



# Sandy City, Utah

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

## Meeting Agenda

### 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, January 16, 2018**

**5:15 PM**

**Council Chambers**

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Web address to view complete packet: <http://sandyutah.legistar.com>

The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: <http://sandy.utah.gov/government/city-council/procedure-guidelines.html>. Public comments during the Citizen Comment portion of the City Council meeting, or those offered during a Public Hearing may not exceed 3 minutes. If you wish to comment on a public hearing item(s), please hold your comments until that item is being discussed. Work Session items may or may not occur prior to 7:00 PM. Items not concluded during the Work Session will occur in the regular Council Meeting at the conclusion of other official business. Consent Calendar items have been previously considered or are otherwise routine in nature and will be considered in a single motion unless a Council Member wishes to discuss an item separately. In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

### **5:15 Work Session**

Council Photo

### **6:00 Volunteers in Police Service Recognition Dinner**

### **7:00 Council Meeting**

#### **Roll Call**

Opening Remarks / Prayer / Pledge of Allegiance

#### **Citizen Comments**

Agenda Planning Calendar Review

Council Member Business

Council Office Director's Report

Mayor's Report

CAO Report

## Council Items

1.     [18-016](#)     City Council interview with Robert W. Thompson for the position of City Attorney.  
  
          Attachments:     [Title 6 - Administrative Code - City Attorney](#)  
                              [City Attorney Job Specifications](#)  
                              [Background Check for Robert Thompson](#)
  
2.     [18-017](#)     Possible Closed Session: character, professional competence, or physical or mental health of an individual.
  
3.     [17-318](#)     Mayor Bradburn requesting the City Council's consent to the appointment of Robert Thompson as City Attorney.  
  
          Attachments:     [Resolution 17-65C, Robert Thompson City Attorney](#)
  
4.     [18-012](#)     Council Member Robinson recommending the Council consider amendments to the Sandy Election Code.  
  
          Attachments:     [Memo Attachment A](#)
  
5.     [18-018](#)     Council Member Nicholl introducing a code amendment concept to prohibit the sale of companion animals, namely dogs and cats in a retail setting within Sandy City.
  
6.     [18-019](#)     Council Member Christensen recommending the Council require a quarterly budget review.

## Adjournment



## Staff Report

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**File #:** 18-016, **Version:** 1

**Date:** 1/16/2018

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**Agenda Item Title:**

City Council interview with Robert W. Thompson for the position of City Attorney.

**Description/Background:**

On December 12, 2017 the City Council approved a process when considering its advice and consent for mayoral appointments. The process included a background check, a current resume, a formal interview, and a possible closed session as permitted by state law to consider the character, competency, physical, or mental health of an individual. A memo from Human Resources indicating a clear criminal background check for Mr. Thompson is attached. A copy of Thompson's resume was provided to the Council at an earlier date. The City Council Office recommends the Council take the time it deems appropriate to interview Mr. Thompson, and if needed, close the meeting to discuss personnel issues consistent with state law.

**Fiscal Impact:**

There is no fiscal impact associated with this item.

**Further action to be taken:**

Administration will complete the hiring paperwork should the City Council consent to the appointment.

**Recommended Action and/or Suggested Motion:**

The City Council Office recommends the City Council conduct a detailed interview with the proposed City Attorney.

- A. Budget preparation and control, purchasing, utility billing, accounts receivable and payable, general ledger accounting and payroll, long-term financial planning, financial management and reporting,
  - B. Information Technology – the application of computers and telecommunications equipment and systems, Geographic Information System (“GIS”), data processing, research, special management reports and data center.
- (2) Duties of Director of Finance: There is hereby established for Sandy City the position of Director of Finance. The position of Director of Finance shall serve as the Finance and Information Technology Director. The Director of Finance shall not, at any time, assume the duties of City Treasurer or of the Mayor’s statutory duties as the Financial Officer. The Director of Finance shall:
- A. perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities and
  - B. perform such other duties as may be required by the Mayor or City Administrator and at all times remain consistent with City ordinance and state statute.
- (3) Duties of the City Treasurer. There is hereby established for Sandy City the position of City Treasurer, which position shall be assigned to the Department of Finance and Information Technology and shall be under the direction of that Department. The City Treasurer shall:
- A. perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities;
  - B. follow the procedures and requirements of the State Money Management Act; and
  - C. perform such other duties as may be required by the Department of Finance and Information Technology consistent with City ordinance and state statute.

**(b) Legal Department.**

- (1) The City Attorney shall be the chief legal officer of the City and shall be responsible to the Mayor and City Administrator for the proper administration of the legal affairs of the City. Said attorney, or his designated assistants, shall have the following functions and duties:
- A. prosecute all charges of violation of municipal ordinances and regulations in the courts or administrative tribunals and prosecute and defend, or supervise the prosecution and defense, of all actions and appeals involving the City in all courts and before all boards, commissions and administrative agencies;
  - B. attend all City Council meetings, unless specifically excused therefrom;
  - C. furnish legal advice, counsel and assistance to the Mayor, City Council and all other City officers, boards, commissions and agencies, in relation to their duties and the business of the City;
  - D. control and direct all legal services performed by special counsel for the City, who may be retained from time to time to assist the City Attorney in providing legal services for the City; provided, however, that the City Attorney shall not be responsible in any way for counsel who (i) has not been specifically retained by the City Attorney; (ii) is not paid from funds controlled by the City Attorney; or (iii) is not under the actual direction of the City Attorney's Office;
  - E. prepare or review all proposed ordinances and resolutions presented to the Mayor

- or City Council;
  - F. approve the form of all contracts entered into by the municipality; and
  - G. prepare the necessary affidavits and verification on behalf of the City in any and all proceedings.
- (2) The foregoing notwithstanding, the City Attorney shall not act, either personally or through his staff, as both a prosecutor or advocate before, and as an advisor to, any administrative department, board, commission, agency, official, or employee of the City. In cases where such a conflict shall arise, special counsel may be funded and appointed by the affected department, board, commission or agency. Any such special counsel shall not be subject to the control or direction of the City Attorney in such matter, and shall provide the legal service to the affected entity or person which cannot be provided by the City Attorney.
- (c) Police Department.
  - (1) Functions: The Police Department, by and through its sworn officers, shall pursue the following objectives:
    - A. preserving the public peace by planning for enforcement of the laws of the City;
    - B. preventing crime;
    - C. detecting and arresting criminal offenders;
    - D. protecting the rights of persons and property;
    - E. regulating and controlling motorized, bicycle and pedestrian traffic;
    - F. training of sworn personnel;
    - G. providing and maintaining police records and communication systems; and
    - H. supervising all functions of animal services as required by City ordinance.
  - (2) Powers and Duties: The Chief of Police, acting by himself, or by and through the sworn officers of the Police Department, shall:
    - A. execute and return all writs and processes as directed by a court of competent authority, and in criminal cases, quasi-criminal cases, or cases in violation of City ordinances, he may serve the same in any part of Salt Lake County;
    - B. suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the City, and pursue and arrest any person fleeing from justice in any part of the State;
    - C. apprehend any persons in the act of committing any offense against the laws of the State or ordinances of the City and bring such persons before a court or other authority of competent jurisdiction for examination and trial consistent with law;
    - D. promote the prevention of accidents, crime and other incidents prohibited by statute or ordinances;
    - E. promote the protection of life and property, all pursuant to and as provided by statute and ordinance; and
    - F. have like powers as sheriffs or constables in similar cases.
- (d) Fire Department.
  - (1) The Fire Department shall:
    - A. develop and administer public education and fire prevention programs;
    - B. inspect buildings, vacant fields, fire hydrants and proposed building plans.
    - C. develop, administer, and enforce all applicable state and City laws, ordinances, code and regulations pertaining to:

SANDY CITY  
APPROVED CLASS SPECIFICATIONS

I.     Position Title:   City Attorney

<u>Revision Date:</u>	08/2014
<u>EEO Category:</u>	Exempt
<u>Status:</u>	Exempt (Professional)
<u>Control No:</u>	20300

II.     Summary Statement of Overall Purpose/Goal of Position:

An Appointed Category 1 position under the strategic direction of the City Manager, Mayor and City Council, acts a chief legal officer of the City. Responsible for the proper administration of the legal affairs of the City and for assuring professional representation in all civil actions and criminal prosecutions in which the City is a party.

The duties of the City Attorney are established by ordinance to include the following:

III.    Essential Duties:

- Prosecute all charges of violation and municipal ordinances and regulations in the courts or administrative tribunals and prosecute and defend, or supervise the prosecution and defense of all actions and appeals involving the City in all courts and before all boards, commissions, and administrative agencies.
- Perform legal research including extensive analysis of legal positions.
- Determine and apply legal principles and precedents to problems and issues.
- Attend all City council meetings.
- Furnish legal advice, counsel, and assistance to the Mayor, Council, and all other City officers, boards, commissions, and agencies in relation to their duties and the business of the City.
- Select and direct outside special counsel as appropriate and necessary.
- Hire, train, motivate, evaluate, discipline and direct department employees.
- Prepare annual department budget and conduct monthly analysis of budget expenditures against plan.
- Initiate and prosecute actions to protect the City's interests including preparation of pleadings and briefs, oral argument, trial, and settlement negotiations.

IV.    Marginal Duties:

- Performs other duties as assigned.

V.     Qualifications:

**Education:** Requires Juris Doctorate Degree, membership in the Utah State Bar, and admission to practice before all state courts and U.S. District Court; valid Utah Driver's License required.

**Experience:** Requires ten years of professional experience as a practicing attorney, two of which must have been in a supervisory or managerial capacity.

**Certificates/Licenses:** Requires a valid Utah Driver's License

**Probationary Period:** Not Applicable. This is an appointed position exempt from the protections described in Utah Code Ann. Section 10-3-1105 (1)(a).

**Knowledge of:** Laws affecting municipalities and their employees, and rules of proper verbal and written communication; ethical principles; principles of budget planning and preparation, management, supervision, personnel, and planning.

**Responsibility for:** The use of discretion and independent judgment; acquiring and retaining familiarity with a large number of complex court cases and sophisticated and rapidly changing principles of law and applying these principles to complex factual situations; drafting contract provisions for City departments; taking requests by departments and translating into legal terminology with sufficient clarity to clearly describe the duties of each party to withstand court challenges; must clearly assign risks for negligence and failure to perform contract duties, damage risk ranges from a few hundred dollars to hundreds of thousands and more where serious injury results from a party's negligence; great responsibility for making decisions in matters of serious financial or practical consequence or involving the welfare of lives and property; great responsibility for the supervision of staff members.

**Communication Skills:** Ability to effectively counsel, persuade, and inform others regarding city operations, policies and needs, under close scrutiny of the public, press, political interests, courts and other agencies of government; respond impromptu, examine witnesses effectively, and argue persuasively, often under hostile and stressful circumstances; relate positively and professionally with legal counsel, judicial, administrative, and legislative officials, press representatives, co-workers, and members of the general public; exhibit patience and empathy with persons holding hostile or opposing views; maintain professional confidences; constructively and creatively solve problems and resolve disputes; represent the City with decorum in a manner which promotes public confidence in the City, its officials and employees; frequent contacts with executives on matters requiring explanations and discussions and daily contact with other City departments requiring tact and judgment to avoid friction.

**Tool, Machine, Equipment Operation:** Regular use of a vehicle; regular computer use is required with ability to operate mainframe system and word processing software; occasional use of copier machine to copy legal documents; regular use of a fax machine, telephone and copier.

**Analytical Ability:** Great initiative and ingenuity is necessary; collect and rapidly assimilate facts; organize, analyze, and retain familiarity with large numbers of complex court cases; research effectively and require and retain familiarity with sophisticated and rapidly changing principles of law and apply principles to complex factual situations; concentrate and function effectively and independently under heavy workload demands in matters of serious financial or practical consequence or involving the welfare of lives and property.

VI. Working Conditions:

*Physical Demands:* While performing duties of job, employee typically handles office equipment, objects, or controls; may periodically bend, stoop or crouch; and frequently communicates with others. Employee will sit or stand for long periods of time and may occasionally move up to 20 pounds.

*Work Environment:* Employee will work in a generally comfortable office setting. The noise level in the work environment is usually minimal. Great pressure and fatigue are present in this position due to moderate exposure to stressful situations, overtime, and deadlines; constant attendance is required; work assignments are broad and performed with little or no supervision or checking; work is referred to supervisor only when policy questions arise.

The above statements are intended to describe the general nature and level of work being performed by the person(s) assigned to this job. They are not intended to be an exhaustive list of all duties, responsibilities, and skills required of personnel so classified. The approved class specifications are not intended to and do not infer or create any employment, compensation, or contract rights to any person or persons. This updated job description supersedes prior descriptions for the same position. Management reserves the right to add or change duties at any time.

DEPT/DIVISION APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PERSONNEL DEPT. APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



## HUMAN RESOURCES

To: City Council Members  
Mike Applegarth, City Council Executive Director

From: Katrina Frederick, Human Resources Director

cc: Kurt Bradburn, Sandy City Mayor

Date: January 2, 2018

Re: Background Check for Robert Thompson

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On January 2, 2018, the Sandy City Police department conducted a criminal history background check for Robert Thompson. The results were negative, meaning there are no documented criminal charges or convictions.

Please let me know if there is anything else I can help you with.

Thank you.





## Staff Report

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**File #:** 18-017, **Version:** 1

**Date:** 1/16/2018

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Agenda Item Title

Possible Closed Session: character, professional competence, or physical or mental health of an individual.



## Staff Report

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File #: 17-318, Version: 1

Date: 1/16/2018

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**Agenda Item Title:**

Mayor Bradburn requesting the City Council's consent to the appointment of Robert Thompson as City Attorney.

**Presenter:**

Mayor Bradburn

**Description/Background:**

Utah Code Annotated 10-3b-202 requires the mayor in a municipality operating under the council-mayor form of government to appoint, with the City Council's advice and consent, a qualified person for the position of City Attorney.

**Recommended Action and/or Suggested Motion:**

Motion to adopt Resolution consenting to the appointment of Robert Thompson as City Attorney.

Resolution #17-65C

A RESOLUTION OF THE SANDY CITY COUNCIL CONSENTING TO THE  
APPOINTMENT OF ROBERT THOMPSON AS CITY ATTORNEY OF  
SANDY CITY EFFECTIVE JANUARY 16, 2018

BE IT RESOVED, by the City Council of Sandy City, Utah, that the Council hereby consents to the appointment of Robert Thompson as City Attorney of Sandy City effective January 16, 2018.

PASSED AND APPROVED this 16<sup>th</sup> day of January 2018.

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Linda Martinez Saville, Chair  
Sandy City Council

ATTEST:

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City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.



## Staff Report

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File #: 18-012, Version: 1

Date: 1/16/2018

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### Agenda Item Title:

Council Member Robinson recommending the Council consider amendments to the Sandy Election Code.

Presenter: Council Member Robinson

### Description/Background:

I believe that we, as elected officials, can improve upon the process that we follow in reporting the contributions and expenditures to and from our individual campaigns for elected office. Many of our peer cities have taken extra steps in requiring more comprehensive campaign financial disclosures and I feel that we should consider doing the same.

The Cities of Salt Lake, Ogden, Provo, and Orem all require continued campaign financial reporting from all candidates who receive campaign contributions and/or make campaign expenditures following the end of the general election. Salt Lake City goes so far as to require an annual campaign financial disclosure from any candidate who has not expressly terminated their campaign committee (the committee that receives contributions and makes expenditures on behalf of a candidate's campaign).

I propose that as a Council we impose similar and in some cases more stringent requirements on all future campaigns for public office in Sandy City. I request that the Council consider adding the highlighted language found in attachment A to Title 2 of the Revised Ordinances of Sandy City. Adding this language will serve the following purposes:

- Require that all candidates for elected office in Sandy City report financial information from any and all campaigns for elected office within or outside of Sandy City.
- Require that all incumbent elected officials in Sandy City report annually on all campaign funds.
- Improve upon the transparency of our election process.
- Help to protect all candidates for elected office in Sandy City

### Recommended Action and/or Suggested Motion:

Motion to direct staff to come back with a resolution adopting the changes to the election code, as outlined, following review by the City Attorney and the City Recorder.

# TITLE 2 ELECTIONS

## Chapter 1 ELECTION RULES AND REGULATIONS

### **2-1-1. Elections.**

Sections 20A-9-203, 17-33-11 and 20A-1-601 through 20A-1-611 of the Utah Code Annotated, as amended, shall constitute City ordinances with the word "City" being substituted for the words "state" and "county", and the provisions thereof being construed to make them applicable as City ordinances.

### **2-1-2. Amendments.**

Any amendments and changes to the foregoing sections adopted by reference shall be effective and shall constitute City ordinances upon the filing with the Office of the City Recorder of not less than three copies of the volumes as revised or amended.

### **2-1-3. Filing Fee.**

A filing fee in the amount of \$10.00 shall be paid upon the filing of declaration of candidacy or nomination petition with the City Recorder.

### **2-1-4. Notification to Candidate.**

The City Recorder shall, at the time the candidate for municipal office files a declaration of candidacy and again 21 days before each municipal primary and municipal general election, notify the candidate in writing of:

- (a) the provision of statute and municipal ordinance governing the disclosure of campaign contributions and expenditures;
- (b) the dates when the candidates campaign finance statement is required to be filed; and
- (c) the penalties that apply for failure to file a timely campaign finance statement include the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement.

### **2-1-5. Disclosure of Sources of Election Contributions.**

- (a) It shall be the duty of each candidate for elective office in Sandy City to file a statement of all election and campaign contributions and of all promises, including the balance of any contributions and promises from prior campaigns for public office received for use in a current campaign subject to disclosure requirements of this section, and any election or campaign contribution which may be made by any individual, firm, corporation, partnership or other legal entity. Such statement shall include the following particulars:
  - (1) The amount of each contribution or promise to make a contribution; and
  - (2) The source, by name, of each contribution or promise to make a contribution, and if such source is a corporation, partnership, business association or other such entity, the statement shall include a listing of the principals of such organization.
- (b) Such statements shall be filed with the Sandy City Recorder as follows:
  - (1) seven and fourteen days before the date of the primary election, if any;
  - (2) seven and fourteen days before the date of the general election; and
  - (3) no later than 30 days after the date of the general election.
- (c) Such disclosure of election contributions shall be updated and made complete and shall indicate the total amount of campaign contributions or promises for campaign contributions which shall have been made to a candidate up to and including the date of each filing.
- (d) It shall be the duty, in addition to other duties outlined herein, of any candidate for elective office in Sandy City to report all personal expenditures spent by the candidate in connection with any campaign for or election to elective office in Sandy City. Such report shall be filed with the Sandy City Recorder at the times specified in subsection (b) above. Such report shall be updated and made complete and shall indicate the total amount of personal monies spent by a candidate up to and including the date each filing.
- (e) It shall be the duty of each candidate for elective office in Sandy City to submit a report to the Sandy City Recorder indicating the manner in which and the purposes for which all monies, whether contributions or personal monies, have been expended in connection with any campaign for or election to elective office in Sandy City. Such report shall be filed with the Sandy City Recorder and shall be updated for each filing. Such report shall be made complete and shall indicate the total amount, manner and purpose for which money shall have been expended up to and including the day of each filing.
- (f) It shall be the duty of each incumbent elected official not subject to the post-election disclosure filing provisions of 2-1-5(b) to annually submit a report to the Sandy City Recorder no later than January 1, indicating the balance of all monies, whether contributions or personal monies, in any accounts for Sandy City public office.
- (g) For purposes of this section:
  - (1) "Expenditure" or "expended" shall mean any tangible outlay, disbursement, or creation of a liability for an asset or expenditure item by or on behalf of a candidate.
  - (2) "Contribution" shall mean any tangible thing furnished, supplied, given or granted to aid or promote the election of the candidate, including nonmonetary contributions such as in-kind contributions.

- (h) It shall be a violation of this section to fail to comply substantially with the terms thereof.



## Staff Report

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File #: 18-018, Version: 1

Date: 1/16/2018

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### Agenda Item Title:

Council Member Nicholl introducing a code amendment concept to prohibit the sale of companion animals, namely dogs and cats in a retail setting within Sandy City.

### Presenter:

Council Member Nicholl

### Description/Background:

The purpose of this agenda item is to start the process of developing a code amendment or code amendments to prohibit the sale of companion animals, namely dogs and cats in a retail setting in Sandy City. Proposed amendments will likely impact City business licensing, zoning, and animal services sections of City code.

Over the last few years Sandy City has prioritized public safety through key revisions to animal welfare regulations. We have made great progress in our transition to a no kill animal shelter, and have eliminated the use of the gas chamber in cases where euthanasia is required by code or by request. Our shelter has been remodeled to help reflect the improved focus on animal welfare and resident experience.

Prohibiting the sale of companion animals is the next step and worthy of our consideration. Currently, our code does not regulate the care or conditions of animals while at the pet store. Recently, constituents have been contacting the Community Development Department requesting information about Sandy's efforts in this area and requesting additional protections.

With the Council's initial approval of this proposal, I will be working with Council staff, Community Development, Animal Services, and Legal to develop the requisite set of code amendments. When complete, the amendments will be brought back to the Council for final consideration.

### Fiscal Impact:

The fiscal impact is measured by the staff time involved with the drafting of the ordinance.

### Further action to be taken:

A final set of code amendments will be scheduled for a vote of the City Council.

### Recommended Action and/or Suggested Motion:

Motion to approve the development of proposed amendments prohibiting the sale of companion animals.





## Staff Report

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File #: 18-019, Version: 1

Date: 1/16/2018

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### Agenda Item Title:

Council Member Christensen recommending the Council require a quarterly budget review.

### Presenter:

Council Member Christensen

### Description/Background:

In an effort to make the Sandy City Budget more accessible and open to the public, as well as, helping City Council Members track revenue and spending, it is proposed that the Sandy City Budget be reviewed quarterly. The benefits of quarterly budget review are:

- The budget will be more accessible and open to the public.
- Quarterly reviews will help the City Council track revenue and spending.
- This will allow adjustments to be made more quickly.
- This process will increase the efficiency of the yearly budget process.
- This process will help increase comfort levels with the budget process.

The review would include: budget vs. actual spending and revenue YTD through the most recent quarter and identifying any potential issues.

### Fiscal Impact:

None. The information is already being collected and the Finance Department Head attends City Council meetings.

### Recommended Action and/or Suggested Motion:

Motion to approve implementing a quarterly budget review no later than one month after the close of year quarter.