahle called the meeting to order at approximately 6:00 p.m. He read into the record the Order on Public Meetings of the City Council of the City of Holladay.

II. Public Comments.

There were no public comments.

III. 2020 Helping Hands Awards Recognition. Award Recipients: JC Conrad, Robyn Ivins, Chris Knaphus, and Jennifer Wunderli.

Mayor Dahle reported that the Helping Hands of Holladay Awards program was implemented a few years ago. It was a Council initiative to recognize members of the community. He noted that hundreds of businesses, organizations, and individuals do incredible work that impacts the strength of the community. The awards are a thank you and an acknowledgment of that work. Ms. Smith, visited each of the recipients and presented them with their awards.

The first recipient of the Helping Hands of Holladay Award for 2020 was **JC Conrad**. Mayor Dahle read the submission from staff. Mr. Conrad had benefited the City of Holladay through his years of service on the Holladay Arts Council Board and as the Designer of the commemorative poster that marked the City of Holladay's 20th anniversary in 2019. Mr. Conrad was praised for his dedication and commitment to giving back to the community and making it a better place. Mayor Dahle thanked Mr. Conrad for his work. Mr. Conrad appreciated the award and looked forward to helping the community more in the future.

The next recipient of the Helping Hands of Holladay Award for 2020 was **Robyn Ivins**. Mayor Dahle read the submission from Terri Roylance, Cottonwood High School Principal. Ms. Ivins runs a food pantry at Cottonwood High School where she rallies volunteers to open the pantry every Tuesday and Friday. Ms. Ivins also organizes a Christmas Extravaganza each December where she collects clothing, games, and food for students in need. Ms. Ivins was praised for her enthusiasm and organization. Mayor Dahle thanked Ms. Ivins for everything she contributes to the community and the students at Cottonwood High School. Ms. Ivins stated that this is her life's work and it was incredible to be part of the students' lives.

Another recipient of the Helping Hands of Holladay Award for 2020 was **Chris Knaphus**. Mayor Dahle read the submission from Sheryl Gillilan, Executive Director of the Holladay Arts Council. Mr. Knaphus had been a keystone member of the Holladay Arts Council for many years and had dedicated hundreds of hours to Council Meetings and events. He encouraged volunteers for the summer concert series, played a role in the Blue Moon Festival operations, and had served as Chair of the Fine Arts Show for several years. Mayor Dahle, Council Member Fotheringham, and Council Member Petersen expressed gratitude for Mr. Knaphus and his contributions.

The final recipient of the Helping Hands of Holladay Award for 2020 was **Jen Wunderli**. Mayor Dahle read the submission from Kristy Witt and comments from Steve Perschon, Olympus High School Principal. Ms. Wunderli was the founder of Friend-2-Friend, a non-profit organization that connects youth from diverse backgrounds and builds friendships while serving in the community. Mr. Perschon noted that Friend-2-Friend has been a positive addition to Olympus High School. They provided activities and events as part of Inclusion Week. Ms. Wunderli believed the students deserved the award since they did most of the work. She stated that it was a delight to work with youth in the community. She thanked Ms. Ivins for her example and reported that Olympus High School now has a food pantry that is up and running.

Mayor Dahle commented that the recipients of the Helping Hands of Holladay Awards represent the community at large. He felt it was important to have events where some of the hard work happening within the community was recognized.

IV. *Continued Public Hearing on Proposed Storm Water Utility Fee Ordinance.*

Mayor Dahle reported this is a continued public hearing on a proposed storm water utility fee ordinance that was addressed at the previous City Council Meeting. The public hearing remained open to ensure that citizens are able to share comments. Mayor Dahle noted that a vote would be taken on the item on November 19, 2020.

There were no public comments. The public hearing remained open.

V. *Consideration of Ordinance 2020-13 Amending the City Zoning Map for Property Located at 4813 South Viewmont Street from R-1-21 to R-1-10.*

Council Member Fotheringham moved to deny the consideration of Ordinance 2020-13. Council Member Petersen seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Fotheringham, Petersen, Quinn, Durham and Mayor Dahle in favor. Ordinance 2020-13 was DENIED by a unanimous vote.

VI. *Consideration of Ordinance 2020-14 Vacating of Public Right-of-Way – Lynne Lane Walkway.*

Council Member Durham expressed concerns about the City maintaining the property but not making improvements. He asked to work with staff and neighbors to determine possible improvements that could make the area more attractive and an accessible part of the path system. Council Member Gibbons stated that the status quo was not acceptable. Mayor Dahle suggested preparing a plan that would make the area more pedestrian-friendly. He noted that the item could be part of the upcoming budget discussions for capital improvements in the next fiscal year.

Council Member Petersen moved to deny the consideration of Ordinance 2020-14 Council Member Gibbons seconded the motion. The Council roll call vote was as follows: Council Members Gibbons, Fotheringham, Petersen, Quinn, Durham and Mayor Dahle in favor. Ordinance 2020-14 was DENIED by a unanimous vote.

VII. Consent Agenda

a. Approval of Minutes – August 27 and September 3, 2020

Council Member Fotheringham moved to approve the Consent Agenda. Council Member Quinn seconded the motion. The motion passed with the unanimous consent of the Council.

VIII. City Manager Report – Manager Chamness.

a. Financial Update.

Manager Chamness reported that the financial update through September was not currently available. She updated the City Council on the response to the increasing COVID-19 case counts, valley-wide, and within the community. Staff would return to a rotating schedule in the building. There will be a Receptionist and a Bailiff in the front hallway to greet residents and the doors will not be locked. Staff will work remotely on a rotating basis two to three days per week. Ms. Chamness reported that the rotating schedule would be implemented the following week.

She added that the Holladay Justice Court will continue to function. Most things were taking place remotely via phone or WebEx. People will be able to make payments online or a clerk would be available at the court. Ms. Chamness commented that the City was better prepared now than in the spring. She reported that there was an update to the phone system that allowed permitted users to log into the City's phone system through an app on a computer or cell phone. Calls can be transferred securely.

Ms. Chamness noted that there was a crash on Highland Drive that involved a City monument. The crash was discussed a few months earlier. A contractor was engaged to repair the monument, however, some of the etch work would come from China. There was a delay of two to three months but the monument should be rebuilt by early spring. Council Member Petersen asked if the City had received funding from the insurance company. Ms. Chamness stated that the City was making a claim and believed they would be reimbursed.

Ms. Chamness reported that bicycle racks arrived along with furniture for the plaza, but the bollards were delayed. It was possible that installation could take place in November 2020, depending on the weather. However, it was more likely that installation would take place in March 2021.

IX. Council Reports and District Issues.

Council Member Petersen thanked Chief Hoyal for his quick response to safety issues involving constituents on Cottonwood Lane. She noted that whenever there is an issue, the response from the Chief and his team is excellent. Council Member Petersen reported that a constituent reached out to her about a half-pipe skate ramp in their backyard. They were unaware that building one was a violation of the City Code. It falls under the Holladay Noise Ordinance due to the decibel level. Very few homes in the City of Holladay are allowed to have this type of recreational amenity on their property due to the restriction that states that sporting ramps are not permitted when abutting properties within 800 feet. Council Member Petersen noted that this issue was brought to her attention

because a neighbor on one side of the skate ramp filed a complaint. She did not believe a skate ramp would create any more noise than a swimming pool or other recreational amenity.

The suggestion was made to add the item to the November 19, 2020, City Council Meeting for discussion and to potentially impose a short moratorium on enforcement. Council Member Petersen reported that since the matter relates to the noise ordinance, it would not need to go to the Planning Commission. Council Member Petersen clarified that the matter could be discussed and the moratorium could be adopted the same night as long as it was noticed for 24 hours. Council Member Petersen added that the moratorium would allow staff and the City Council to further discuss the issue. The skate ramp would not need to be torn down until a decision is made about whether the noise ordinance would be changed.

Council Member Durham thanked Ms. Chamness and City Engineer, Jared Bunch. He stated that there had been a call from a constituent about an issue with leaking near a canal. Council Member Durham commented that Ms. Chamness and Mr. Bunch had been extremely responsive and helpful. He asked for an update on the situation. Mr. Bunch reported that he met with the property owners on both sides as well as the property owner's contractor. An agreement was reached to seek bids from other contractors to install a rubber membrane on the canal to prevent the water from seeping into the ground. The bids were expected the following day. Mr. Bunch believed the property owners would agree on one of the bids and move forward.

Council Member Durham reported that he met with the Tree Committee. There was a meeting with the Mayor regarding the tree giveaway plans for the spring. They were also looking at the parking lot ordinance for trees. Council Member Durham indicated that Skyline High School shut down for two weeks due to hitting the COVID-19 maximum. He hoped this move would keep the students and teachers safe.

Council Member Quinn asked Mr. Bunch if there was an update on Wander Lane. Mr. Bunch reported that there had been a slight delay collecting the data due to isolation requirements with staff. He noted that he would follow up with any additional information. Ms. Chamness added that a report was received regarding the intersection of Wander Lane and Bramble Way. There was a recommendation to install a yield sign at Bramble Way. Council Member Quinn confirmed that the yield sign had been posted.

Council Member Fotheringham thanked Ms. Chamness for taking care of a downed street light pole on Kings Row. He noted that he acquired information for the Holladay City Foundation in anticipation of having the annual tax return prepared. A local CPA was contracted to handle the tax return. Council Member Fotheringham noted that the bridge work at Kings Row was currently taking place and that the work would be completed the following day. Council Member Fotheringham asked if there were updates relative to 3900 South. Mr. Bunch reported that everything was still on schedule. Construction would begin in March and be completed by the end of 2021. Council Member Quinn asked when the water pipe would be finished. Mr. Bunch stated that the water work was complete but the gas work would continue through the middle of January.

Council Member Gibbons was surprised by the lack of public impact regarding the Storm Water Fee. He noted that taxes and fees had not been raised in 20 years and it was anticipated that there would be more feedback. Council Member Gibbons received several comments related to the proposed trail

system along the canals. He had believed the concept would be universally embraced but many concerns were shared. Council Member Gibbons stressed the importance of balancing all aspects of a potential canal, which included the preservation of wildlife. He promised to keep the City Council updated on the issue.

Mayor Dahle wondered if there had been any further discussions related to Tanner Ditch. Council Member Gibbons reminded the City Council that an informal proposal had been made to create a special service district to administer the rights the City of Holladay acquired from Tanner Ditch several years ago. He noted that a few neighbors liked the idea of a special service district and a proposal was being put together. Council Member Gibbons clarified that even if the residents take it over, Tanner Ditch will still be part of the City of Holladay's purview. However, the residents could have their own liability insurance. It would put another level between the City and what was happening with the ditches.

Mayor Dahle reported that he emailed the Council Members and received their responses regarding moving forward with a proposed tax increase. He noted that there was no commitment to implement a tax increase as they still need to hear from residents. He believed there would be a lot of feedback. Ms. Smith began to prepare a timeline and would email the Council Members with the initial information.

Mayor Dahle addressed the latest Board of Health Meeting. He reported that there was an aggressive campaign to encourage people to get the flu shot. There were also four or five companies working on a COVID-19 vaccine that were in the final phase of testing. Mayor Dahle stated that the County had a plan and budget in place to roll out the vaccine when it is received. It would take approximately six months to roll out the vaccination across the population.

Mayor Dahle discussed the Interfaith Service that was to take place on November 22, 2020. The service would be live-streamed from St. Vincent de Paul Catholic Church and include musical performers and a small group from the UPD and UFA. Mayor Dahle believed it would be a good event and felt it was important to ensure that as many people view the live stream as possible.

X. *Recess City Council to RDA Meeting.*

Council Member Gibbons moved to recess the Council Meeting and reconvene in a Redevelopment Agency ("RDA") Meeting. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

Mayor Dahle resumed the Chair.

XI. *Reconvene City Council in a Work Meeting.*

a. *Training Update:*

• *NIMS – Julie Harvey, Emergency Management.*

Emergency Management Planner, Julie Harvey updated the City Council on the National Incident Management System ("NIMS"), which relates to the way incidents are handled when events require emergency management, law enforcement, or the Fire Department to step in. Within NIMS, there is a smaller system called the Incident Command System ("ICS"), which relates to the way organizations are structured when there are emergency management actions. Ms. Harvey reported

that training was a requirement for elected leaders. The in-person classes are not currently available, so Ms. Harvey requested that the City Council take the first three courses identified as:

- IS-100.c Introduction to the Incident Command System, ICS 100;
- IS-700.b An Introduction to the National Incident Management System; and
- IS-800.d National Response Framework, An Introduction.

Ms. Harvey noted that the links to the courses were provided in the meeting packet. She informed the Council that they would need to sign up for a Federal Emergency Management Agency (“FEMA”) student identification number if they do not already have one. She asked that the courses be completed within the next three months. Once the certificate is received via email, Ms. Harvey asked that a copy be forwarded to her. She noted that any of the Council Members that have taken the courses already could send her their certificates. However, the training had been updated within the last couple of years.

- ***Fraud Assessment – Gina Chamness***

Ms. Chamness reported that the State Auditor released the Fraud Risk Assessment Implementation Guide for local governments and special districts. It included a questionnaire that would assess the overall risk level. The questionnaire would become part of the Compliance Audit next year. Ms. Chamness noted that similar training may have been completed elsewhere but the training was slightly different for local government. The link to the online course was included in the Meeting Materials Packet.

Once the training has been completed, the City Council will look at the checklist as a group. Based on the results, the Council Members can make changes to current operations, if necessary. Ms. Chamness asked the Council Members to complete the training within the next few months. The checklist would be examined at the start of the calendar year.

- b. Discussion on Retirement Health Savings Plan.***

Mr. Chamness reported that last year the Council adopted an Employee Manual for City staff. At that time, there was discussion regarding a benefit to assist employees in saving for retirement health care costs and the long-term costs of accumulated sick leave hours. Staff recommended the addition of language to the Employee Policy Manual related to this benefit.

All employees would be eligible to participate in the Retirement Health Savings Plan (“RHS”). Upon implementation, employees with an accrued balance of 180 or more sick leave hours may be paid 50% of any hours above 180 hours at their hourly rate of pay. There was an estimated cost of \$12,000 to \$20,000 for the first year. Up to seven employees were currently eligible due to sick leave hours in excess of 180 hours. Ms. Chamness reported that the annual costs would reduce in the future and would likely be within the \$5,000 to \$6,000 range.

Council Member Fotheringham wondered what the sick leave policies were in neighboring jurisdictions. He noted that often there was a ‘use it or lose it’ policy when it came to sick leave. Ms. Chamness commented that Salt Lake City and Midvale offer a similar benefit to their employees. Mayor Dahle believed 180 hours was fairly standard. He noted that it was important not to incentivize accruing sick leave hours. That was the reason for the 50% buy out. Ms. Chamness offered to gather

information from neighboring jurisdictions about their sick-leave policies. She would bring the item back to the City Council on November 19, 2020.

c. *Update on Holladay Crossroads Zone Public Engagement.*

City Recorder, Stephanie Carlson reported that notices were sent out to residents, businesses, and tenants within 500 feet of the zone. There would be a Facebook Live Open House on November 12, 2020, and a public hearing on December 3, 2020. She asked the Council to share information about the Facebook Live Open House and Public Hearing on their social media accounts. The goal was to have a detailed discussion and review on January 8, 2021, and tentative adoption on January 15, 2021.

d. *Google Fiber Update.*

Mr. Blakesley reported that there were ongoing negotiations between the City and Google to lay Google Fiber within the City boundaries and City right-of-way. Google would be laying the fiber and contracting with end-users for Internet service. Mr. Blakesley noted that telecommunications fiber is often laid as a Franchise Agreement. As a License Agreement would avoid some of the potential conflicts linked to telecommunications laws and franchise agreements. There were a few points of negotiation:

- Fee Negotiation;
- Service Extension and Model; and
- Terms of Excavation Work.

There had been prior agreements between Google and other municipalities in the State of Utah where the fee was negotiated to be 5%. Those agreements occurred when Google provided video and Internet service. Google does not currently offer video service and video would not be licensed in the agreement. Google offered 2% of its gross revenues from Internet service. Mr. Blakesley noted that Millcreek recently signed a similar License Agreement. He was attempting to negotiate language that would permit the City to charge a higher rate, to a maximum of 5%, should there be a specific statutory authorization that would allow a higher rate than the 2% that was negotiated.

Mr. Blakesley discussed the service level of Google Fiber. He noted that the City was not uniform in the distances between homes and that would impact the provision of service throughout the City. An attempt was made to insert a provision into the license agreement to ensure that Google would provide service on an equitable basis. Mr. Blakesley believed Google would provide service that was economical to them. The current License Agreement provisions state that Google will not discriminate on an unlawful basis, but they reserve the right to provide service to areas in their economic interest.

The final point of negotiation related to laying the fiber. It would need to be done in a way that does not leave the City streets in worse condition after the fact. Mr. Blakesley reported that the Google Fiber was laid down through a micro-trenching process. Some communities received complaints from bicyclists because the micro-trenching process could affect the pavement and, in some instances, catch the tire of a bicycle. To avoid creating unsafe conditions, negotiations were underway to ensure that Google would conform to the City's excavation ordinance.

Council Member Fotheringham asked if City revenue would be impacted with more people choosing to cut cable services and turn to streaming. Ms. Chamness believed it was possible. She offered to

look at the revenue numbers from the last few years and share them at the next City Council Meeting. There was discussion regarding licensing fees without video services.

Mr. Blakesley noted that whenever a City negotiates with an entity as large as Google, there would be inequity in the bargaining position. The State would be in a better position rather than individual cities. Mayor Dahle believed the agreement would be similar to Millcreek and noted that the City was trying to clarify certain issues. Ms. Chamness reported that the progress on this item would depend on the comfort level of the Council Members. The item could be voted on at the November 19, 2020, City Council Meeting or at the December 3, 2020, City Council Meeting.

Mayor Dahle discussed the benefit to the community. He noted that with more people working and streaming from home, it would be beneficial to have access to fiber in the community. Council Member Fotheringham noted that certain parts of the community may not have access. Mayor Dahle commented that portions of the City of Holladay were inefficient for the laying of fiber in terms of density. However, he did not believe the City would be able to dictate where Google laid the fiber. Mayor Dahle felt that the item could be brought to a vote at the November 19, 2020, City Council Meeting.

e. Discussion on Storm Water Policy Manual.

Mr. Bunch discussed the Storm Water Policy Manual. He reported that the manual identifies what the Storm Water Fee was, how it was evaluated, various classifications, the formula behind the fee, and the adjustments, appeals, and waivers associated with the fee. There are different customers classes including:

- Customer Class 1: Residential Area A (Typical Residential Property);
- Customer Class 2: Residential Area B (Estates); and
- Customer Class 3: Non-Residential.

Billing services would be provided by Rocky Mountain Power. There was a meeting with Rocky Mountain Power and they stated that there could not be a decimal Equivalent Residential Unit (“ERU”). For example, 2.3 or 2.5. Mr. Bunch explained that staff would work with Rocky Mountain Power to define the ERU. In the Storm Water Policy Manual, one ERU was equal to the average amount of impervious area found on the average single-family residential parcel of 5,200 square feet.

Council Member Gibbons asked for clarification about the different Customer Class distinctions. He wanted to know if the owner of a Class 2 property would pay more or less per acre than the owner of a Class 1 property. It was noted that the owner of a Class 2 property would pay more per household but less per acre. The study used to determine the ERU was based on imperviousness. Mr. Bunch explained that a consultant conducted a study of several hundred lots in the Residential Area A class and sample surveys in the Residential Area B class. The average amount of imperviousness on the estates was found to be 2.5 times higher. For instance, Residential Area A lots may have 60% to 90% imperviousness where Residential Area B lots may have 20% to 30%.

Council Member Petersen noted that larger acre lots would have larger homes and driveways. They could also have swimming pools or tennis courts. A larger lot does not necessarily mean that the imperviousness difference was substantial. Mr. Bunch explained that sample surveys were conducted and the calculations were based on those surveys. Council Member Fotheringham felt the study was

the fairest way to calculate ERU. Council Member Gibbons felt it was important to take a careful look at the ERU calculations to ensure they were fair and accurate.

Ms. Chamness wondered if it would be helpful to look at the storm water fee structure from other communities. Council Member Gibbons believed it would be beneficial to see what other jurisdictions were doing. Mayor Dahle noted that there needed to be a baseline way to apply the fee and suggested reviewing the ERU breakdowns further at the next work meeting.

Council Member Gibbons suggested using the ERU formula to calculate various scenarios. This would give the City Council specific numbers and examples to look through. Ms. Chamness commented that she would be happy to share the document with that information. Council Member Gibbons asked that it be included in the next meeting packet.

Mayor Dahle discussed the appeals process. Someone that felt an error had been made in calculating the Storm Water Fee for a specific site could contact the City Engineer for an explanation. From there, they could appeal further to the City Recorder and that appeal would move to the Hearing Officer. After that, an appeal could be made with the District Court. Mr. Bunch believed there would be two main types of appeals:

- Residential Area B classes that wanted to be part of Residential Area A or vice versa; and
- Non-Residential that wanted to challenge the impervious calculation.

Mayor Dahle asked to place the ERU calculation on the Work Session Agenda for November 19, 2020. If the Council Members felt comfortable with the information and ERU calculations, there could be a vote during the December 3, 2020, City Council Meeting.

f. Calendar.

- November 12, 19, and December 3 – City Council Meetings
- November 22 – Interfaith Service
- November 30 – Tree Lighting

There was discussion regarding the Tree Lighting ceremony on November 30, 2020. Ms. Chamness reported that the event would be live-streamed on Facebook.

XII. Closed Session Pursuant to Utah Code Section 52-4-204 and 205 to Discuss Personnel Issues, Potential Litigation, and Property Acquisition and Disposition (if needed).

There was no Closed Session.

XIII. Adjourn.

Council Member Fotheringham moved to adjourn. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at approximately 8:33 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Holladay City Council Meeting held Thursday, November 5, 2020.

Stephanie N. Carlson, MMC
Holladay City Recorder

Robert Dahle, Mayor

Minutes approved: **January 7, 2021**