



# 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, August 20, 2019

5:15 PM

Council Chambers

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### 5:15 Council Meeting

#### 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  
Deputy Chief Administrative Officer Kim Bell  
Economic Development Director Nick Duerksen  
City Attorney Bob Thompson  
Community Development Director James Sorensen  
Long Range Planning Manager Jake Warner  
Fire Chief Bruce Cline  
Police Chief William O'Neal  
Parks & Recreation Director Scott Earl  
Assistant Director Parks & Recreation Dan Medina  
Public Works Director Mike Gladbach

**Present:** 6 - Council Member Brooke Christensen  
Council Member Kristin Coleman-Nicholl  
Council Member Chris McCandless  
Council Member Steve Fairbanks  
Council Member Zach Robinson  
Council Member Linda Martinez Saville

**Absent:** 1 - Council Member Maren Barker

#### Prayer / Pledge of Allegiance

Chairman Chris McCandless welcomed all those in attendance.

Bob Thompson offered the opening prayer.

Zach Robinson led the audience in the pledge.

## Non-voting Items

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

Mike Applegarth reviewed upcoming items on the agenda calendar. Sunday will be his 5th anniversary with the City Council.

### Council Member Business

Brooke Christensen presented a water update.

Zach Robinson commented on the newly installed awning at the Senior Center.

Chris McCandless thanked everyone for their efforts with the successful Run Elevated Race. He reported on the CWC federal legislation. Steve Van Maren asked to be excused from the meeting. He was home recovering from surgery.

Chris McCandless publicly apologized to Officer DeNeff regarding comments made during last week's public hearing. The comments were not intended to be hurtful. He asked Chief O'Neal to please deliver his personal note to Officer DeNeff.

### Mayor's Report

Mayor Bradburn expressed appreciation to the employees of Animal Services and the Building Inspector's. He thanked them and stated that he has gained a much deeper appreciation for their service to the City.

### CAO Report

Matt Huish asked Bob Thompson, Scott Earl, Dan Medina, Evelyn Everton, and Chief Cline to present reports to the Council.

Bob Thompson updated the Council on the Municipal Code.

Scott Earl updated the Council on the Richardson property.

Dan Medina updated the Council on the Bell Canyon Preservation Tailhead and timeline. A neighborhood meeting will be held on September 9th, 7:30 p.m., at Alta Canyon.

Scott Earl noted that Jetta Valentine will give the presentation on Run Elevated.

Evelyn Everton reported on rides, miles, and minutes used for Lime Scooter. She will provide a map to the Council on where the scooter travel.

Chief Cline reported on two reported scooter accidents.

Zach Robinson asked the Chief to check with the hospital for updated data on scooter accidents in order for the Council to determine if they need to look into an ordinance.

Linda Martinez Saville asked if the Police had received any complaints. Chief O'Neal stated "very few".

Chief Cline reported that the new ambulance was rear ended on Sunday.

#### Citizen Comments

Ed Fox, resident, asked the Council what they were going to do with Stadium Village. Since the master plan was announced, he claimed rents have gone up 50% in Tiny Wood Village. How long before residents are squeezed out of their homes.

Brooke Christensen explained that the City has nothing to do with, or has any control on raising rents. It is the property owner who raises the rents.

Zach Robinson noted that he spoke with Mr. Fox earlier. Mr. Robinson has some ideas and when he gets the information that he needs he will connect with Mr. Fox.

Comments were closed.

#### Information Items

1. [19-268](#) Utah Transit Authority (UTA) providing the Council with an agency update

**Attachments:** [UTA Update](#)  
[UTA Service in Sandy](#)

Carlton Christensen presented an update from the Utah Transit Authority.

#### Voting Items

##### Approval of the Consent Calendar

**A motion was made by Kristin Coleman-Nicholl, seconded by Linda Martinez Saville, to approve the Consent Calendar. The motion carried by the following vote:**

**Yes:** 6 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Maren Barker

##### Consent Calendar

2. [19-272](#) Approval of the July 30, 2019 Minutes.

**Attachments:** [July 30, 2019 Minutes](#)

**Item approved.**

#### Council Items

### 6:00 Time Certain Items and Public Hearings

3. [19-267](#) Meeting of the Redevelopment Agency

- Attachments:** [08-20-19 RDA Agenda.docx](#)  
[RD 19-05 Budget Adoption.pdf](#)  
[Sandy RDA Budget FY 2020.pdf](#)  
[RDA Minutes 01.08.19.doc](#)

Motion to adjourn into Redevelopment Agency Meeting at approximately 6:10 p.m.

Motion to reconvene Redevelopment into City Council Meeting at 6:12 p.m.

**A motion was made by Steve Fairbanks, seconded by Kristin Coleman-Nicholl, to adjourn City Council Meeting and reconvene into the Meeting of the Redevelopment Agency.. The motion carried by the following vote:**

- Yes:** 6 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Maren Barker

Motion to adjourn Redevelopment into City Council

**A motion was made by Brooke Christensen seconded by Zach Robinson to adjourn Redevelopment Agency Meeting and reconvene into City Council Meeting...the motion carried by the following:**

- Yes:** 6 - Brooke Christensen  
Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Maren Barker

Public Hearing(s)

4. [ZONE-06-19-5664\(CC\)](#) Community Development Department presenting a rezone application (File #ZONE-06-19-5664, White Pine Row) on behalf of Sequoia Development, requesting that 3.3 acres located at 2888 E. Little Cottonwood Road be rezoned from the R-1-20A Zone to the R-1-10 Zone.

**Attachments:** [Aerial Map](#)  
[Concept Plan](#)  
[Neighborhood Meeting Summary](#)  
[Staff Report](#)  
[Planning Commission Minutes \(7.18.19\)](#)  
[Ordinance #19-20](#)

Jake Warner presented the report on the White Pine Row Development.

Applicant Kevin Ludlow, Sequoia Development, explained the proposed zone change.

Public Hearing opened.

Greg Shelton- felt the City should protect property and animal rights, not higher density projects.

Rick Perkins- spoke regarding traffic on Little Cottonwood Road and difficulty with ingress and egress out of their subdivision. Development needs to be cut backed, do not need more homes.

Diana vanUitert- felt the two rezones on the agenda went hand in hand, and new rezonings are taking over horse properties. She believes horse properties are in high demand.

Kathy Walker- horse property is disappearing. There is an interest for quaint beautiful areas in the City.

Jennifer Hubbard- property owner, supports the rezone to develop their property.

Shelby Ridgeway- animals can't speak for themselves. Council is taking away rights for their children to have animals. Keep the zone agriculture.

Robyn Christianson- requested to see the trees preserved on the property, with the need for a left hand turn lane onto 9400 south.

Katie Johnson- spoke on the importance of having larger lots for animal rights.

Lisa- 10421 So. Weeping Willow Drive (NO COMMENT CARD) stressed the importance of protecting the integrity of the area and quality of life.

Comments were closed.

**A motion was made by Kris Coleman Nicholl seconded by Chris McCandless to continue the application and work with Staff to bring back a Development Agreement that includes vinyl fencing for the new subdivision; the height of the new homes cannot be taller than the existing homes abutting the new subdivision, installing a landscape buffer along the trail, and having the developer plant larger trees in place of the Cottonwood Trees, then bring it back to the City Council for acceptance or denial, and then move on from that point with the zoning application as it sits today ....**

**Council and Staff comments followed on the motion.**

Chris McCandless asked Ms. Nicholl if she would be willing to consider tabling the zoning request until the attempt to bring back a Development Agreement either succeeds or fails.

Kris Nicholl stated " Yeah, that's great. I can do that".

Mike Applegarth advised the Council to ask legal counsel if they should table or continue the item.

Bob Thompson recommended that the Council continue the item.

The vote on the 1st motion is as follows and was a tie vote:

**Yes:** 3 - Kristin Coleman-Nicholl  
Chris McCandless  
Steve Fairbanks

**No:** 3 - Brooke Christensen  
Zach Robinson  
Linda Martinez Saville

**Absent:** 1 - Maren Barker

#2 Motion on Item #4.

Brooke Christensen made a motion to deny the application change. The motion failed for lack of second.

#3 Motion on Item #4

Steve Fairbanks made a motion seconded by Chris McCandless to approve the White Pine Row Rezone, Ordinance #19-20, an ordinance amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 3.3 acres from R-1-20A "Residential District" to R-1-10 "Residential District", located at approximately 2888 E. Little Cottonwood Road; also providing a saving clause and an effective date for the ordinance.....the motion carried by the following vote:

**Yes:** 4 - Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**No:** 2 - Brooke Christensen  
Kristin Coleman-Nicholl

**Absent:** 1 - Maren Barker

5. [ZONE-06-19-5665\(CC\)](#) Community Development Department presenting a rezone application (File #ZONE-06-19-5665, Bell Canyon Cove) on behalf of Bell Canyon Cove LLC., requesting that two parcels, 4.5 acres, located at 1785 E. and 1815 E. 11400 S. be rezoned from the R-1-40A Zone to the R-1-10 Zone.

**Attachments:** [Aerial Map](#)  
[Zoning Map](#)  
[Concept Plan](#)  
[Neighborhood Meeting Summary](#)  
[Staff Report \(8.1.19\)](#)  
[Planning Commission Minutes-draft](#)  
[Ordinance 19-21](#)  
[Cynthia Kofford](#)  
[Dea Theodore](#)  
[Richard Pope](#)  
[Laine and Cindi Fluekiger](#)  
[Ivan and Celeste Hogan](#)  
[Gerrie Shaw](#)  
[Luanna Armitage](#)  
[Brooke D'Sousa](#)  
[Keri Wright](#)  
[Landon Pope.pdf](#)  
[Landon and Lisa Moyers.pdf](#)  
[Keri Wright.pdf](#)  
[T.J. McLelland.pdf](#)  
[Kim Agnew.pdf](#)  
[Marci Houseman.pdf](#)

Jake Warner presented the Staff report for Bell Canyon Cove.

Public Hearing opened:

Charles Hardy- horse owner, was concerned that animal properties are being lost.

Applicant Cory Shupe, Blue Line Designs, stated that this was a difficult situation due to animal rights. He presented his comments on the proposed rezone.

Mike Keim - spoke regarding the sell of larger lots in the City. He felt that the City did not need more R-1-10 Zones. The City needs to preserve half acre lots.

Sue Wagner- likes the rural community. She objected the rezone from farm to quarter acre lots. She is worried this rezone will set a precedent to take away farm land. There is added value when next to farm land. Rezone to half acre lots to maintain the area.

Lisa Moyers- people are not knocking on her door to buy her property. This proposed rezone replaces homes on the street that already have horse property. A property owner has a right to sell their property and move onto the next chapter of their life.

Andrew Davies- supports maintaining horse properties in the area.

Laine Fluekiger- spoke in favor of the rezone and property owners having the right to sell

their property.

Bethann Martin- felt this was about greed. The property owner could still make money on one acre lots. The property should be developed in a way that does not hurt the rest of the community.

Monica Zoltanski- horse property should be preserved. This is a land and zoning issue that is infringing on the rights of the existing neighborhoods.

Jodi Monico- felt that Mr. Shupe presented a conflict of interest by being on the Planning Commission. She asked the Council to listen to the residents and vote no on the proposed rezone in order to continue to set a legacy to leave Sandy beautiful.

Diana vanUitert- presented information on economic impact on horses and the impact on the economy in Sandy. She stated that it is concerning to have neighbors who do not have animals reside next to horse property. She asked the Council to not accept this rezone and keep animal rights.

Colette Engle- cherished her animal rights as a new horse property owner. Someone is always asking if they are interested in selling their property. People are looking for places to take their horses. She asked the Council to cherish what already exists in this area of the City.

Katie Johnson- also commented on a conflict of interest. People want larger lots with animal rights. She does not support a development agreement.

Kathy Walker- horse property is in demand. People who sell their land do not have a right to change the zoning.

Tiffany Keim- keep the half acre lots, and don't take animal rights away.

Jamison Barry-did not speak regarding the rezone. He spoke about getting an office in Sandy to do an internship and support the community.

Jim Edwards- spoke on conflict of interest. The proposed rezone does not reflect the neighborhood.

Sandra Haack- felt the R-1-10 Zone was inviting conflict with owners of horse property.

Gerald Anderson- has preserved his property with large animal rights. He asked the Council to keep large animal rights and deny the rezone. He does not believe property owners have a right to rezone a property that has had animal rights for the past 50 years.

Jeffery Walker- asked the Council to save our animal rights. He submitted a letter with attachments regarding conditions and a traffic study, and impacts this development would have on 114th South. He would like the Council to look at safety and the master plan on 114th South expansion.

Lisa Caddy - she is working to preserve a home and preserve the culture and quality of life. She feels she needs to come before the Council each time there is a rezone to help remind them to preserve the quality of life. She expected the Council to listen to the residents.

Gerrie Shaw- property owner, what she was asking for was not unreasonable. She has

been a horse owner and has supported other property owners. She is 78 years old. She has had offers from several people who want her property for a nickle. This is her retirement. She has to sell the property. She does not have a choice. For people to say she is stepping on their toes is not fair. No one will offer what she can get if the property is subdivided.

Bretta Bourdaghs- lives on R-1-40A property. There is a desire in her neighborhood for horse property. This rezone is an ongoing threat to their neighborhood. The Council should table their decision to next year when a new Council comes in.

Comments were closed.

Mike Applegarth read comments into the record of those who were unable to attend the meeting in person.

Richard Pope-not opposed to the rezone, R-1-10 lots are not small lots, most people support keeping horses by those who choose to do so.

Dea Theodore- loves the uniqueness in the area. A rezone excluding animal rights is unfortunate. The property is being built into something that will be lost forever. Does not favor the rezone.

Ivan and Celeste Hogan- property owners of the proposed rezone, are in favor of the rezone of the property.

Landon Pope- spoke regarding water preservation and impacts with rezoning issues. Good government protects property rights.

TJ McLelland - opposed the rezone. He supports larger lots with animal rights.

Kim Agnew- Council needs to stand up for larger lots and animals. Opposed the rezone.

Aramatage Family- integrity of the neighborhood and livelihood is under attack.

Brooke De'Sousa- opposed the rezone which she believes will create a pocket neighborhood with a proposal that is not the right solution for this parcel of land.

Kerri Wright- would be in favor of maintaining animal rights in the area.

Cory Shupe clarified that he is not a developer or purchasing the property. He designed the project proposed for the property. The accusations spoke against him were not true.

Council comments and discussion followed.

**Brooke Christensen made a motion seconded by Kris Coleman Nicholl to deny the R-1-10 rezone request and keep the current zone....the motion ended in a tie vote as follows:**

**Yes:** 3 - Brooke Christensen  
Kristin Coleman-Nicholl  
Zach Robinson

**No:** 3 - Chris McCandless  
Steve Fairbanks  
Linda Martinez Saville

**Absent:** 1 - Maren Barker

#2 Motion on item #5

Council Discussion followed.

Mike Applegarth strongly advised the Council to take a brief recess in order to confer with legal counsel and community development about the direction the motion has taken. The Council agreed.

Meeting went into Recess

Meeting Reconvened

Mike Applegarth gave a ruling on whether the deadlock vote by the Council had a material affect on the application; the motion to deny specifically. State law requires that in order to affect a motion, it has to have four affirmative votes. Because the Council was unable to get to four to deny it, the motion itself. You can't say, from a parliamentary perspective, that the motion failed. It just did not garner enough votes to pass. The motion did not have a material affect on the application. It appears with a 3-3 deadlock, you won't be able to get to a place to affirm or deny the application. The best bet for the Council would be to continue the item, not table because it would have a material effect on the item, until you have a full Council present, then reconsider the item at that point.

**Brooke Christensen made a motion to continue the public hearing to September 3rd and include public comments.**

**Chris McCandless wanted to make sure that schedule works for everybody including Mr. Shupe before the Council does a date certain.**

**Mr. Shupe indicated that he would be out of State on September 3rd.**

**Chris McCandless said "so we would probably want to push back to the next meeting, but I want to make sure Ms. Barker and Ms. Nicholl are here as well". I think it's a date uncertain, is the motion. We will do it absolutely as quickly as we can, and if I get four City Council people that say we want to take additional comments, then by all means, let's have some more comments. It will take four people to convey that message "**

**Brooke Christensen amended her motion to continue the public hearing to a future date in September and to include public comment on this item again, motion seconded by Zach Robinson.**

**Steve Fairbanks requested that when the residents bring public comments to the Council that they don't bring them the same stuff, because they got it. Bring them something new if you've got more evidence.**

**Yes:** 5 - Brooke Christensen  
Chris McCandless  
Steve Fairbanks  
Zach Robinson  
Linda Martinez Saville

**Absent:** 2 - Maren Barker  
Kristin Coleman-Nicholl

## Adjournment

The meeting adjourned at approximately 9:40 p.m. by Steve Fairbanks. The next scheduled meeting of the City Council is Tuesday, August 27, at 5:15 p.m.

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Chris McCandless, Chair  
Sandy City Council

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Pam Lehman  
Meeting Clerk