



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, February 28, 2017

5:15 PM

Council Chambers

5:15 Work Session

Agenda Planning Calendar Review

Chairman Stephen Smith reviewed items on the Agenda Planning Calendar.

Council Office Director's Report

Michael Applegarth updated the Council on his recent ear surgery, recruitment process for the Management Analyst position, and the proposed redesign of the Council Office.

Mayor's Report

Mayor Dolan updated the Council on development within the City along with updates to bills the City is following at the 2017 Legislative Session.

CAO Report

Korban Lee updated the Council on the exterior stucco project for City Hall. The project is scheduled to begin after July 4, 2017.

Councilwoman Kris Coleman Nicholl requested that the item "Other Council Business" be put back on the Agenda. Chairman Smith noted that this item could be addressed after the Closed Sessions.

Meeting went into Recess

Meeting Reconvened

A motion was made by Kristin Coleman-Nicholl, seconded by Linda Martinez Saville, to adjourn Work Session and convene into a Closed Session to discuss character, professional competence, or physical or mental health of an individual..... The motion carried by the following vote:

Yes: 7 - Scott Cowdell
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

Meeting went into Recess

Meeting Reconvened

Meeting Reconvened

Information Items

[17-048](#) Possible Closed Session: character, professional competence, or physical or mental health of an individual.

This item was held.

[17-028](#) Possible Closed Session: character, professional competence, or physical or mental health of an individual. Consideration of a Mayoral Appointment.

This item was held.

[17-042](#) Possible Closed Session: character, professional competence, or physical or mental health of an individual. Consideration of a Mayoral Appointment.

This item was held.

[17-049](#) Council Office requesting an update on the Public Works rebuilding plan.

Shane Pace presented an update on the rebuilding of the Public Works Facility along with various scenarios and locations.

Mike Gladbach briefed the Council on a Fox 13 News story highlighting the operations and cooperation agreements which have allowed the Public Works Department to provide uninterrupted service to the residents of Sandy. He briefed the Council on the screening process for architects, and conceptual costs to either renovate or rebuild.

Present: 7 - Council Member Scott Cowdell
Council Member Maren Barker
Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Steve Fairbanks
Council Member Linda Martinez Saville
Council Member Stephen P. Smith

[17-030](#) Interlocal Agreement with Salt Lake County for the 2017 Municipal Election

Attachments: [Res #17-08C Election Interlocal Agreement](#)
[2017 Scope of Work Exhibit A.pdf](#)

Deputy City Recorder Wendy Downs briefed the Council on the 2017 Primary and General Elections: locations, dates, disclosures, and costs. City Recorder Molly Spira was also present and helped answer Council questions.

Council questions followed.

Item Adopted

[17-050](#) City Council requesting a discussion from the Park's Department on Capital Projects.

This item was forwarded to the March 7, 2017 Council Meeting.

Informational report.

[17-054](#) City Council requesting a 2017 Legislative Session update.

Mayor Dolan briefed the Council on a few of the Legislative items the City is following during the 2017 Legislative Session.

Chairman Smith entertained a motion, seconded by Steve Fairbanks to recess Work Session and reconvene into City Council Meeting at 7:00 p.m.....The motion carried by a unanimous voice vote.

7:00 Council Meeting

Roll Call

Council Office Director Michael Applegarth

Administration:

Mayor Tom Dolan
CAO Byron Jorgenson
Deputy Mayor Nicole Martin
Assistant CAO Scott Bond
Assistant CAO Korban Lee
Assistant CAO Shane Pace
Economic Development Director Nick Duerksen
City Attorney Rob Wall
Community Development Director Mike Coulam
Zoning Administrator Brian McCuiston
Long Range Planning Manager/CDBG Mike Wilcox
City Recorder Molly Spira
Deputy City Recorder Wendy Downs
Administrative Services Director Brian Kelley
Parks & Recreation Director Scott Earl
Public Works Director Mike Gladbach
Fire Chief Bruce Cline
Police Chief Kevin Thacker

Opening Remarks / Prayer / Pledge of Allegiance

Chairman Stephen P. Smith welcomed all those in attendance.

Boy Scout Dylan Jerman, from Troop 227, offered the opening prayer.

The Sandy Fire Department presented the flag ceremony and led the audience in the pledge.

Citizen Comments

Salt Lake County Proposed Dimple Dell Asphalt Trail Comments.

a. Monica Zoltanski, 10963 South Bay Meadow Circle, Chair of the Dimple Dell Preservation Community, requested 5 minutes to address the Council. Chairman Smith granted her request. They are opposed to the trail, and would like to see Dimple Dell preserved and kept wild. She requested that the Council hold a public hearing to solicit public comment.

b. Lisa Caddy, 10241 South Weeping Willow Drive, is also opposed to the paved trail. She believes it will attract skate boarders. She wants to see the Park remain as open space, natural landscapes, undisturbed eco systems.

c. Randy Johnson, 2098 East Segoe Lily Drive, spoke in opposition to the paved trail. He would like the north rim of Dimple Dell to remain natural.

d. Lera Worman, 11557 South Dry Creek Road, spoke in opposition to the trail.

e. Diana vanUitert, 114090 Susan Drive, Dimple Dell Advisory Board, could not remember the Advisory Board taking a position on the north rim paved trail. She voiced opposition to the paved trail.

f. Alisa Nelson, 10335 South 2460 East, opposed a paved trail. She would like the

funding used to get rid of the amphitheater.

g. Bonnie Sack, 9950 South Wimbledon Drive, asked the Council to consider the comments that were made tonight by the residents. She supports keeping Dimple Dell wild and is opposed to the paved trail.

h. Ray Hartley Beck, 608 East Pico Street, asked the Council to withdraw their support of the paved trail.

i. Melissa Gordan, 10201 South Alta Villa Drive, spoke in opposition to the paved trail.

j. Markle Ann Gardner, 1072 East Violet Circle, spoke in opposition to the paved trail.

k. Carol Rideout, 11130 O' Henry Road, spoke in opposition to the proposed paved trail.

l. Robert Yerman, 10322 South 2165 East, believes an asphalt trail will cause erosion. He expressed opposition to the paved trail.

m. Michelle Evans, 11271 South 600 West, South Jordan, is opposed to the paved trail.

n. John Evans, 11271 South 600 West, believes Sandy has something that no other City has with Dimple Dell Park. They drive to the park to recreate. He asked that the park be preserved and remain wild.

o. Roger Hagland, 1575 East Vine Street, Murray, expressed opposition to a paved trail and asked that the Council withdraw their support. This is the beginning of an encroachment that can never be replaced.

p. Lori Hagland, 1575 East Vine Street, stated she never would have voted for the zap tax if she knew it was going towards a paved trail.

q. Tyler Nelson, 1964 East Ashley Ridge Road, stated that Dimple Dell is a natural gem. He is opposed to the paved trail. He would like to see zap tax funds used to make other parks more handicap accessibility.

r. Sandra W. Hawk, 10953 South Bay Meadow Circle, stated that her children and their horses go together and ride in Dimple Dell. She is opposed to paving the upper trail. She is concerned that battery operated vehicles with speed down the asphalt trail and frighten the horses.

s. Robert Perkins, 1488 East Pinnacle Place, spoke in opposition to the paved trail.

t. Josh Miller, 17 Cross Hill Lane, spoke in support of protecting open space and wilderness.

Chairman Smith closed Citizen Comments

Special Recognition

[17-034](#)

Sandy City Fire Department's swearing in and badge pinning ceremony for the promotion of Captain/Paramedic Jared Hubbard and Engineer/Paramedic Joseph Spicer who is over Logistics.

Present Battalion Chief Chris Dawson with his Certificate of Completion of the U.S. Fire Administration's National Fire Academy's "Executive Fire Officer Program."

Fire Chief Bruce Cline along with Assistant Fire Chief Derek Maxfield presented badges to the recipients for promotions within the Sandy Fire Department. Deputy City Recorder Wendy Downs performed the swearing in.

Jared Hubbard was sworn in as a Fire Captain/Paramedic. Joe Spicer was sworn in as a Fire Engineer/Paramedic. Chief Chris Dawson is the first to receive the Executive Fire Officer in Sandy. He was recognized for his hard work.

[17-040](#)

Honoring CAO Byron Jorgenson for his service to the City.

The City Council presented a resolution to honor retiring CAO Byron Jorgensen for his 30 years of service to the city. Chairman Smith read the resolution into the record.

Consent Calendar

Approval of the Consent Calendar

A motion was made by Steve Fairbanks, seconded by Linda Martinez Saville, to approve the Consent Calendar. The motion carried by the following vote:

Yes: 7 - Scott Cowdell
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

[17-022](#)

Approval of the December 20, 2016 City Council Meeting Minutes.

Attachments: [December 20, 2016 Minutes.pdf](#)

Item approved.

[17-051](#)

Approval of the January 17, 2017 City Council Meeting Minutes.

Attachments: [January 17, 2017 Minutes.pdf](#)

Item approved.

[17-031](#)

Approval of the January 31, 2017 City Council Minutes.

Attachments: [January 31, 2017 Minutes.pdf](#)

Item approved.

[17-047](#)

Resolution 17-10C consenting to the appointment of James Sorensen as Community Development Director of Sandy effective on or before April 1,

2017, as determined by the Mayor.

Attachments: [RESOLUTION 17.10Cdocx.pdf](#)

Item adopted.

[17-043](#)

Resolution 17-03M Appointing Lisa Hartman as a regular member to the Sandy City Planning Commission. Resolution 17-04M Appointing Cyndi Sharkey as an alternate member to the Sandy City Planning Commission.

Attachments: [Resolution 17-03 M and Resolution 17-04 M](#)

Item adopted.

[17-030](#)

Interlocal Agreement with Salt Lake County for the 2017 Municipal Election

Attachments: [Res #17-08C Election Interlocal Agreement](#)
[2017 Scope of Work Exhibit A.pdf](#)

Item adopted.

16. [17-012](#)

City Council Office recommending the Council adopt amendments directed by the Council to the Concept Approval Guideline and the Rules of Procedure at its January 31, 2017 meeting.

Attachments: [2-28 Amended Concept Approval Guideline](#)
[2-28 Amended Rules of Procedure](#)

Item adopted.

7:05 Public Hearing(s)

[ZONE-12-16-5169](#)

Mr. Donn Chytraus is requesting to rezone approximately 1 acre from the R-1-40A "Single Family Residential District" to the R-1-20A "Single Family Residential District" for the subject property, located at 11417 S. Jolley Acres Circle, known as the Grandkids Haven Rezone - ZONE-12-16-5169.

Attachments: [Council Request.pdf](#)
[Staff Report.pdf](#)
[PC01-19-2017.pdf](#)
[17-08.docx](#)

Mike Wilcox reviewed the Staff report. The Planning Commission forwarded a positive recommendation to the City Council to rezone the property.

John Chytraus, 11417 South Jolley Acre Circle, is excited to build his home and live in Sandy.

Chairman Smith opened the public hearing. As there were no comments, the hearing was closed.

Kris Coleman Nicholl made a motion seconded by Linda Martinez Saville to adopt Ordinance 17-08, rezoning approximately 1 acre from the R-1-40 A Single Family Residential District to the R-1- 20 A Single Family Residential District located at approximately 11417 South Jolley Acres circle, providing a savings clause and effective date...

Yes: 7 - Scott Cowdell
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

[ZONE-12-16-5176](#) Mr. Gary Cannon, with Cannon & Company is requesting to rezone approximately 3 acres from the R-1-8 "Single Family Residential District" to the R-1-6 "Single Family Residential District" for the subject property, located at 601 East 8400 South, known as the Levine Lane Rezone - ZONE-12-16-5176.

Attachments: [Council Request.pdf](#)
[Staff Report.pdf](#)
[PC01-19-2017.pdf](#)
[17-07.docx](#)

Mike Wilcox briefed the Council on the Staff report. The Planning Commission forwarded a positive recommendation.

Chairman Smith opened the Public Hearing.

Dale Reese, 532 East 8300 South, expressed concern over the process for the rezone. He questioned why the developer did not ask for the original zone. He asked why residents in the neighborhood were not notified of the hearings.

Chris Hauck, 571 East 8400 South, also expressed concern over the process, and what he felt were inconsistencies with the developer. He asked the Council to suspend a vote on the rezone until the developer demonstrates his options to the residents.

As there were no further comments, the public hearing was closed.

Council discussion followed.

Chris McCandless made a motion seconded by Steve Fairbanks to adopt Ordinance 17-07 to rezone approximately 3 acres from the R-1-8 "Single Family Residential District" to the R-1-6 "Single Family Residential District" for the subject property, located at 601 East 8400 South, known as the Levine Lane Rezone .

Yes: 5 - Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

No: 2 - Scott Cowdell
Maren Barker

[CODE-1-17-5181](#) The Sandy City Community Development Department is recommending the City Council adopt the proposed code amendment which will update all of the Cities alcohol licensing categories, with definitions, and determine what types of licenses will be allowed within the various zoning districts.

Attachments: [staff report.pdf](#)
[Exhibit for City Council.pdf](#)
[PC minutes.pdf](#)
[Ord 17-09 Alcohol changes.pdf](#)

Brian McCuiston reviewed the Code Amendment for the alcohol beverages licensing category. Leslie Casaril, Business Licensing officer, was also present. The Planning Commission approved the recommendations to the code amendment for the alcohol licensing categories.

Mayor Dolan clarified that Mr. Barth was not a lobbyist for the city, rather a consultant to this project.

Chairman Smith opened the Public Hearing.

Ron Raddon, 3248 East Lone Peak Circle, felt the amendments to the alcohol licensing categories will help attract better restaurants to Sandy. He spoke in favor of the code amendment.

As there were no further comments, the hearing was closed.

Steve Fairbanks made a motion seconded by Kris Coleman Nicholl to adopt Ordinance 17-09, amending Title 15 A of the revised ordinances of Sandy City (The Land Development Code), 2008, by amending Chapter 7, "Uses in Residential Districts", Chapter 8, "Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, Research and Development Districts", Chapter 9, "Institutional Care District", Chapter 10, "Open Space District", Chapter 19, "Special Development (SD) Districts", Chapter 23, "Commercial, Office, Industrial, & Transit Corridor Development Standards", and Chapter 27, "Definitions" to adopt new Alcohol Licenses and definitions to match those of the State of Utah and also to determine which zoning districts the different licenses would be allowed in; also providing a saving clause and effective date for the ordinance. The motion carried as follows.....

Yes: 6 - Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

No: 1 - Scott Cowdell

[CODE-1-17-5182](#) The Sandy City Community Development Department is recommending the City Council adopt the proposed code amendment which would remove

the City Council liaison to the Planning Commission and the Board of Adjustment. This would also eliminate the Planning Commission Liaison to the Board of Adjustment.

Attachments: [staff report.pdf](#)
[2-2-17 PC minutes.pdf](#)
[Ord 17-10 Liaison.pdf](#)
[Executed Ordinance 17-10.pdf](#)

Brian McCuiston discussed the Sandy City Community Development Department's recommendation to the City Council to adopt the proposed code amendment which would remove the City Council liaison to the Planning Commission and the Board of Adjustment. The Planning Commission forwarded a positive recommendation.

Chairman Smith opened the Public Hearing.

Pete Hawk, 10953 Bay Meadow Circle, felt that by not having a liaison would lessen the communication between departments.

Stephen Smith explained that even though open dialog is a value, there may be issues of independence and undo influence.

Chris McCandless explained that the Planning Commission is independent of the City Council, and that the Council should not be offering their opinions to the Planning Commission. This would remove that temptation.

Maren Barker agreed with Mr. Hawk. She has been the Council liaison to the Planning Commission and has not been asked once for her opinion from the Planning Commissioners, nor has she given her opinion. She listens and reports back to the Council in order for the Council to know what is coming before them. She agrees that communication is important.

Stephen Smith noted that nothing precludes the Council from attending a Planning Commission meeting. A liaison would no longer be an official function of the City Council.

Linda Martinez Saville stated that she has served on the Board of Adjustment and has never offered her opinion to sway a decision of the Board.

Steve Van Maren 11039 Lexington Circle, felt that communication is needed, He recommended that a Staff member of the Council be appointed to attend the Planning Commission and Board of Adjustment meetings in order to bring pertinent information back to the Council.

Craig McCullough, 1499 Ascot Circle, also felt that communication was a good thing, but felt that the resolution should be adopted in order to avoid conflicts.

As there were no further comments, the public hearing was closed.

Stephen Smith made a motion to amend Section 3, Effective Date, be amended to indicated that the Ordinance shall become effective upon July 1, 2017 in order to allow the current terms for the Council liaisons to the Planning Commission and Board of Adjustment to run out.

The motion carried as follows to the amendment.....

Yes: 7 - Scott Cowdell
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith

This is the ordinal motion to adopt the Ordinance:

Chris McCandless made a motion seconded by Scott Cowdell to adopt Ordinance 17-10, amending Title 15A of the revised ordinances of Sandy City (The Land Development Code), 2008, by amending Chapter 3, "Officers, Boards and Commissions" to remove the Planning Commission and City Council Liaisons from the Planning Commission and Board of Adjustment; also providing a saving clause and effective date for the Ordinance.

Yes: 5 - Scott Cowdell
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Stephen P. Smith

No: 2 - Maren Barker
Linda Martinez Saville

Council Items[17-039](#)

Reconsideration of an application for rezone, the "Quail Crest Rezone," located at approximately 1861 E, 1885 E, and 1889 East Dimple Dell Road pursuant to Sandy City Land Development Code Chapter 15A-05-04.

Attachments: [Development Code Chapter 15A-05](#)

Chairman Smith indicated that the Council needed to make a determination if there was substantial new information in order to warrant reconsideration of the rezone.

Chris McCandless felt that substantial new information was available. He spoke with the developer who was interested in bringing back a development agreement or conservation easement for the property.

A lengthy discussion was held with all Council members and the City Attorney Rob Wall to make a determination if significant information had been presented and if it warranted a new public hearing.

Scott Cowdell made a motion seconded by Linda Martinez Saville to postpone a decision on this issue until the Council has a legal description on what an easement can do and that the Council hold a work session where the documentation from City Attorney Rob Wall can be discussed as to any restrictions that may be allowed in the bottom of the gully, and discussion on what the property owners rights are, and any discussion on what a future

government body would have to do with the easement.

- Yes:** 6 - Scott Cowdell
Maren Barker
Kristin Coleman-Nicholl
Steve Fairbanks
Linda Martinez Saville
Stephen P. Smith
- No:** 1 - Chris McCandless

17-038

Reconsideration of an application for rezone, the "789 Townhomes Rezone," located at approximately 789 East 7800 South pursuant to Sandy City Land Development Code Chapter 15A-05-04.

Attachments: [Development Code Chapter 15A-05](#)
[Letter to Council Member McCandless from David George](#)

Chris McCandless withdrew his request.

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

Kris Nicholl would like staff to draft a scenario for the Council on special accommodations and what can or cannot be done legally.

Steve Fairbanks briefed the Council on an article in the newspaper regarding Sale Lake City's struggle to pay for road repairs. He complimented Public Works for their foresight in providing funding to fix needed repairs on our roads. He presented a copy of an article from the Utah League of Cities on Preemption of Local Government.

Chris McCandless presented pictures of the Highland Drive bridge in the master plan where he superimposed the proposed bridge into the map. He believes this will destroy the area.

Adjournment

The meeting adjourned at approximately 10:30 p.m. by Scott Cowdell. The next scheduled meeting of the City Council is Tuesday, March 7, 2017 at 7:00 p.m.

Stephen P. Smith, Chair
Sandy City Council

Pam Lehman
Meeting Clerk