



# Sandy City, Utah

10000 Centennial Parkway  
Sandy, UT 84070  
Phone: 801-568-7141

## Meeting Minutes

### City Council

*Brooke Christensen, District 1*  
*Maren Barker, District 2*  
*Kristin Coleman-Nicholl, District 3*  
*Chris McCandless, District 4*  
*Steve Fairbanks, At-large*  
*Linda Martinez Saville, At-large*  
*Zach Robinson, At-large*

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Tuesday, February 19, 2019

5:15 PM

Council Chambers

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### AMENDED AGENDA

#### 5:15 Council Meeting

Council Office Director Michael Applegarth  
Council Office Analyst Dustin Fratto

**Administration:**

Mayor Kurt Bradburn  
CAO Matthew Huish  
Deputy to the Mayor Evelyn Everton  
Deputy Chief Administrative Officer Kim Bell  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Community Development Director James Sorensen  
Assistant Director Community Development Jared Gerber  
Planning Director Community Development Brian McCuiston  
Administrative Services Director Brian Kelley  
Finance and IT Deputy Director Glade Jardine  
Budget & Billing Manager Brett Neumann  
Planner Wade Sanner  
Parks & Recreation Director Scott Earl  
Public Utilities Director Tom Ward  
Assistant Director Public Utilities Scott Ellis  
Public Works Director Mike Gladbach  
Fire Chief Bruce Cline  
Police Chief William O'Neal

#### Roll Call

Chair Kris Coleman Nicholl took a roll call vote confirming that a quorum was present.

Mike Applegarth noted that Council Member Steve Fairbanks and Council Member Maren Barker would be joining the meeting later.

Steve Fairbanks arrived at the City Council Meeting at approximately 5:20 p.m. Maren Barker arrived at the City Council Meeting at approximately

5:35 p.m.

- Present:** 5 - Council Member Brooke Christensen  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Zach Robinson  
Council Member Linda Martinez Saville
- Absent:** 2 - Council Member Maren Barker  
Council Member Steve Fairbanks

## Voting Items

- Present:** 7 - Council Member Brooke Christensen  
Council Member Maren Barker  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Steve Fairbanks  
Council Member Zach Robinson  
Council Member Linda Martinez Saville

1. [19-051](#) Council Chair Nicholl recommends that the Council take public comment on the Sandy Water Quality Incident, and seek direction from the public specifically on two policy questions:

1. Should the City Council convene an investigation into the incident?
2. If so, how shall the committee be structured? For example, should the committee consist of Council Members, citizens, or a combination? What should the scope of the investigation include or not include (i.e. the specific chain of events, the City's management of the incident, public communications, the overall safety of the water quality system, etc.), what type of expertise should be represented on the committee?

**Attachments:** [UCA 10-3-610.pdf](#)  
[UCA 10-3b-203.pdf](#)

Chair Kris Coleman Nicholl presented opening statements regarding the Sandy Water Quality Incident and the responsibility and duty of the City Council: The safety of the City's water quality system, the sequence of events that caused the current emergency, the way the City managed the emergency including the public communications best practices, and to insure, with the upmost of their ability, that the residents are not put in this situation again.

The Council presented a policy question asking the residents if they wanted the Council to do an investigation, and the scope of an investigation.

She asked the residents to comment either yes or no if they are in favor of an investigation. Salt Lake County Health Department representatives were present for residents with specific questions.

Mayor Bradburn invited employees who assisted with the water issue over the past weekend to attend the Council meeting so he could personally thank them for their service.

Kris Nicholl also expressed appreciation on behalf of the Council for the employee's

service to the residents and community.

Citizen Comments:

Tammy McDonald - why were the citizen who were affected by this not notified until February 15th.

Jody Sybrowsky- she was not notified. She became ill after working out and drinking a copious amount of water on Saturday. It came on quickly and lasted three days. She was notified by her next door neighbor who just found a flyer taped to her door. She experienced mild gastric problems for three days. She suggested that the City needs to make certain there is a protocol in place emergencies like this. If there is not, there needs to be a very formal algorithm that addresses each item as they become worse. Every person involved in Sandy City Government should have a roll in that protocol. There needs to be a committee of citizens involved. She would be happy to take part in a committee with a combination of citizens and council members. The public needs to understand the protocols. Citizens have a roll to look out for each other.

Robert Nehron- fully supports the Council convening an investigation. Those items should include the chain of events, root cause, lack of alert notification systems that involve public health, and future mitigation efforts to correct this. He feels the committee should involve citizens, council members, but most importantly, people with expertise on health effects, even on-going.

Kim Machara- was not aware of the problem until a friend contacted her who saw it on the internet February 15th. Her concern is the on-going health effects. She became violently ill on Feb. 7th and had severe abdominal pain, dry heaving, diarrhea. She decided she probably had food poisoning. The symptoms lasted for several hours into the evening, then she began feeling better the next day. She had no idea this was possible contaminated water issues. Is there any follow-up testing that needs to be done? What are the health effects of that? Going forward, what do we need to do to make sure we are safe physically? What is it going to do to our property?

Kris Nicholl noted that it sounded like she has an immediate question that she could ask the doctor to answer for her.

Kim Machara spoke with the neighbors on both sides of her to see if any of their family members had been affected. They had family members who experienced the same type symptoms that came on rapidly and went away quickly. One had a cat that had been vomiting.

Brooke D'Sousa- voiced her support for an investigation and audit to understand the initial cause of the water issue, the full breath and scope of the affected areas, the potential on-going damage, the solution that was put into place to correct the issue and if it was sufficient, ideas to make sure we don't have holes and gaps on-going with water and other areas and services with similar impacts. She learned of the contamination while attending last week's Council meeting during Tom Ward's update. She voiced her disappointment in the way it was handled from a communication stand point, and difficult for residents to trust the information due to inconsistencies. She also experienced some gastrointestinal-intestinal issues and questions the origin. She supports an investigation, with City and Citizen involvement. The investigation needs to be transparent and independent.

Nick Mutlovich- fully supports an investigation. He attended the Town Hall meeting last

night. His biggest concern was the initial assessment of the situation. It is winter and had he gotten sick, not knowing anything else, he would have thought he had the flu. If anyone is to be investigated, he felt Mr. Ward should be investigated for under estimating the problem, the issue with communication, and not communicating with the Mayor in an appropriate manner. He could not understand the lack of communication since this is 2019. There is no way that communication should be done by going door to door and putting flyers to inform residents of a problem. Fluoride is a highly toxic substance.

Steve Van Maren- conduct an investigation but limit it to the response and policies in place to deal with these situations. He does not believe getting technical is appropriate. Staff and Administration can do that. How they responded and what they are going to do in the future, with whatever other responses they are going to deal with, are appropriate in the investigation.

Sharon Shore- look into the safety of putting fluoride into the water, it's impacts and why it was put in our water in the first place. She requested that the City look into the safety of fluoride, and the legality of taking Sandy out of the law that was passed years ago allowing fluoride in water. She would like to make Sandy's water safer.

Monica Zoltanski- spoke regarding communications and no urgency on notifying residents, no cell phone alerts, signs on reader boards similar to ones used for Fireworks. She felt the City is lacking in response to the residents. She attended the meeting last evening and shares the frustrations. How we move forward is important. She is looking to the Council and City Administration to work together. She mentioned the distribution of water and participation in distributing water bottles for samples. She does not want or need to see our leaders bashed. We need to pull together. She asked what the noticing requirements were. This is an isolated incident. Keep it in perspective and have respect and work together to get the best results. She is for an investigation for critical response times and how we escalate the notice to residents.

Suzanne Harrison- State Representative for the area impacted, echoed what had been shared. An independent investigation is important to determine what can be done better and what needs to happen at the City level to make sure that the health and safety of residents are top priority.

Jodi Monaco- repeated the following questions for the record: how communication was handled, the protocol, transparency, level of urgency, whether or not we have the right people doing the right things at the right time, the issues management response was weak, it was assuming that people were going to be at their front doors picking up flyers that absolutely communicate a sense of urgency. This entire issue was handled very irresponsibly. Her concerns are the short and long term affects with her health, her pets health, her home structure, pipes, water heaters, structure, etc, homes values and unable to sell her home at a decreased value. How is Sandy City looking to protect their residents in the future, leaky pipes lower home evaluation. She supports an investigation with the questions raised earlier. She would like a wide but appropriate scope and needs assessment to include the rolls and responsibilities and protocols in place to prevent future incidents, and assessing the gaps. She would like to be a part of this process. She referenced House Bill 72 Safe Drinking Water as a means to temporarily shut off the fluoride in the water system. She asked the Mayor to stop the flow of fluoride to protect the residents. She handed out a copy of the House Bill. She wants people to look at Salt Lake County's Health regulation #33 fluoridation in public water supply in order to be more informed.

Public Comments were closed.

Mike Applegarth noted that the Agenda Management System was running, however, it was brought to his attention that the broadcast was interrupted at some point. He wanted this to be stated on the record.

Maren Barker thanked all residents for coming out. The Council takes this very serious. She believes there needs to be an avenue for public participation.

Kris Nicholl suggested forming a citizen committee from the list of residents who expressed interest at last evenings meeting and at today's Council meeting.

Steve Fairbanks noted that this has broad ramifications and the Council needs to figure how to get representation from all quadrants of the city.

Maren Barker noted that coming up with a citizen group cannot be based only on emotion but focused on the facts of what happened.

Brooke Christensen asked if the committee would be set-up by the Administration.

Tracy Cowdell clarified the powers of the Council and Administration. This investigation is an over site of the Council who can create a committee. The committee needs to present legislative advice since the City Council acts as the Legislative Branch. He suggested working with the Administration in order to broaden the scope of the committee.

Steve Fairbanks recommended that the formation of a citizen committee be scheduled for discussion in an upcoming worksession.

Chris McCandless felt that employees who have worked on these issues should also be included.

Zach Robinson suggested engaging members outside of the community with experience as a technical component.

Linda Saville stated this could be addressed after the study.

**Brooke Christensen made the motion seconded by Zach Robinson to appoint a technical investigative committee per Utah Code 103 D-203 that does not include any city personnel or elected officials and this committee would oversee an independent investigation of:**

- 1. an audit of the City's current Emergency Management practices.**
- 2. SWOT analysis of this specific incident including the communication effort and execution and recommendations for future incidence that may happen.**
- 3. Compliance with relevant regulatory requirements for this specific issue.**
- 4. RFP in compliance with our purchase code to be sent out by the Council Office as quickly as possible pursuant to the City's purchasing code.**
- 5. Council Staff will bring back no less than three technical investigative committee options for the Council to vote on at the February 26th meeting.**
- 6. To use Council Contingency to fund the investigation.**

**Discussion on the motion followed from the Council and Council Attorney.**

**Yes:** 7 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

Motion - Citizen Water Issue Committee

**Kris Coleman Nicholl made a motion to table the establishment of an investigative citizen committee and moving it to discussion and get citizen input going in some fashion ... the motion was approved by a unanimous all in favor voice vote.**

## Non-voting Items

### Agenda Planning Calendar Review & Council Office Director's Report

There was no report.

### Council Member Business

Chris McCandless asked for further discussion on Item #2 on the Agenda, Mike Applegarth's report.

Kris Nicholl stated that that item would be moved to a future agenda.

### Mayor's Report

Mayor Bradburn updated the Council on the recent water samples and procedures.

Tim Herzog felt the Administration should not only notify residents to flush their water systems, but also include flushing hot water heaters.

Richard Benhan noted that the instructions are on the website for the proper way to flush the system.

Steve Fairbanks asked if residents need to flush their systems prior to water samples.

Mayor Bradburn stated that the lab is requesting a flush so we can get an accurate sample.

Linda Saville asked what the reimbursement was.

Mayor Bradburn stated \$25.00 which went out on the bill as a credit today.

Maren Barker asked if there would be credit for those outside of the zones for flushing their systems.

Mayor Bradburn stated that he would like to look into this and work through that point.

### CAO Report

Matt Huish addressed items that were brought up at the Town Hall Meeting and the follow through that is taking place. Bottled Water continues to be at all the fire stations until people feel comfortable drinking the water. They have been working with all joint agencies. Many of the items from last evening's town hall meeting have been addressed. Jared Gerber reported that all commercial businesses and daycare were contacted regarding flushing of water systems and testing. The three schools in the area also were tested and were clear even without flushing. Public Utilities is working to make certain all lab results are searchable on the City's website. He is working with the Emergency Management Specialist Jeff Mulcahy and Risk Management for claims.

## Legislative Report

Evelyn Everton presented an update on the sales tax distribution, upgrade from analog to digital on all radios, and a bill for state funding to go towards reimbursements.

**This was adopted.**

## Citizen Comments

Tim Herzog- the water issue began with a power outage. Whatever piece of equipment failed, it lost power. If an Uninterrupted Power Source (UPS) is put on that piece of equipment, it would not fail again. He is in favor of an investigation to include the Council and Administration, for them to work together on a solution. He would also like a citizen committee established to listen to what people have to say. He expressed concern on the response time when information was presented to the residents. The Council needs to create a priority system and response time, then let the residents know about it.

Steve Van Maren commented on Item #2 on the Agenda. He felt the report that was written by Mike Applegarth was well written, very comprehensive. He did not like some of his interpretations in the memo and what they meant to him. Nothing against Mr. Applegarth. It raises a concern that he hopes the Council can get figured out. He questioned where the process was on the municipal code.

Kris Nicholl noted that the municipal code is on line. As the Chair, she will schedule time for the Council to begin review and fine tune the code.

Dea Theodore- supported an investigation into the water crisis, what happened, and what will be done to fix the problem. She thought the establishment of a citizen committee was an excellent idea. She helped take water samples in the community. People were not angry. They were sad with this unfortunate event. They were pleased that the Mayor committed to the water samples and testing to make sure their water is safe.

Kerry Wright, 10657 Willowway Lane, quoted a saying that they use at his work "fix the problem then the system never the blame". He hopes that is the spirit the Council and Administration will take as they work together. He is confident the Administration and Council serve the citizenry and have the best interest at heart. He is in favor of an investigation to be able to see clearly what the problem really was.

Tammy McDonald, 11040 South 2125 East, asked if the residents would receive a credit for the gallons of water flushed in the system. She was told someone would come by yesterday to get a sample of her water. That never happened. She asked if the water is safe to drink.

Kris Nicholl stated "yes". She believed it was a \$25.00 credit. There is also an emergency call center tracking residents who would like their water tested. The form is

on the website.

Mayor Bradburn was happy to answer her questions. Everyone in the impacted Zones 1,2,and 3 will receive a \$25.00 credit on this month's bill. It is his committment to test all homes in the affected zones. Based on Ms. McDonald's address, she is not in the affected zones. The City will come out and test the water whether or not you are in the impacted zones.

---- Bryan, lives across from the pump house,expressed lose on the value of homes and property and that they also would like testing.

Comments Closed.

## Information Items

2. [19-049](#) City Council Office reporting on the organization of the Administration.

**Attachments:** [Executive Director Memo.pdf](#)

**Zach Robinson made a motion seconded by Brooke Christensen to reschedule Agenda Item #2 as a future agenda item and approve Items #3-10 on the Consent Calendar.....the motion carried with a unanimous voice vote all in favor.**

## Voting Items

### Consent Calendar

**A motion was made that this be approved. The motion carried unanimously.**

3. [19-046](#) Approval of the January 8, 2019 Minutes.

**Attachments:** [January 8, 2019 Minutes.pdf](#)

4. [19-047](#) Approval of the January 15, 2019 Minutes.

**Attachments:** [January 15, 2019 Minutes.pdf](#)

5. [19-048](#) Approval of the January 22, 2019 Minutes.

**Attachments:** [January 22, 2019 Minutes.pdf](#)

6. [19-022](#) Council Member Fairbanks proposing a change to the Sandy Legislative Code

**Attachments:** [Utah Code 10-3-502](#)

[Ordinance 19-02](#)

[Executed Copy Ordinance 19-02lative Code.pdf](#)

**Motion to adopt the attached ordinance.**

7. [19-033](#) Council Member McCandless Proposing a possible amendment to Title 15A-11-02 "Accessory Structures"



**Attachments:** [Exhibit A Proposal Clean](#)  
[Exhibit B Proposal Redline](#)

**Motion to approve the proposal and request staff to notice a public hearing and bring the item back for Council adoption at the earliest date possible.**

8. [19-031](#) Public Works recommending adoption of amendments to the Interlocal Cooperation Agreement between Sandy City and the Utah Department of Transportation relating to corridor preservation on State Route 209 (9000 South) between 700 West and Wasatch Boulevard.

**Attachments:** [SR-209 signed agreement 20070718.pdf](#)  
[19-03c \(002\).docx](#)  
[Sandy City Cooridor Preservation on SR-209 Amendment No. 01 \(002\).docx](#)

**Motion to adopt Resolution 19-03c amending the Cooperative Interlocal Agreement between Sandy City and UDOT relating to corridor preservation on State Route 209 between 700 West and Wasatch Boulevard.**

9. [19-043](#) City Attorney's Office recommending the City Council adopt Ordinance 19-05 repealing inoperative and conflicting chapters of Title 16 of the Sandy City Municipal Code related to cable communications.

**Attachments:** [Comcast Franchise Memo from City Attorney's Office.pdf](#)  
[Ordinance 19-05 \(PDF\).pdf](#)  
[Executed Ordinance 19-05 repeal .pdf](#)

**Motion to adopt Ordinance 19-5 as presented.**

10. [19-044](#) City Attorney's Office recommending the City Council adopt Ordinance 19-06 amending Title 16 of the Sandy City Municipal Code related to cable communications.

**Attachments:** [Comcast Franchise Memo from City Attorney's Office.pdf](#)  
[Ordinance 19-06 \(PDF\).pdf](#)  
[Executed Ordinance 19-06 Cable Communications.pdf](#)

**Motion to adopt Ordinance 19-06 as presented.**

#### Council Items

11. [19-042](#) City Attorney's Office recommending adoption of Ordinance 19-04 authorizing the execution of a franchise agreement between Comcast and Sandy City.

**Attachments:** [Comcast Franchise Memo from City Attorney's Office.pdf](#)  
[Ordinance 19-04 with Franchise Agreement \(PDF\).pdf](#)  
[Executed Copy Ordinance 19-04 Comcast Franchise-.pdf](#)

Bob Thompson explained the recommendation from the Attorney's Office to adopt Ordinance 19-04 authorizing the execution of a franchise agreement between Comcast and Sandy City.

Comcast Representative explained the franchise agreement and the negotiating of the agreement with the City Attorney and Staff.

There were no comments.

**Chris McCandless made the motion seconded by Linda Martinez Saville to adopt Ordinance 19-04 granting a franchise and authorizing the execution of a franchise agreement between Comcast of California/Massachusetts/Michigan/Utah LLC and Comcast of Utah, II, Inc. and Sandy City as presented relating to cable communications.....the motion carried by the following vote:**

**Yes:** 7 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

12. [19-045](#) Council Member Nicholl recommending the Council adopt Resolution #19-04C, creating a policy requesting a quarterly report from the Administration regarding public safety staffing.

**Attachments:** [Policy Redline](#)  
[Resolution Final](#)

Kris Coleman Nicholl asked the Council if they had any questions regarding the adoption of Resolution #19-04C, creating a policy requesting a quarterly report from the Administration regarding public safety staffing.

There were no questions.

**A motion was made by Zach Robinson, seconded by Kristin Coleman-Nicholl, to adopt Resolution #19-04C a resolution approving the Sandy City Council Policy requiring quarterly reporting on Public Safety Personnel and Staffing.. The motion carried by an all in favor voice vote.**

13. [19-041](#) Council Member Christensen recommending adoption of amendments to the City Council Rules of Procedure.

**Attachments:** [\(Clean\) 2-19 Proposed Rules of Procedure.pdf](#)  
[\(Red-lined\) 2-19 Proposed Rules of Procedure](#)

Brooke Christensen recommended adoption of amendments to the City Council Rules of Procedure.

Council comments followed.

**A motion was made by Brooke Christensen, seconded by Linda Martinez Saville, to adopt amendments in the Council's Rules of Procedures as listed ... The**

**motion carried by the following vote:**

**Yes:** 4 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Linda Martinez Saville

**No:** 3 - Chris McCandless  
Steve Fairbanks  
Zach Robinson

**7:00 Time Certain Items and Public Hearings**

## Prayer / Pledge of Allegiance

Council Attorney Tracy Cowdell offered the opening prayer.

Linda Martinez Saville led the audience in the pledge.

**Citizen Comments**

There were no comments.

## Public Hearing(s)

14. [MISC-01-19-5595\(CC\)](#) The Sandy City Public Works Department is requesting that the City Council review and approve the updates to the 2019 Standard Specifications and Details for Municipal Construction.

**Attachments:** [Standard Specifications PC Memo](#)

[Redlined Standard Specifications](#)

[PB-01](#)

[RC-02 Street Trench Repair Details](#)

[SW-01 Standard Access Ramp](#)

[Ordinance 19-07 for CC](#)

[Executed Copy Ordinance 19-07 standards specifications and details.pdf](#)

Ryan Cump presented the update for the 2019 standard specifications and details for municipal construction.

Public Hearing opened.

Steve Van Maren attended the Planning Commission meeting. He saw that a comment that was made had been corrected in the documents. He could attest that everything is perfect.

Public Hearing closed.

Council questions followed.

**A motion was made by Chris McCandless seconded by Steve Fairbanks to adopt Ordinance 19-07 adopting the City's Standards Specifications and details as**

required by the Utah Code...the motion carried by the following vote:

- Yes: 7 - Brooke Christensen  
Maren Barker  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

## Adjournment

The meeting adjourned at approximately 7:25 p.m. by Zach Robinson seconded by Steve Fairbanks. The next scheduled meeting of the City Council is Tuesday, February 26, 2019 at 5:15 p.m.

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Kris Coleman Nicholl, Chair  
Sandy City Council

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Pam Lehman  
Meeting Clerk