



Sandy City, Utah

10000 Centennial Parkway
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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

Tuesday, February 26, 2019

5:15 PM

Council Chambers

Amended Agenda

5:15 Council Meeting

Chair Kris Coleman Nicholl welcomed everyone to the Tuesday, February 26, 2019 Meeting, 5:15 p.m. in the Council Chambers. She conducted a roll call vote which constituted a quorum.

Roll Call

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy to the Mayor Evelyn Everton
Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Community Development Director James Sorensen
Assistant Community Development Director Jared Gerber
Administrative Services Director Brian Kelley
Finance & IT Deputy Director Glade Jardine
Fire Chief Bruce Cline
Parks & Recreation Director Scott Earl
Police Chief William O'Neal
Assistant Public Utilities Director Scott Ellis
Public Works Director Mike Gladbach

Present: 6 - Council Member Brooke Christensen
Council Member Maren Barker
Council Member Kristin Coleman-Nicholl
Council Member Steve Fairbanks
Council Member Zach Robinson
Council Member Linda Martinez Saville

Absent: 1 - Council Member Chris McCandless

Prayer / Pledge of Allegiance

Chairwoman Kris Coleman Nicholl welcomed all those in attendance.

Jayleigh Raddatz offered the opening prayer.

Jayleigh Raddatz, Winter Cox, Ashley Mererlo, and Autumn Cox, from Girl Scout Troop 815, led the audience in the pledge.

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth reviewed the Agenda Planning calendar.

1. [19-055](#) City Council Office reporting on a recent action taken by the Administration that has disrupted communication between the City and the City Council

Attachments: [Memo_Final](#)

Dustin Fratto addressed a memo regarding the Administration's intentional disruption of Council communications and possible discrimination against council office employees. Mr. Fratto recognized that the Administration added the Council members and Staff back on to the e-mail list. He sincerely hoped that a communication break down would not happen again.

Pam Lehman also added the importance of City employees receiving all e-mail correspondence.

Council Comments and questions followed.

Mayor Bradburn answered questions and explained his intentions of removing the Council from e-mail communications.

Council Member Business

Linda Martinez Saville complimented Molly Morgan on the "great job" organizing the Mall Walk. Linda also applauded everyone who sacrificed their time Saturday on the water issue.

Maren Barker commented on a closed door meeting that was held on Sunday explaining the reasons why she did not participate.

Mayor's Report

Mayor Bradburn addressed Agenda Item #2 and what he felt were inaccuracies in the memo Mr. Applegarth presented regarding staffing concerns and employee moral.

CAO Report

Matt Huish presented a report on the water and fluoride issue.

Legislative Report

Evelyn Everton reported on the issues before the Legislature.

Citizen Comments

Kathy Stark would like information on the expansion of 90th South to 700 east. She addressed noise, decreased water pressure, and dying trees.

Dea Theodore spoke regarding stopping attacks on the Administration. The Mayor was elected to make decisions on behalf of the city.

Jim Edwards spoke on his perception on what is going on in Sandy.

Citizen Comments were closed.

Zach Robinson made a motion to reverse agenda items #2 and #4 since he needed to leave the meeting early. The Council agreed to the change.

Voting Items

Council Items

2. [19-057](#) Economic Development Update
Nick Duerksen presented an update on economic development in the community.
3. [19-056](#) City Council Workshop regarding the scope of a proposed investigative committee
Steve Fairbanks asked to be excused from the meeting. The meeting went into recess until Maren Barker returned to constitute a quorum of four council members.

Meeting went into Recess

Meeting Reconvened

Brooke Christensen reported on the scope of a proposed investigative committee on the water issue.

Public Comment.
Britta Bourdaghs spoke on the fluoride issue and the direct effects on her family. She started raising serious concerns back on February 11th. She feels no one is listening. She indicated that things change daily and she wants someone to listen. She would like to speak with the investigators as this investigation moves forward.

Matt Huish and Mayor Bradburn addressed her concerns.
4. [19-052](#) City Council Office reporting on the organization of the Administration.

Attachments: [Executive Director Memo.pdf](#)
[Anonymous Employee Letter](#)

Mike Applegarth addressed his memo and the purpose of the memo to bring information to the Council.

Council questions and discussion followed.

Public Comments

Steve Van Maren spoke regarding Mr. Applegarth's memo and the organizational chart. He thought the City had an organization that required two deputy CAO's in the code. The code does not match the organization of last year. He believes the organizational chart and budget should match.

Comments closed.

A motion was made by Brooke Christensen, seconded by Maren Barker, to not take any action on this item with the understanding that when the budget is updated, per code, the Organization Chart will also be updated.... Discussion on the Motion followed.

Amendment to the motion:

Zach Robinson asked that an amendment be made to the motion to ask Staff to bring back a budget resolution holding funds in abeyance until the Council has a clearer picture of what the organization chart is going to look like then release the funds back to the Administration.

Council comments followed.

Tracy Cowdell commented that Mr. Robinson's amendment was different from Ms. Christensen's motion. He recommended voting on the first motion or make a substitute motion.

Council comments followed.

Zach Robinson made a second motion.

Steve Fairbanks requested a preliminary organizational chart of each of the departments during the budget discussion.

The motion failed on Brooke Christensen's motion by the following vote....

Yes: 2 - Brooke Christensen
Maren Barker

No: 4 - Kristin Coleman-Nicholl
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

Absent: 1 - Chris McCandless

Zach Robinson second motion

Zach Robinson clarified his motion.

Meeting went into Recess

Meeting Reconvened

Zach Robinson made a motion seconded by Kris Nicholl to ask Staff to bring back a budget amendment securing funds from the Administration until the organizational chart accurately reflects the budget, and when the organizational chart is properly aligned with the budget, the funds go back into the account.

Kris Nicholl asked that the motion specify all unexpended regular pay variable benefits and fixed benefits originally budgeted.

Council discussion and questions followed.

Brian Kelley and Bob Thompson commented.

Mike Applegarth explained his recommendations to move unexpended funds from Department 12 CAO's budget into Department 13 Council Contingency Budget, where there would be no funding to continue paying for the positions if the funds were transferred. He believed Mr. Robinson's motion was simply to move funds from the CAO's and Non Departmental budgets where it currently exists and put the funds in the Mayor's budget in order to continue funding those positions and making the accounting cleaner.

Zach Robinson stated that is correct. He wants residents to know the Council is trying to do the right thing. He is not trying to "ax" those positions.

Mayor Bradburn asked if the Council wants this on all positions. We should be consistent.

Question was called by Kris Nicholl seconded by Steve Fairbanks. 5 in favor-1 opposed.

Zach Robinson was asked to clarify his motion.

Instead, Kris Nicholl motioned to recess the meeting for 5 minutes with an all in favor voice vote.

Zach Robinson's clarified motion

Zach Robinson clarified his motion seconded by Maren Barker on Item #4 to table this discussion to a further agenda and to ask legal counsel from both the Administration and Council to look at this and bring back possible solutions to clean-up the budgeting and accounting of these two positions.

Maren Barker added an amendment that it would be appreciated if the Administration so desired to come back with an updated organization chart for the upcoming budget.

Zach Robinson stated to just let the motion ride as originally stated.

The motion failed by the following vote....

Yes: 2 - Maren Barker
Zach Robinson

No: 4 - Brooke Christensen
Kristin Coleman-Nicholl
Steve Fairbanks
Linda Martinez Saville

Absent: 1 - Chris McCandless

Kris Nicholl Motion Item #4

Kris Nicholl made the motion seconded by Steve Fairbanks to direct Council Staff to prepare and bring back a resolution transferring unexpended general fund money from Departments 1200 CAO, 1900 Non-Departmental Contingency Department, and deposit within the Contingency Department of the Council Executive Staff which is Department 1310, the money to be transferred shall include all unexpended regular paid variable benefits, fixed benefits originally budgeted for the two CAO's positions and funded for the fiscal year 2019.

Council discussion on the motion followed.

Called the question. All in favor.

The motion failed by the following vote.....

Yes: 3 - Kristin Coleman-Nicholl
Steve Fairbanks
Linda Martinez Saville

No: 2 - Brooke Christensen
Maren Barker

Absent: 1 - Chris McCandless

Abstain: 1 - Zach Robinson

Kris Nicholl motion to table Item #4.

Kris Nicholl made a motion seconded by Steve Fairbanks to table Item #4 to next week's Council Meeting. A voice vote was taken and resulted in the following vote.....

Yes: 4 - Kristin Coleman-Nicholl
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

No: 2 - Brooke Christensen
Maren Barker

Absent: 1 - Chris McCandless

5. [19-050](#) Parks and Recreation Department updating the Council on the Bell Canyon Preservation Trailhead (Richardson Property)

Attachments: [City Council 2019-02-26](#)

Scott Earl updated the Council on the Richardson property.

- 6. [19-053](#) Community Development Department updating the Council regarding short term rentals and short term rental enforcement

Jared Gerber updated the Council on the short term rental process.

6:00 Time Certain Items and Public Hearings

- 7. [19-054](#) Administrative Services Department recommending the Council receive the Independent Auditors' Report on Financial Statements and Supplementary Information

Attachments: [Independent Auditors Letter](#)

Brian Kelley introduced Jim Andres from Percy, Bowler, Taylor & Kern, CPA Firm and City Auditors. He presented the audit report.

Adjournment

The meeting adjourned at approximately 8:30 p.m. by Brooke Christensen seconded by Kris Nicholl. The next scheduled meeting of the City Council is Tuesday, March 5, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Pam Lehman
Meeting Clerk