

Council Member Thackeray reported that COP Deputy Soffe from the Sheriff's office spoke to the group regarding issues dealing with fraud. Information relative to combating fraud will be distributed as it becomes available. Another concern was how best to notify the senior citizens in the community since many do not have access to e-mail.

V. *Request by Holliday Water to Consider an Ordinance Relative to Drinking Water Source Protection - Marlin Sundberg*

Marlin Sundberg from Holliday Water presented a model Drinking Water Source Protection Ordinance for the Council to review. This particular ordinance has been presented County wide. The goal is to have all entities adopt such an ordinance. Included in the packet are ordinances from other jurisdictions that are quite similar in nature. In 1993, the EPA enacted the Source Protection Rule which requires water entities a certain time to come into compliance. The entities that provide water to the east bench use the same aquifers to some extent. These entities formed a coalition to address the issue from a group standpoint. It became obvious that all entities in the County should use the same guidelines. Mr. Sundberg requested scheduling a future work session in the near future to discuss the nuts and bolts of the ordinance. Salt Lake City experienced high operation and maintenance costs for a specific well that was eventually shutdown due to a low level of contaminants. This ordinance is an attempt to have everyone on the same playing field. Chairman Peterson asked if this proposal will affect the city's zoning ordinance. Mr. Sundberg replied that the proposed ordinance will provide guidelines to the Planning Commission for necessary restrictions within recharge areas. Most of Holliday is located in the prime recharge area where the snow melt flows directly into the aquifer. The ordinance is not retroactive but looks to future projects. The main concern is to avoid issuing a permit that may contaminate the recharge area. Mayor Larkin suggested incorporating this proposal into the zoning ordinance by reference. Mr. Sundberg reported that the upgraded water treatment plant located in the city has been completed. The only item left to do relates to landscaping. Council Member Orton asked about the security of the existing chlorine building. Mr. Sundberg reported that this particular facility has been converted into a backup generator for the treatment plant. Peak Alarm is currently on site installing security devices.

VI. *Public Comments*

Tom Breitling lives at 4794 South 2124 East. Mr. Breitling reported that the Board of Adjustment continually hears cases that are carry overs from the County since the city incorporated. Mr. Breitling believes that projects started under the County's rules but are unfinished should be allowed to be completed under the old guidelines. Chairman Peterson stated that anything under construction at the time should be grand fathered in. City Attorney Shane Topham concurred. Mr. Breitling explained that in this particular instance, it is the last house and was not under construction at the time. Chairman Peterson stated this is a different issue. Mr. Breitling said that a real estate agent informed him that prices are set not by the individual house but by the surrounding neighborhood. Mr. Breitling believes the city should

make an adjustment in these cases. Chairman Peterson suggested the Board of Adjustment make a formal request to the City Council.

Henry Kesler lives at 4597 Aspen Hollow Lane. Mr. Kesler is the Chairman of the Board of Adjustment. The Board has reviewed many such circumstances over the past two years. In these cases, the request usually falls in line with the existing neighborhood. However, due to an ordinance change, they no longer meet the requirements. Chairman Peterson asked Mr. Kesler if he thought they should be approved. Mr. Kesler stated without an unusual hardship, it could not be approved. The Board of Adjustment will place this issue on their next agenda and discuss it as a board. Mayor Larkin stated that the Board has five specific criteria that needs to be looked at. Unless they meet all five, it cannot be approved. A provision should exist in the zoning ordinance for these circumstances that conform to the existing neighborhood to avoid having them go to the Board of Adjustment. Mr. Breitling mentioned that he talked to the neighbors and they did not oppose the height of the proposed roof because the property is lower than the other existing homes. Chairman Peterson cautioned Mr. Breitling that any variance from the ordinance sets a precedence.

VII. *Consent Agenda*

a. Approval of Minutes - Jan. 17th meeting

b. Consideration of Resolution 02-08 Approving an Amendment to the Unified Fire Authority Agreement

Chairman Peterson removed Resolution 02–08 from the Consent Agenda since the contract cities decided to have the County Council adopt the Unified Fire Authority agreement before it comes before the municipalities. Council Member Orton moved to approve the minutes of the January 17, 2002 meeting. Council Member Diederich seconded the motion. The Council voted all in the affirmative and the motion carried.

VIII. *Discussion Regarding Re-Adoption of Council District Boundaries Ordinance in Conjunction with the Census*

Since the information on this item was still being processed, Chairman Peterson tabled this item for a later date.

IX. *Financial Report*

City Administrator Jerry Medina presented the financial statements for the period ending December 31, 2001. Mr. Medina reported at the end of December, the city had approximately \$2.8 million invested at the State Treasurer’s Pool. These funds consist of property and sales taxes that have been collected and remitted to the city. We also have almost \$500,000 in Class C Road funds in a separate account since they are restricted. Approximately 89% or \$1.1 million

has been collected for property taxes to date. We have almost doubled our budget amount for Cell Phone Tax or \$13,981. Road Cut Permit revenue is close to doubling the expected budget amount. Chairman Peterson asked why the road cut permit revenue is much higher than budget. Mr. Medina explained that road cut permits are a new policy the City Council implemented. It is difficult to forecast this revenue because we do not know how many utility cuts will occur during the year. Also, we do not have much of a track record for collections. Mr. Medina reported that all expenditure departments are within budget and presented the sales tax revenue collections since incorporation. The sales tax revenue averaged \$125,726 per month for the first seven months of operation. The second full year of operations averaged \$185,615 per month. Based on the collections for this year and an estimate of the remaining fiscal year, the sales tax revenue averages \$175,859 which is \$500,000 more than the current budget of \$1,600,000. At the time the budget was adopted last June, the city took a very conservative approach relative to sales tax revenue to allow for a down turn in the economy without affecting the daily operations of the General Fund. Council Member Thackeray asked about the lack of Class C Road fund collections for the current year. Mr. Medina explained that this revenue source is collected on a quarterly basis. Also, the auditors have accrued any revenue that was received in July and August of 2001 into the last fiscal year. This revenue will always be behind schedule for this reason. Mayor Larkin asked about the low amount of sales tax for the first year of incorporation. Mr. Medina explained that the first year was a matter of making sure the retail stores were reporting correctly. We found for example that JC Penney was reporting their sales tax downtown rather than the Holladay store at Cottonwood Mall. Also, we are always at least two months in arrears of receiving the revenue for the month it was reported.

X. *Mayor's Report*

Mayor Larkin reported that at today's COG meeting, the Community College wants to know if the cities are interested in having an information cable TV channel. City Attorney Shane Topham reported that our franchise agreement and ordinance with AT&T Broadband allows for such a channel.

The Mayor has appointed an Executive Committee entitled Communications with Kyle Sterner serving as Chairman. The committee will focus on various issues such as establishing a city wide e-mail database, newsletter and other informational documents. It is estimated that 86% of the residents have e-mail access. Chairman Peterson asked if the committee will do the actual sending. Mayor Larkin responded it will most likely be covered by staff. Council Member Thackeray voiced her support for doing what we can to inform the public. Ms. Thackeray encouraged the Council to update their individual messages on the web site. Council Member Orton mentioned that he received contact from someone in Holland via the city's web site.

Council Member Thackeray asked about the status of the Santa Ana Casto house. City Administrator Jerry Medina reported that he received a letter from the architect today indicating the house will be moved sometime during the first two weeks of March due to no permits being issued during the Olympics.

XI. *New Council Business*

There was no new business.

XII. *Adjourn to Work Session to Review the Agenda for the next City Council Meeting*

Council Member Thackeray moved to adjourn the regular meeting at 6:50 p.m. and convene in a Work Session at 7:10 p.m. to set the agenda for the February 21, 2002 City Council meeting. Council Member Orton seconded the motion. The Council voted all in the affirmative and the motion carried.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Council meeting held Thursday, February 7, 2002.

Jerry P. Medina, CMC/AAE²
Holladay City Recorder

Steven R. Peterson
City Council Chairman

Minutes Approved: 03/07/02