



Sandy City, Utah

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

Meeting Minutes

City Council

Scott Cowdell, District 1
Maren Barker, District 2
Kristin Coleman-Nicholl, District 3
Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Stephen P. Smith, At-large

Tuesday, August 9, 2016

5:15 PM

Council Chambers

5:15 Work Session

Agenda Planning Calendar Review

Stephen P. Smith reviewed the Agenda Planning Calendar.

Council Member Business

Council Member McCandless mentioned an article about panhandling. He also presented information about other city councils relationship to their respective planning commissions.

Council Member Barker discussed the timing of her upcoming surgery.

Council Office Director's Report

No report was given.

Mayor's Report

Mayor Dolan discussed collaboration with Canyons School District relative to the RDA/CDA. He mentioned time spent on Mt. Accord and Hale Centre Theatre. He also reported on what took place at the Neighborhood Housing Committee.

CAO Report

Korban Lee read a letter sent to Mayor Dolan from Don Nicolini, President of LPI Development Group. In the letter Mr. Nicolini stated how much he appreciated working with Doug Wheelwright to get his project through the system.

Rick Smith reported on the status of the ladder truck and stated that the repairs should be completed and delivered to the Fire Department by next Thursday.

Scott Bond reported on the upcoming Balloon Festival that will be held on August 12th and 13th.

Nick Duerksen gave updates on two Interlocal Agreements with both the Canyons School District and Salt Lake County.

Mike Coulam reported that his office has been very busy with new projects that are coming into the City. He then named a few of those projects.

Stephen Fairbanks asked for an update about the Trans-Jordan Landfill. Rick Smith gave a brief report but stated that he is preparing a written document that he should have to the Council in the near future.

Information Items

1. [16-324](#) Sandy City Fire Department recommending the City Council adopt the International Fire Code.

Attachments: [Redline version of Ordinance 16-28](#)
[2012-2015 IFC Comparison \(Handout from 8-9-16\)](#)

Fire Marshall Robert DeKorver briefed the Council on this item. Questions followed.

2. [16-327](#) Cairns Plaza Funding Discussion

Attachments: [Memo for Cairns Budget Resolution](#)
[Hyperlink](#)

Scott Earl updated the Council on the proposed Cairns open space plaza. He then showed a video depicting the proposed plaza. Questions, comments, and concerns were expressed by the Council.

3. [16-322](#) Solar Power Analysis by Rocky Mountain Power

Attachments: [Solar Power Analysis - Rocky Mountain Power](#)
[Hyperlink](#)
[Sandy City Analysis Builder 14Jul2016](#)

Shane Pace and Allie Bentley were present for this item. Shane showed a brief video explaining the Solar Power Program. Questions from the Council followed.

4. [16-323](#) Administration briefing the City Council on the Central Wasatch Commission.

Attachments: [CWC ILA and Assignment ILA Briefing](#)
[CWC ILA and Assignment ILA Briefing.2](#)
[City Resolution 16-53c - Approving CWC ILA \(w Exhibit A\)](#)
[City Resolution 16-54c - Approving CWC Transfer Agreement \(w Exhibit A\)](#)

Dan Hartman addressed the Council and provided some background. He noted that this item would be coming back next week and when it does the Council will get copies of the Interlocal Agreement's

Meeting went into Recess

Meeting Reconvened

7:00 Council Meeting

Roll Call

- Present:** 5 - Council Member Scott Cowdell
Council Member Maren Barker
Council Member Chris McCandless
Council Member Steve Fairbanks
Council Member Stephen P. Smith
- Absent:** 2 - Council Member Kristin Coleman-Nicholl
Council Member Linda Martinez Saville

Council Office Director Michael Applegarth

Also Present:

Administration:

Mayor Tom Dolan
CAO Byron Jorgenson
Deputy to the Mayor John Hiskey
Assistant CAO Scott Bond
Assistant CAO Korban Lee
Communications Director Nicole Martin
Economic Development Director Nick Duerksen
Economic Development Assistant Kasey Dunlavy
City Attorney Darien Alcorn
Community Development Director Mike Coulam
Zoning Administrator Brian McCuistion
Administrative Services Director Brian Kelley
Fire Chief Bruce Cline
Fire Marshall Robert DeKorver
Parks & Recreation Director Scott Earl
Police Chief Kevin Thacker
Public Utilities Director Shane Pace
Public Works Director Rick Smith

Opening Remarks / Prayer / Pledge of Allegiance

Chairman Stephen P. Smith welcomed all those in attendance.

Shane Pace offered the opening prayer.

Bruce Cline led the audience in the pledge.

Citizen Comments

Paul Godot, 10359 Eagle Cliff Way, took time to thank several City employees who have helped him gather information for the Fratelli Restaurant Rezone.

Consent Calendar

Approval of the Consent Calendar

A motion was made by Chris McCandless, seconded by Scott Cowdell, to approve the Consent Calendar. The motion carried by the following vote:

Yes: 5 - Scott Cowdell
Maren Barker
Chris McCandless
Steve Fairbanks
Stephen P. Smith

Absent: 2 - Kristin Coleman-Nicholl
Linda Martinez Saville

5. [16-199](#) City Council Office recommending that the City Council adopt amendments made to the Election Policy on July 19, 2016.

Attachments: [Separate Vice Chair and Planning Commission](#)

Council Member Barker noted that there was a typo in the Election Policy that she would bring to Mike Applegarth's attention.

Item adopted.

6. [16-329](#) Approval of the July 19, 2016 City Council Minutes.

Attachments: [July 19, 2016 City Council Minutes.pdf](#)

Item approved.

7. [16-328](#) Approval of Resolution 16-50 C, appointing City Council members to serve on Sandy City Citizen Committees, Boards, and Commissions for a term beginning July 1, 2016 and ending December 30, 2016.

Attachments: [Resolution 16-50C](#)

[Executed copy of Resolution 16-50C](#)

Item adopted.

7:05 Public Hearings

8. [ZONE-04-16-005076](#) Mr. David Cannell, with Fratelli Ristorante requesting the City Council approve a rezone of approximately 0.66 acres from the SD(PO/R [R5.7]) "Special Development District" to the CC "Community Commercial District" located at approximately 1420 E Seego Lily Drive.

Attachments: [Council Request.pdf](#)
[Ordinance 16-29](#)
[Staff Report & Public Comment.pdf](#)
[Planning Commission Minutes](#)
[Public Hearing Notice](#)
[Letter received day of meeting \(8-9-16\) from John Richards \(ball janik\)](#)
[Memo received day of meeting \(8-9-16\) from Ron and Terri Woolf](#)
[New info received day of meeting \(8-9-16\) from Paul Godot](#)
[8-12-16 E-mail from Mr. Paul Godot, Fratelli Rezone Possible Solution
Special Development Zone](#)
[Sandy City Council Letter submitted for 8-16-16 meeting from Fratelli
Ristorante](#)
[Information received day of meeting \(8-16-16\)](#)

Mike Wilcox presented the staff report for this item. Pete Cannell and David Cannell, the applicants, were present and addressed the City Council. Jory Walker, design architect, also addressed the Council. Questions were asked of Mr. Wilcox.

Stephen P. Smith opened the public hearing.

1. Paula Lowery, 10278 Eagle Cliff Way, spoke in opposition of rezoning the property to Community Commercial because she does not feel it is a good fit for the area.
2. Paul Godot, 10359 Eagle Cliff Way, spoke in opposition of rezoning the property to Community Commercial because he does not feel it is a good fit for the area.
3. Michael Sheldon, 10272 Eagle Cliff Way, stated that he is not opposed to development on this property, he is opposed to putting Community Commercial Development immediately adjacent to residences.
4. Brinn Johnson, 851 Casey Circle in Draper, spoke in favor of the rezone and she feels it would be a wonderful thing for Sandy to have a quaint restaurant on this property.
5. Steve Spencer, 9264 South Winter Wren Drive, spoke in favor of the rezone and feels that it will be a good positive outcome. However, he would like some safeguards put in to place to protect the residents.
6. Heath Wilkinson, 786 S Summer Station Way in Midvale, spoke in favor of the rezone. He says the applicants are good people and he feels they will do well at the proposed location.
7. Daniel Rondu, 10378 Eagle Cliff Way, representing Hearthstone HOA (a 50 lot community directly to the east of the property in question). Daniel spoke against the rezone because the residents are concerned with the increased traffic that this restaurant could bring to their neighborhood. The residents also have concerns with sound issues.
8. Rebecca Norgard, 10316 Sego Lily Drive, spoke in favor of the rezone. She feels that the Fratelli Restaurant will help the community.
9. Gil Avilar, 11747 S Watson Road, spoke in favor of the rezone.
10. Kathleen Sherba, 2184 E 10000 South, spoke in favor of the rezone and stated that she feels the Fratelli Restaurant will be a great asset to the neighborhood.
11. Bill Clark, 9707 S. Mumford, spoke in favor of the rezoing and stated that he feels having the restaurant at this location will enhance the neighborhood.
12. Rich Caruso, 2032 Canyon Creek Cove, spoke in favor of the rezone and stated that the Cannell's do so much for the community and he would love to see their restaurant in the neighborhood.
13. Nancy Sheldon, 10272 Eagle Cliff Way, is opposed to the property being rezoned to

Community Commercial.

14. Kari Hurst, 10349 Eagle Cliff Way, spoke in opposition to the rezone. She stated that the neighborhood is not opposed to Fratelli's Restaurant, they are opposed to the proposed Community Commercial zone for the property.

15. Brittany, 2497 North Garden Drive in Lehi, spoke in favor of the rezone because she feels that having a mix of uses within a community is a good idea.

16. Paul Godot, 10359 Eagle Cliff Way, spoke again and reiterated the fact that he wants the zone for this property to stay as it is.

Stephen P. Smith closed the public hearing and brought it back to the Council for discussion.

A motion was made by Chris McCandless, seconded by Scott Cowdell, to table the request by David Cannell, with Fratelli Ristorante, to rezone approximately 0.66 acres from the SD "Special Development District" to the CC "Community Commercial District, located at approximately 1420 E Sejo Lily Drive. The motion carried by the following vote:

Yes: Scott Cowdell
Chris McCandless
Stephen P. Smith

No: Maren Barker
Steve Fairbanks

Absent: Kristin Coleman-Nicholl
Linda Martinez Saville

Motion failed because it needs 4 votes to pass.

A second motion was made by Maren Barker to deny the rezone application. Motion failed for lack of a second.

A third motion was made by Steve Fairbanks, seconded by Chris McCandless, to table the decision on this item until August 16, 2016 in hopes that there will be a full Council present. The motion carried by the following vote:

(It was noted that the public comment portion is closed and will remain closed on August 16, 2016 when this item comes back to the Council.)

Yes: 4 - Scott Cowdell
Chris McCandless
Steve Fairbanks
Stephen P. Smith

No: 1 - Maren Barker

Absent: 2 - Kristin Coleman-Nicholl
Linda Martinez Saville

Present: 4 - Council Member Scott Cowdell
Council Member Maren Barker
Council Member Steve Fairbanks
Council Member Stephen P. Smith

Absent: 3 - Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Linda Martinez Saville

9. [16-294](#) Public Hearing for the Justice Assistance Grant (JAG) for Fiscal Year 2016

Attachments: [Sandy City Public Hearing Notice 2016](#)
[Budget Narrative 2016](#)

Chief Kevin Thacker discussed this item with the City Council.

Stephen P. Smith opened the public hearing for this item.

Steve VanMaren, 11039 Lexington Circle, asked if Police Officers take AED's with them on every call and if they carry the drug that reverses heroin over dose.

Chief Thacker responded to Mr. VanMaren. He stated that Police Officers carry AED's with them but they do not carry the drug that reverses heroin over dose because Fire staff carries it with them.

Stephen P. Smith closed the public hearing for this item.

A motion was made by Scott Cowdell, seconded by Maren Barker, to accept the staff recommendation for the Justice Assistance Grant (JAG) for Fiscal Year 2016. All voted "Aye".

10. [CODE-6-16-5097](#) Mr. Steven Spencer and Mr. Jeremy Shieler have jointly filed a request to amend Title 15A, Chapter 28, Fencing, Land Use Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the code amendment is to consider changing the allowable height of a residential fence in the side and rear yards. The request is to modify the regulations in order to increase the height of a fence from six feet to eight feet.

Attachments: [Public Hearing Notice](#)
[Staff Report with PC minutes](#)
[Ordinance 16-30](#)
[Executed copy of Ordinance 16-30](#)

Brian McCuiston presented the staff report for this item to the City Council. He stated that there are two applicants (Jeremy Shieler and Steve Spencer) for this request and they are both present. The Planning Commission reviewed this request on July 7, 2016 and they forwarded a positive recommendation to the Council to adopt the ordinance as drafted.

The applicants, Jeremy Shieler and Steve Spencer, addressed the City Council and explained why they would like to see the fence height changed in the code from 6 feet to 8 feet.

Stephen P. Smith opened the public hearing for this item.

Steve Van Maren, 11039 Lexington Circle, addressed the Council and pointed out a few

small changes with the proposed changes to the code.

Stephen P. Smith closed public hearing for this item.

Questions and comments followed. The Council Members discussed some changes to the proposed language.

A motion was made by Steve Fairbanks, seconded by Scott Cowdell, to amend Title 15A, Chapter 28, Fencing, Land Use Development Code, Revised Ordinances of Sandy City to change the allowable height of a residential fence in side and rear yards from six feet to eight feet with other amendments as proposed by staff for fencing materials and the following change that was made this evening regarding Item B, number 3:

"At least two weeks prior to construction of the fence the affected abutting property owners shall be notified of the intent to build an 8 foot fence. Proof of this notification shall be provided to the Planning Division as part of the building permit application with any response from the abutting property owners." The motion carried by the following vote:

Yes: 4 - Scott Cowdell
Maren Barker
Steve Fairbanks
Stephen P. Smith

Absent: 3 - Kristin Coleman-Nicholl
Chris McCandless
Linda Martinez Saville

Council Items

11. [16-324](#) Sandy City Fire Department recommending the City Council adopt the International Fire Code.

Attachments: [Redline version of Ordinance 16-28](#)
[2012-2015 IFC Comparison \(Handout from 8-9-16\)](#)

A motion was made by Scott Cowdell, seconded by Maren Barker, to table consideration of Ordinance 16-28 adopting the International Fire Code as part of our ordinances. The motion carried by the following vote:

Yes: 4 - Scott Cowdell
Maren Barker
Steve Fairbanks
Stephen P. Smith

Absent: 3 - Kristin Coleman-Nicholl
Chris McCandless
Linda Martinez Saville

12. [16-307](#) Council Member Smith requesting the City Council discuss proposed amendments to the Long Term Financial Plan policy.

Attachments: [Proposed Amendments to Long Term Financial Plan Policy](#)

This item was postponed.

13. [16-308](#) Council Member Smith requesting the City Council discuss a new infrastructure stewardship policy.

Attachments: [Draft Infrastructure Policy](#)

This item was postponed.

14. [16-309](#) Council Member Smith requesting the City Council discuss a new policy establishing a deadline for online publishing of changes to the City code.

This item was postponed.

Completion of reports and other items not held in the Work Session.

Adjournment

The meeting adjourned at approximately 9:05 p.m. by Scott Cowdell. The next scheduled meeting of the City Council is Tuesday, August 16, 2016 at 7:00 p.m.

Stephen P. Smith, Chair
Sandy City Council

Verene Froisland
Meeting Clerk