



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

Tuesday, February 13, 2018

5:15 PM

Council Chambers

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.

4:30 Dinner

5:15 Work Session

Information Items

1. [18-053](#) The City Council and Administration will tour of BD Medical, 9450 South State Street, Sandy, Utah 84070.
2. [18-055](#) Administration recommending the City Council receive a presentation from the Economic Development Corporation of Utah.

Agenda Planning Calendar Review

Council Member Business

Council Office Director's Report

Mayor's Report

CAO Report

Legislative Report

7:00 Council Meeting

Roll Call

Opening Remarks / Prayer / Pledge of Allegiance

Citizen Comments

Consent Calendar

3. [18-031](#) Approval of the January 16, 2018 Minutes

Attachments: [January 16, 2018 minutes.pdf](#)
4. [18-042](#) Approval of the January 23, 2018 City Council Meeting Minutes.

Attachments: [January 23, 2018 minutes.pdf](#)
5. [18-052](#) Approval of the February 6, 2018 minutes.

Attachments: [February 6, 2018 minutes.pdf](#)

7:05 Public Hearing(s)

6. [18-028](#) Public hearing to receive input from the public with respect to increasing total appropriations and transferring funds

Attachments: [18-02C Inc appropriations and cap proj transfer](#)

Council Items

7. [18-054](#) Police Department presenting the semi-annual update on the Victim of Crime Advocate (VOCA) program.
8. [17-200](#) City Council Office recommending the appointment of Council Members to various external organizations and recommended special committees.

Attachments: [February 13, 2018 Committee presentation](#)
[Resolution 18-06C](#)

9. [CODE-11-17-5325](#) The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008.

Attachments: [Staff Report - Council.pdf](#)
[Exhibit A.pdf](#)
[Exhibit B.pdf](#)
[18-02.docx](#)
[PC12-07-2017_docx.pdf](#)
[Exhibit C.pdf](#)
[Exhibit D.pdf](#)

10. [18-044](#) Council Member Robinson introducing a code amendment concept to create idle free zones within Sandy City.

11. [18-036](#) Amending Title 9 - Property Maintenance Ordinance, Chapter 2, Landscaping, Structure & Lot Maintenance, Revised Ordinances of Sandy City. The Sandy City Community Development Department recommends the City Council consider adding new language for this section of the Code regarding construction site maintenance.

Attachments: [site maintenance change exhibit](#)
[Ordinance 18-04](#)

12. [18-043](#) City Council Office recommending advise and consent process for pending Planning Commission appointments.

13. [18-034](#) Recess of City Council meeting and convene a meeting of the Sandy City Redevelopment Agency.

Attachments: [Final Packet](#)

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

Adjournment



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10000 Centennial Parkway
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Staff Report

File #: 18-053, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

The City Council and Administration will tour of BD Medical, 9450 South State Street, Sandy, Utah 84070.



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Staff Report

File #: 18-055, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

Administration recommending the City Council receive a presentation from the Economic Development Corporation of Utah.

Presenter:



Staff Report

File #: 18-031, **Version:** 1

Date: 2/13/2018

Approval of the January 16, 2018 Minutes

Motion to approve the minutes as presented.



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Meeting Minutes

City Council

Brooke Christensen, District 1
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Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, January 16, 2018

5:15 PM

Council Chambers

5:15 Work Session

No Report.

Council Photo

6:00 Volunteers in Police Service Recognition Dinner

The dinner was held in the Multi-Purpose Room prior to the City Council Meeting.

7:00 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 Everett
Assistant CAO Shane Pace
Assistant CAO Korban Lee
Public Information Officer Robin Saville
Economic Development Director Nick Duerksen
Senior Civil Attorney Josh Chandler
Senior Civil Attorney Steve Osborn
City Prosecutor Doug Johnson
Community Development Director James Sorensen
Administrative Services Director Brian Kelley
Deputy Fire Chief Derek Maxfield
Assistant Parks & Recreation Director Todd Asay
Police Chief Kevin Thacker
Public Utilities Director Tom Ward
Public Works Director Mike Gladbach

Present: 7 - Council Member Brooke Christensen
Council Member Maren Barker
Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Steve Fairbanks
Council Member Zach Robinson
Council Member Linda Martinez Saville

Opening Remarks / Prayer / Pledge of Allegiance

Chairwoman Linda Martinez-Saville welcomed all those in attendance.

Owen offered the opening prayer.

Maxwell led the audience in the pledge.

Both Scouts represented Boy Scout Troop 142.

Citizen Comments

Former City Councilman Steve Smith addressed three items he felt were left open from his last term in office, and asked for the Council's consideration to implement his recommendations: Online budget tool, shoring up the financial situation regarding the Amphitheater, and master plan 2017 schedule-administration implementing calendar.

Maryjo Korb, District 2, expressed concern on the sale of companion animals and the impact on the community.

Staci Johnson, expressed concern over companion sale of animals at pet stores and the impact it could have on adoption at shelters and diseases from animals.

Bruce Blanchard addressed changes to the Sandy Election Code and presented his recommended changes. He also supports quarterly financial statements.

Cathy William, spoke on behalf of the proposed pet shop in Sandy. She addressed good and bad breeders. She spoke against the proposal.

Kelli Sunde, supports live streaming of City Council meetings in order to make the meetings available to all resident's.

Max Burdick, Salt Lake County Council member, welcomed Mayor Bradburn, Council Member Brooke Christensen and Council Member Zach Robinson. He wished everyone a Happy New Year and offered the County's assistance.

Deann Shepherd, spoke in opposition on the sale of animals in a pet store.

Gary Forbush, addressed the balance of timing in election disclosures, the audit process, and separate checking accounts for each candidate making it easier for audits to be conducted.

Kris Coleman-Nicholl noted that the State Code already requires that candidates have separate accounts for election funds.

Linda Martinez-Saville invited Mr. Forbush to sit down and talk with the Departments

regarding his questions.

Mayor Bradburn noted that many of the issues stated by Mr. Forbush are addressed in State Code. He felt it may be the process that concerns Mr. Forbush. Mayor Bradburn noted that the City can help make the process more transparent.

Comments closed

Agenda Planning Calendar Review

No review was held.

Council Member Business

Chris McCandless addressed the opening of a position on the Central Wasatch Commission, a bill the City should follow that is being introduced by Representative Noel regarding state and federal lands. He reported on the Hale Center Executive Board Meeting and Season Ticket sales.

Mayor Bradburn noted that the Administration is aware of the bill. Evelyn Everett will be providing regular updates to the Council.

Maren Barker asked that the bill be discussed in a work session.

Mike Applegarth stated that beginning next week the Council will be provided a standing weekly Legislative Report.

Council Office Director's Report

No Report

Mayor's Report

No Report

CAO Report

CAO Matt Huish informed the Council that the Parks and Recreation Director's father passed away. He encouraged the Council to refer to Mayor Bradburn's message in the February newsletter regarding citizen communication and specific examples. The Cabinet is working with Michael Applegarth on efficiencies and interaction with the Council.

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](#)

Linda Martinez Saville invited Mr Bob Thompson to come forward.

Steve Fairbanks recommended that the Council forego questioning Mr. Thompson and

move to approve him as the City Attorney since he meets all of the requirements. A motion followed.

A motion was made by Steve Fairbanks, seconded by Chris McCandless, to forego the interview process for Mr. Robert W. Thompson and appoint him as the City Attorney.

Question on the Motion:

Kris Coleman-Nicholl asked the Council if they felt they were doing their due diligence and a disservice to the residents by not interviewing Mr. Thompson.

Council responses followed.

Mr. McCandless withdrew his second to the motion.

An interview was conducted.

2. [18-017](#) Possible Closed Session: character, professional competence, or physical or mental health of an individual.

No Closed Session was held.

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](#)

Steve Fairbanks made a motion seconded by Chris McCandless to forego meeting in a Closed Session and move to adopt Resolution 17-65 C consenting to the appointment of Robert Thompson as the City Attorney effective January 16, 2018...the motion carried by the following vote:

Yes: 7 - Brooke Christensen
 Maren Barker
 Kristin Coleman-Nicholl
 Chris McCandless
 Steve Fairbanks
 Zach Robinson
 Linda Martinez Saville

4. [18-012](#) Council Member Robinson recommending the Council consider amendments to the Sandy Election Code.

Attachments: [Memo Attachment A](#)

Zach Robinson explained his proposal for amendments for the Sandy Election Code. He asked for Council input.

Council discussion and comments followed.

A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to direct staff to move forward with the concept that Councilman Robinson presented to the City and bring it back for discussion at a work session, then to move forward with a resolution in the future... The motion carried by the

following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

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.

Sponsors: Coleman-Nicholl

Kris Coleman-Nicholl presented background on her proposal to implement a code amendment to prohibit the sale of companion animals.

Council questions followed.

A motion was made by Zach Robinson, seconded by Chris McCandless, to move forward with a discussion on the proposed amendments prohibiting the sale of companion animals and its impacts on the City... The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

6. [18-019](#) Council Member Christensen recommending the Council require a quarterly budget review.

Sponsors: Christensen

Brooke Christensen explained her recommendation for a quarterly budget review.

Brian Kelley expressed support of the recommendation.

A motion was made by Chris McCandless, seconded by Zach Robinson, to approve implementing a quarterly budget review no later than one month after the close of year quarter... The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

Adjournment

The meeting adjourned at approximately 9:00 p.m. by Chris McCandless, seconded by

Steve Fairbanks. The next scheduled meeting of the City Council is Tuesday, January 23, 2018 at 7:00 p.m.

Linda Martinez-Saville, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Staff Report

File #: 18-042, **Version:** 1

Date: 2/13/2018

Approval of the January 23, 2018 City Council Meeting Minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

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Meeting Minutes

City Council

Brooke Christensen, District 1
Maren Barker, District 2
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Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, January 23, 2018

5:15 PM

Council Chambers

Amended Agenda

5:15 Work Session

Agenda Planning Calendar Review

Michael Applegarth reported that next week's City Council meeting was canceled due to the annual Summit Awards. The February 6, 2018 City Council Meeting will be held at the River Oaks Club House for a budget workshop scheduled to begin at 4:30 p.m.

Council Member Business

Zach Robinson expressed appreciation for the efforts of the Public Works Department and the removal of snow.

Steve Fairbanks expressed frustration when requesting use of the City web site.

Brooke Christensen reported on the Wasatch Choice 2050 Conference.

Chris McCandless was in attendance at tonight's City Council meeting.

Council Office Director's Report

Michael Applegarth informed the Council of the UDOT Public Open House next Tuesday, January 30, 2018 on the widening of I-15.

Mr. Applegarth explained the changes to the Council's amended agenda.

Mayor's Report

No Report.

CAO Report

CAO Matt Huish reported that Mayor Bradburn would not be in attendance at tonight's meeting. He was invited to Washington D.C. to meet with President Trump on the infrastructure bill and funding.

Legislative Report

Deputy Mayor Evelyn Everton reported on the first day of the Legislative Session. She asked for the Council's input on bills they would like her to follow-up on. She reviewed some of the bills before the Legislature that may affect the City.

Information Items

1. **17-100** City Council Office recommending that the Council discuss short term rentals.

Attachments: Draft STR Language_Land Development Code_121217

Draft STR Language_Business License_ROS_121217

Important parts of an STR ordinance

Short-Term Rentals Presentation for January 23 2018

Dustin Fratto introduced ideas that were identified by the Council for Short Term Rentals .

Council comments, questions, and recommendations followed.

Meeting went into Recess

Meeting Reconvened

7:00 Council Meeting

Roll Call

Administration:

Mayor Kurt Bradburn (Absent)

CAO Matthew Huish

Deputy to the Mayor Evelyn Everton

Assistant CAO Shane Pace

Assistant CAO Korban Lee

Economic Development Director Nick Duerksen

Economic Development Project Manager Kasey Dunlavy

Communications and Marketing Coordinator Robin Saville

City Attorney Bob Thompson

Senior Civil Attorney Josh Chandler

Senior Civil Attorney Darien Alcorn

Community Development Director James Sorensen

Planning Division Director Brian McCuiston

Zoning Administrator Mike Wilcox

Planner/GIS Wade Sanner

Business Licence Administrator Leslie Casaril

Administrative Services Director Brian Kelley

Fire Chief Bruce Cline

Parks & Recreation Director Scott Earl

Police Chief Kevin Thacker

Public Utilities Director Tom Ward

Public Works Director Mike Gladbach

City Engineer Ryan Kump

Present: 7 - Council Member Brooke Christensen
Council Member Maren Barker
Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Steve Fairbanks
Council Member Zach Robinson
Council Member Linda Martinez Saville

Opening Remarks / Prayer / Pledge of Allegiance

Chair Linda Martinez-Saville welcomed all those in attendance.

Dawson Walker, representing Boy Scout Troop 353, offered the opening prayer.

Jay Robinson, representing Boy Scout Troop 353, led the audience in the pledge.

Citizen Comments

Steve Smith felt it would be beneficial to the new Administration, City Council, and Public to implement the policy for a 12 day lead time for items to be placed on a City Council meeting agenda.

Monica Zoltanski, Chair Dimple Dell Preservation, addressed developer's construction debris in Dimple Dell, along with a fireworks proposal to ban the use of fireworks in Dimple Dell.

Zach Robinson asked Deputy Mayor Everton to follow legislation regarding Fireworks.

Kris Coleman Nicholl reported that Community Development is currently working on an ordinance pertaining to construction debris.

James Sorenson reported that Code Enforcement would have the ability to shut down a construction site until the garbage is taken care of.

Jim Edwards expressed concern with the enforcement of illegal signs in the City.

Citizen Comments were closed.

Approval of the Consent Calendar

A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to approve the Consent Calendar. The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

Consent Calendar

2. [18-014](#) Approval of the January 2, 2018 Minutes.

Attachments: [January 2, 2018 Minutes.pdf](#)

Item approved.

3. [18-020](#) Approval of the December 19, 2017 Minutes.

Attachments: [December 19, 2017 Minutes.pdf](#)

Item approved.

4. [18-022](#) Approval of the January 9, 2018 Minutes.

Attachments: [January 9, 2018 Minutes.pdf](#)

Item approved.

5. [18-023](#) Approval of the December 12, 2017 Minutes.

Attachments: [December 12, 2017 Minutes.pdf](#)

Item approved.

7:05 Public Hearing(s)

6. [18-021](#) Administration recommending the purchase of the Richardson Property for \$2.3 million.

Attachments: [Richardson Property Appraisal Update](#)
[Purchase of Richardson Property](#)
[Phase One Environmental Report](#)
[Realestate Purchase Agreement on Richardson Property](#)
[Public Notice](#)
[Resolution 18-03c - Approving Appropriation for Purchase of Property](#)
[Executed Resolution 18-03 C.pdf](#)

Shane Pace addressed the purchase of the Richardson property.

Council questions followed.

Citizen Comments

Steve Van Maren mentioned the Terricon report being noticed in the packet but not with the accessor and study. He felt their should be a fall-back clause with the seller for unknown expenses due to a poor view of the ground level contamination. He was not happy with the price being so high, but understood. He stated; "Let's attack it from the direction of how much of the purchase price is coming from the bond and how much of the purchase price is coming from the Public Utilities reserves".

Shane Pace addressed Mr. Van Maren's concerns.

Chad Evans representing the Evans Family Trust, noted that contamination on the property was a minor issue. This is the one chance left for his parents dream to come true by providing a place for future generations to enjoy.

John Cox, member of the Granite Community Council, was supportive of the Park and a natural area to access Bell Canyon.

Steve Smith spoke in favor on the purchase of the property. He supported Mr. Van Maren's reservations. The environmental status on the property, parking issues, and budget allocations are still unclear.

Shane Pace addressed Mr. Smith's questions.

Paul Hansen spoke in favor of the purchase of the Richardson property. He asked about the clean-up and the cistern on the property.

Shane Pace addressed Mr. Hansen's questions.

Clair Naylor thanked the Richardson and Evans parties for their foresight. He thanked Sandy City for their involvement.

Monica Zoltanski, Chair Dimple Dell Preservation, expressed congratulations to all parties and the City for their vision stating that this is what defines Sandy as a community. Dimple Dell Preservation would like to discuss water shares for Dimple Dell.

Steve Van Maren asked about cell towers located on the property.

Shane Pace reported that cell tower sites will be grandfathered in for the use of their leases .

The Public Hearing was closed.

Council comments followed.

A motion was made by Kristin Coleman-Nicholl, seconded by Chris McCandless, to adopt Resolution 18-03C a Resolution of the Sandy City Council adopting the conclusions of a study performed in compliance with Utah Code § 10-8-2 and to appropriate funds for the purchase of real property located at 3380 East 9850 South, Sandy Utah.... The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

7. [18-026](#)

Possible Closed Session to discuss the purchase, exchange or lease of real property.

There was no Closed Session.

8. [CODE-11-17-5326](#) The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 2, General Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008.

Attachments: [Staff Report - Council.pdf](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[PC12-07-2017_docx.pdf](#)

[18-01.docx](#)

Mike Wilcox presented the Staff report.

Michael Applegarth recommended that since Items # 8 and #9 on the Agenda were related, that public comments be entertained for both items.

Chair Linda Martinez Saville opened the Public Hearing.

There were no comments.

The Public Hearing was closed.

A motion was made by Chris McCandless, seconded by Kristin Coleman-Nicholl, to adopt Ordinance #18-01, an ordinance amending Title 15A of the revised ordinances of Sandy City (The Land Development Code) 2008, by adding a new section to Chapter 02, General Provisions" to codify the City's standards Specifications and details; also providing a saving clause and effective date for the ordinance.

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

9. [MISC-11-17-5330](#) The Sandy City Public Works Department has filed a request to adopt the Standard Specifications and Details for Municipal Construction by ordinance as required by a proposed city code and current State law.

Attachments: [Staff Report - Council.pdf](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[Ordinance 18-03.docx](#)

[PC12-07-2017_docx.pdf](#)

[Executed Ordinance 18-03.pdf](#)

A motion was made by Chris McCandless, seconded by Zach Robinson, to adopt Ordinance #18-03, an Ordinance adopting the City's standards specifications and details as required by the Utah Code; also providing a saving clause and effective date for the ordinance... The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

10. [CODE-11-17](#) [-5325](#) The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008.

Attachments: [Staff Report - Council.pdf](#)

[Exhibit A.pdf](#)

[Exhibit B.pdf](#)

[18-02.docx](#)

[PC12-07-2017 docx.pdf](#)

Mike Wilcox presented the Staff report.

City Engineer Ryan Cump noted that the main purpose of the code amendment was to clarify the City and Citizens' responsibilities concerning the maintenance of trees.

Council questions followed.

The Public Hearing was opened.

Steve Van Maren, found a discrepancy when he attended the Planning Commission meeting, but was sure that it was corrected.

Jim Edwards asked if any trees would be grandfathered into the ordinance, and if this ordinance was being enforced. He felt that residents should be notified and present when trees in or near their yards are being trimmed. Also, trimming should take place in the Spring and Summer months.

Ryan Cump reported that the ordinance is being enforced in parkstrips since the trees are in the City's right-of-way. The change to the code would put the burden on adjoining neighbors.

Mike Gladbach reported that the City's licensed Arborist, Chad Turner, works with the residents notifying them when City crews will be in their area to prune a tree.

Josh Sundae, works in the construction business, did not feel that 14 feet was out of the "norm" especially when paving equipment is 16 feet tall, and a freeway underpass is 14 feet.

The Public Hearing was closed.

Council questions and concerns followed.

Mike Wilcox noted that this provision was included in the recently adopted standard specifications.

Chris McCandless stated that he would like to make some modifications to the code.

A motion was made by Chris McCandless, seconded by Kris Coleman Nicholl, to table this item to the next available time that is convenient to the Chair in order to give the Council a chance to individually go over the items and make any recommendations and then bring it back for discussion and a motion...the motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

Council Items

11. **18-032** Interlocal Cooperation Agreement by and between Salt Lake County and Sandy City for a grant of \$1,000,000

Attachments: Resolution Approving Richardson ILA w County
ICA Richardson Parcel Sandy City SLCO rev
Executed Resolution 18-04 C pdf

Shane Pace explained the Salt Lake County grant to Sandy City for the purchase of the Richardson property.

A motion was made by Zach Robinson, seconded by Brooke Christensen, to adopt Resolution 18-04 C, a Resolution of the Sandy City Council approving an Interlocal Agreement with Salt Lake County regarding funds for the purchase of the Richardson Property for a Park and Trail Head for the Bell Canyon Trail .. The motion carried by the following vote:

Yes: 7 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Chris McCandless
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

12. [18-024](#) Public Works Department recommends the City Council adopt Resolution #18-02 C Increasing total appropriations and transferring funds for Phase 1 of the new Public Works building.

Attachments: [Resolution 18-02C PW building transfer.pdf](#)
[PW drawings.pdf](#)
[Cost Estimates.pdf](#)

Mike Gladbach led the discussion. This item will be voted on at the February 13, 2018 City Council Meeting. The presentation was given to the Council for information and background on Phase 1 of the new Public Works Building.

13. [18-008](#) Council Member McCandless requesting discussion about signs on private property.

Attachments: [Sign Discussion](#)

Chris McCandless led the discussion regarding campaign signs on private property.

Council comments and discussion followed.

The Council took a straw poll and determined by a 4-3 vote to not pursue changes to the City's sign ordinance.

14. [18-009](#) Administration recommending audio-visual upgrades to the Council Chambers and overflow conference area for the purpose of moving Work Session meetings and enabling video streaming and recording.

Attachments: [Council Memo re AV Upgrades to Chambers 1-18-18](#)

[Quote for Council Chamber AV Upgrades](#)

[Quote for Council Overflow AV Upgrades](#)

Korban Lee let the discussion on implementing video streaming in the City Council Chambers.

Kris Coleman Nicholl presented a power point on what other cities are doing.

Council comments followed.

Kris Coleman Nicholl recommended that policies be put in place.

A motion was made by Maren Barker, seconded by Brooke Christensen, to approve the concept of audio-visual equipment upgrades for the City Council Chambers... The motion carried by the following vote:

- Yes:** 5 - Brooke Christensen
Maren Barker
Steve Fairbanks
Zach Robinson
Linda Martinez Saville
- No:** 2 - Kristin Coleman-Nicholl
Chris McCandless

A motion was made by Steve Fairbanks, seconded by Maren Barker, to table the Short Term Rental discussion to a future date... The motion carried by the following vote:

- Yes:** 4 - Maren Barker
Steve Fairbanks
Zach Robinson
Linda Martinez Saville

No: 3 - Brooke Christensen
Kristin Coleman-Nicholl
Chris McCandless

Adjournment

The meeting adjourned at approximately 10:00 p.m. by Chris McCandless. The next scheduled regular meeting of the City Council is scheduled for Tuesday, February 13, 2018 at 7:00 p.m.

Linda Martinez-Saville, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Staff Report

File #: 18-052, **Version:** 1

Date: 2/13/2018

Approval of the February 6, 2018 minutes.

Motion to approve the minutes as presented.



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
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Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, February 6, 2018

4:30 PM River Oaks Golf Course (9300 South Riverside Drive)

***Amended Agenda* - Members of the City Council and Administration will be meeting at River Oaks Golf Course (9300 South Riverside Drive) for a Budget Workshop.**

4:48 p.m. Work Session

Roll Call

Council Office Director Michael Applegarth

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy to the Mayor Evelyn Everton
Assistant CAO Shane Pace
Assistant CAO Korban Lee
Assistant to the CAO Jaime Jacobson
Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Community Development Director James Sorensen
Development Services Manager Doug Wheelwright
Business Licience Administrator Leslie Casaril
Administrative Services Director Brian Kelley
Director Human Resources Katrina Frederick
Fire Chief Bruce Cline
Parks & Recreation Director Scott Earl
Police Chief Kevin Thacker
Public Utilities Director Tom Ward
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

1. [18-030](#) Administration recommending the City Council adopt Resolution #18-05C invoking the pending ordinance doctrine pertaining to alcohol and tobacco specialty stores in Sandy City.

Attachments: [Resolution #18-05C](#)

Steve Fairbanks made a motion seconded by Chris McCandless to adopt Resolution #18-05C invoking the pending ordinance doctrine pertaining to alcohol and tobacco speciality stores in Sandy City.....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

2. [18-035](#) The Finance Department recommending the City Council hold a Budget Workshop.

Attachments: [Budget Workshop Agenda Feb 6 2018](#)
[Department Budget Retreat February 6 2018](#)

Brian Kelley presented a budget overview and outlook.

Katrina Frederick presented the Fiscal Year 2019 Compensation information.

Mayor Bradburn discussed his budget priorities.

The City Council Members spoke about their budget priorities.

Brian Kelley gave a demonstration of a new online budgeting tool.

Adjournment

The meeting adjourned at approximately 7:25 p.m. The next scheduled meeting of the City Council is Tuesday, February 13, 2018 at 7:00 p.m.

Linda Martinez-Saville, Chair
Sandy City Council

Michael Applegarth
Meeting Clerk



Staff Report

File #: 18-028, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

Public hearing to receive input from the public with respect to increasing total appropriations and transferring funds

Presenter:

Brian Kelley

Recommended Action and/or Suggested Motion:

RESOLUTION #18-02 C

A RESOLUTION INCREASING TOTAL APPROPRIATIONS AND TRANSFERRING FUNDS

BE IT RESOLVED by the City Council of Sandy City, State of Utah, that the amounts described in Exhibits A-E be adjusted as outlined. These adjustments are made pursuant to the provisions of Section 10-6-125 and 10-6-128, U.C.A., as amended, and are done with the provision that no appropriation for debt retirement and interest, reduction of deficit or other appropriation required by law or ordinance is reduced by this resolution.

PASSED AND APPROVED THIS _____ day of _____, 2018.

Linda Martinez-Saville, Chair
Sandy City Council

ATTEST:

Molly Spira
City Recorder

RECORDED this _____ day of _____, 2018.

EXHIBIT A **Public Works Facility**

Sources:

4100-0-34165 Transfer in From Risk Fund	
Projected Insurance Reimbursement	\$3,202,407
Risk Fund Balance	1,000,000
4100-3000-4370-13167 700 W Rear Access Road	150,000
4100-3000-4370-13206 State Street Improvements	350,000
4100-3000-4370-1209 Public Works Facility	250,000
4100-1900-4370-19999 Capital Project Contingency	117,310
Total Sources	<u>\$5,069,717</u>

Uses:

4100-3000-4370-1209911 Public Works Facility	\$5,069,717
--	-------------

EXHIBIT B
Public Works - Street Project

Sources:	
0001-0000-211910 Deposit from Developer	\$390,000

Uses:	
4100-3000-4370-31207 Tunnel Road Connection 10200 S.	\$390,000

EXHIBIT C
Grants

Sources:	
4500-6510-3133 County Grant	\$1,000,000

Uses:	
4500-6510-4370-1103 Land Purchase	\$1,000,000

EXHIBIT D
Citizen Engagement Budget Software

Sources:	
0001-1310-4199 Contingency	\$21,000

Uses:	
6400-1724-413790 I.T. Professional Services	\$21,000

EXHIBIT E
City Council - Streaming Upgrades

Sources:	
4100-1900-4370-19999 Capital Contingency	\$22,100

Uses:	
4100-1216-4370-1201 Municipal Building	\$22,100



Staff Report

File #: 18-054, **Version:** 1

Date: 2/13/2018

Police Department presenting the semi-annual update on the Victim of Crime Advocate (VOCA) program.

Vickie Bushman



Staff Report

File #: 17-200, **Version:** 3

Date: 2/13/2018

Agenda Item Title:

City Council Office recommending the appointment of Council Members to various external organizations and recommended special committees.

Presenter:

Mike Applegarth

Description/Background:

Historically the City Council has appointed its Members to various external and internal committees approximately every six months. In addition, the Council has appointed citizens to internal committees formed in various ways and for various purposes. With the exception of the auto mall architectural review committee and the civic center architectural review committee, none of the internal special advisory committees such as the parks committee, transportation committee, historic committee, etc. have ever been codified. This has led to conflicting documentation on terms, appointment authority, and membership. In some cases, practice has deviated from policy resulting in appointments made to committees that no longer function, or for which there was no appointment authority documented. Tracking of committee membership has proved difficult given these circumstances. Another significant concern was whether or not advisory committees formed in conjunction with Administration had to meet the requirements of the Open and Public Meetings Act.

In early 2017 the Council Office requested, and the Council agreed to put a hold on assigning different Members and citizens to committees in order to work with Administration to bring clarification to this process. The Council twice passed a resolution continuing the appointments of Members and citizens as then currently understood. The Council Office began working on a proposal to streamline the committee process and ensure compliance with the Open and Public Meetings Act. However, this project was put on hold over the summer by Administration.

Working with the new Administration, the Council Office proposes Resolution #18-06C. The Resolution identifies the external organizations available for Council Member appointment, the special committees which should continue but adhere to the Open and Public Meetings Act, and the traditional committees that will be recast as executive ad-hoc focus groups for which formal appointments are no longer necessary.

Further action to be taken:

The Council Office will work with Administration to clarify the appointment authority, membership, and terms of citizen appointments to special committees and bring back resolutions streamlining the process.

Recommended Action and/or Suggested Motion:

1. Receive presentation on committee assignments.

2. Make recommended appointments.
3. Motion to adopt Resolution #18-06C.

Sandy City Committees



UNTANGLING THE KNOT

Goals



1. Identify internal committees to keep, reform, or replace
2. Identify which internal committees must meet under the Utah Open and Public Meetings Act
3. Establish consistency in the remaining committees
 - Terms
 - Type (special, executive, ad-hoc, legislative, etc.)
 - Appointment authority
4. Appoint Council Members to recommended committees

Internal Committees



WHAT IS THE PROBLEM?

Conflicts



- **Committees not meeting under Open and Public Meetings Act**
- **Competing resolutions**
 - Ordinance #17-02 amends Ordinance #06-10 which was made null and void by Ordinance #15-33
- **Internal resolution inconsistencies:**
 - Ordinance #17-02 requires 7 member committees
 - ✦ 5 Council appointments
 - ✦ 2 Mayoral appointments
 - ✦ With the exception of:
 - Public Safety (not operating)
 - Public Utilities Advisory Board
 - Community Development Block Grant (11 spots, only 8 filled)
 - Sister Cities (not operating and no numerical limit on appointments)

Conflicts

- Resolutions conflicting with Code
 - Ordinance #17-02 requires 7 member committees
 - ✦ Other conflicts with Land Development Code
 - Civic Center Architectural Review Committee
 - 1 Council appt., no mayoral
 - Auto Mall Architectural Review (not operating)
 - 1 Council, 1 Mayoral
- No clear process for creation of new committees
- Some committees include staff in membership
- Some committees not operational
- Terms are confusing & administratively burdensome
- None of the committee related ordinances were ever codified

Open and Public Meetings Act

- It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - take their actions openly; and conduct their deliberations openly.
- Convening means the calling together of a public body by a person authorized to do so for the express purpose of **discussing** or **acting upon** a subject over which that public body has **jurisdiction** or **advisory power**.
- Public body means:
 - any administrative, **advisory**, executive, or legislative body of the state or its political subdivisions that:
 - ✦ is created by the Utah Constitution, statute, rule, ordinance, or resolution;
 - ✦ consists of two or more persons;
 - ✦ expends, disburses, or is supported in whole or in part by tax revenue; and
 - ✦ is vested with the authority to make decisions regarding the public's business;

Open and Public Meeting Act requirements



- Meetings must be open to the public
- Meetings must be noticed 24 hours in advance
 - Agenda with reasonable specificity as to the topics discussed
 - Date
 - Time
 - Place
- Posted at City Hall
- Posted on Utah Public Notice website
- Encouraged to post on City website
- Written minutes
- Unedited audio recording
- Make minutes and recording publicly available

Which Sandy City committees must meet OPMA requirements?



- Does the committee have jurisdiction over a subject?
- Does the committee have advisory power?
- Does the committee act upon or discuss those subjects?
- Is it created by statute, rule, ordinance, or resolution?
- Does it consist of more than 2 people?
- Does it expend or disburse funds?
- Is it supported in whole or in part by tax revenue?
- Is it vested with authority to make decisions regarding the public's business?

Which Sandy City committees must meet OPMA requirements?



- **As currently constituted, nearly all of them.**
 - Currently 15 committees that would need to meet under the requirements of the Open and Public Meetings Act.
 - ✦ Administratively burdensome
 - ✦ Rigid committee structure excludes broad participation
 - ✦ Violations of the Act could compromise integrity of committee recommendations (to Mayor, Planning Commission, Council, etc.)
- **When the Legislative and Executive both appoint to a committee, it is difficult to argue that it is exempt from the Open and Public Meetings Act.**

Problem Recap



- **Committees not meeting under OPMA**
 - Administrative burden of requiring compliance
- **Competing resolutions**
- **Internal resolution inconsistencies**
- **Resolutions conflicting with Code**
- **Practice deviating from policy**

Solution



- Clearly identify what is a committee and what is not
- 3 groups
 - 1) Committees external to Sandy City
 - 2) Special committees of the City (required to meet under OPMA)
 - 3) Executive ad-hoc focus groups
 - 1) An administrative tool
 - 2) As needed groups of people to provide feedback
 - 3) Generally temporary in nature
 - 4) Participation is transient
 - 5) Broader involvement possible

Solution



External Committees	Special Committees (OPMA required)	Executive Ad-hoc Focus Group
The Orchestra & Chorus	Arts Guild	Healthy Sandy (on hold)
Association of Mun. Gov.	CDBG	Sandy Emp. Asc. (on hold)
Chamber of Commerce	Public Utilities Advisory	Tourism Comm. (on hold)
Council of Governments	Historic Committee	Youth Council (on hold)
Hale Centre Theatre	Civic Center Architecture	Beautification
Jordan River Commission	Auto Mall (code amend.)	Parks, Rec. and Trails
SLCo Convention Board		Sister Cities
Sandy Club		Transportation
Senior Center Advisory		Housing
ULCT Leg. Policy		
Wasatch Front Waste		

BE IT RESOLVED by the City Council of Sandy City, Utah, that the following Council members be appointed to serve on the following Committees, Boards, and Commissions, as indicated in attachments A and B, for a term beginning January 1, 2018 and ending when otherwise amended by action of the City Council.

PASSED AND ADOPTED THIS 13TH DAY OF FEBRUARY 2018

**Linda Martinez Saville, Chair
Sandy City Council**

ATTEST:

City Recorder

RECORDED this _____ day of _____, 2018

COMMITTEE	DESCRIPTION	MEETING DATE, TIME, & LOCATION	CONTACT PERSON	CURRENT APPOINTMENT	NEW APPOINTMENT
The Orchestra & Chorus of Sandy City	1-year term. Mountain West Ballet/American West Symphony have liaison who reports to the Arts Guild. Council member gets information from organizations without attending additional meetings.	1 st Tuesday of each month Meet at 1265 E. Fort Union Blvd. Suite 150		Maren Barker	
Association of Municipal Governments	1-year term.	2 nd Tuesday of each month at 12:00 PM Meet at the Murray City Council Conference Room	Sam Klemm sam@wfrc.org	Steve Fairbanks	
Chamber of Commerce Board	1-year term.	3 rd Wednesday of each month at 7:30 AM Meet at the Sandy Chamber of Commerce		Chris McCandless Kris Coleman-Nicholl (Alternate)	
Council of Governments (COG)	1-year term.	1 st Thursday of each month at 2:30 PM Meet at the County Government North Building, N2-800	Sam Klemm sam@wfrc.org	Kris Coleman-Nicholl Steve Fairbanks (Alternate) Chris McCandless (Alternate)	
Hale Centre Theatre Executive Board	1-year term.			Chris McCandless	

Jordan River Commission	1-year term. Develop a publicly supported vision for the future of the entire Jordan River corridor.	1 st Thursday of each month at 9:00 AM		Chris McCandless	
Salt Lake County Convention Facilities Advisory Board	1-year term.	Meet quarterly		Chris McCandless Stephen Smith	
Sandy Club	1-year term.	2 nd Thursday of each month at 12:00 PM Meet at the Sandy Club	Linda Martinez Saville	Kris Coleman-Nicholl Scott Cowdell	
Senior Center Advisory Council	1-year term. This Advisory Council was established as a requirement of an agreement between Sandy/Salt Lake County to provide input into programs issues, budget, etc. (not including city budget). The Council includes a President, Vice President, Secretary, Treasurer, eight members and community representatives (non-voting members) from Sandy City, Ata View Hospital.	3 rd Wednesday of each month at 1:00 PM Meet at the Senior Center	Kevin Bybee kbybee@sandy.utah.gov	Linda Martinez Saville	
ULCT Legislative Policy	1-year term.	11:45 AM at various times during the legislative session	801-328-1601	Steve Fairbanks Stephen Smith (Alternate)	

				Kris Coleman- Nicholl (Alternate)	
Waste Management & Recycling District	1-year term.	4 th Monday of each month at 9:00 AM Meet at SLCO Public Works Building (604 West 6960 South)	Anthony Adams 385-468-6332 aadams@wasatchfront waste.org	Kris Coleman- Nicholl	

COMMITTEE	DESCRIPTION	MEETING DATE, TIME, & LOCATION	CONTACT PERSON	CURRENT APPOINTMENT	NEW APPOINTMENT
Arts Guild	1-year term.	1 st Wednesday of each month at 6:30 PM Meet in Mayor's Conference Room	Mearle Marsh mmarsh@sandy.utah.gov	Maren Barker	
Community Development Block Grant	1-year term. Residents appointed by the City Council/Mayor review applications for funding each year, based on needs, provides recommendations to City Council on how to utilize the annual CDBG funding	3 rd Wednesday of each month at 5:00 PM Meet in the CD Conference Room	Jake Warner jwarner@sandy.utah.gov	Scott Cowdell Kris Coleman-Nicholl	
Historic Committee	1-year term. Three main goals 1) encourage retention of visual and historic integrity of the Historic District/other resources/areas in Sandy City. 2) Protect property values. 3) Implementation of the Historic Sandy Master Plan	2 nd Wednesday of each month at 5:00 PM Meet in the CD Conference Room	Mitch Vance mvince@sandy.utah.gov	Scott Cowdell Linda Martinez Saville (Alternate)	
Public Utilities Advisory Board	1-year term. Review operations of the Public Utilities Department/all capital projects being built/ water production that is occurring in the	3 rd Thursday of each month at 7:00 AM Meet in the Public Utilities	Tom Ward tward@sandy.utah.gov	Chris McCandless Steve Fairbanks	

	City/department's finance reports. Board reviews in detail PU proposed budget or approval/recommends it to the Council. The Committee discusses various issues associated with the relationship between Metropolitan District of Salt Lake/Sandy.	Conference Room			
Civic Center Architectural	1-year term. Functions as advisory/recommending group to Planning Commission. review/makes recommendation to applicants on architectural designs for new and modified developments within the Central Business District (CBD) Zone 8h accordance with the CBD Zone/Sandy City Architectural Design Standards	Meet as needed. Meet in the CD Conference Room	James Sorensen jsorensen@sandy.utah.gov	Steve Smith Kris Coleman-Nicholl (Alternate)	



Staff Report

File #: CODE-11-17-5325,
Version: 2

Date: 2/13/2018

Agenda Item Title:

The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008.

Presenter:

Mike Wilcox & Ryan Kump

Description/Background:

The purpose of the Code Amendment is to make changes in our code that will clarify the City and Citizen responsibilities concerning the maintenance of street trees.

Staff recommended to Planning Commission that the proposed code amendment be approved. On December 7, 2017, the Planning Commission unanimously recommended to the City Council to adopt the proposed ordinance amendment. See attached staff report and meeting minutes for more details.

During the City Council meeting and public hearing held on January 23, 2018, Councilman McCandless motioned to table this item to a future meeting to consider some additional text amendments to this section of the code. Staff has reviewed that request of Mr. McCandless and has attached two new exhibits reflecting some further minor changes to the code. Exhibit "C" shows the clean version of the final proposed text. The redlined version of the proposed changes to the original text is shown in Exhibit "D".

The following is a summary of the additional changes:

- 15A-25-03(C)(10) - clarifies that this only affects public access sidewalks
- 15A-25-03(D)(4) - adds to the City's responsibility to replace diseased or dying trees as determined appropriate by the Urban Forester
- 15A-25-03(E) - adds a reference to definition of Hazard Tree as found in section 37, Definitions
- 15A-25-03(F) - capitalization of Person to reference that this is a defined term as found in section 37, Definitions
- 15A-25-03(J) - changes survey requirement from 2" caliper to 3" caliper

Fiscal Impact:

n/a

Further action to be taken:

n/a

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance #18-02, which is an amendment to the Land Development Code and shown in Exhibit "C", for the following reasons

1. Compliance with the Purpose of the Land Development Code by helping facilitate adequate provisions for other public requirements (specifically street trees in parkstrips) within the City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



MEMORANDUM

January 9, 2018

To: City Council via Planning Commission
From: Community Development Department
Subject: Tree Stewardship CODE-11-17-5325
Amend Title 15A, Chapter 25, Landscaping Standards,
Land Development Code, Revised Ordinances of Sandy
City, 2008

HEARING NOTICE: *This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.*

BACKGROUND

The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that will clarify the City and Citizen responsibilities concerning the maintenance of street trees.

ANALYSIS

Our Public Works department is seeking some revisions to the current Tree Stewardship Ordinance that will provide further detail and clarity when it comes to the proper maintenance of street trees or trees that are planted in the parkstrip.

The proposed change would make three small changes:

1. Emphasizes that street trees are not permitted within site visibility triangle as per the City's Standard Specifications.
2. Provides clarity on the dimensional requirements of pruning street trees over streets and sidewalks.
3. Clarifies that the City is only required to prune and maintain trees along city maintained streets.

The clean version of all final proposed text is shown in Exhibit "A" attached hereto. A full detail of all redlined changes is shown in the attached Exhibit "B".

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 Purpose

This Code is adopted to implement Sandy City's General Plan and to promote: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
- c. To stabilize property values.
- d. To enhance the economic well-being of Sandy City and its inhabitants.

2. Implementation of General Plan

To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

- a. To promote fair procedures that are efficient and effective in terms of time and expense.
- b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
- c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will help facilitate adequate provisions for other public requirements (specifically street trees in parkstrips) within the City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration (R.O.S.C. Sec. 15A-01-03(A)).

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit “A”, attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by helping facilitate adequate provisions for other public requirements (specifically street trees in parkstrips) within the City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:

Reviewed by:

Mike Wilcox
Zoning Administrator

File Name: S:\USERS\PLN\STAFFRPT\2017\CODE-11-17-5325_TREE STEWARDSHIP\STAFF REPORT - COUNCIL.DOCX

Exhibit “A”

15A-25-03 Tree Stewardship

A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the city that:

1. Specified City property be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this Section is enacted and intended to establish a tree stewardship ordinance. This Section may be referred to as the Tree Stewardship Ordinance.

B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.
7. Work with engineers, architects, and the Community Development Department during the design phase of development.

8. Periodically review this Section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

C. **Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the city.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
10. Keep any branches that overhang a sidewalk pruned eight feet (8') above the sidewalk and any branch that overhangs a road pruned fourteen feet (14') above the road.

D. **City Responsibilities.** The City shall assume responsibility for:

1. Tree care in City owned and operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this Chapter.
2. Pruning of City trees, as necessary, after appropriate notification to property owners.
3. Pruning of trees in the city maintained public rights-of-way and utility easements.
4. Removal of diseased or dying City trees that are beyond reclamation.
5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.

6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. **Responsibility for Correcting Private Hazard Trees.** Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
8. Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within 10 working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

F. **Protection of City Trees.**

1. It shall be unlawful for any person to do any of the following:
 - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.

- c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn.
 - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4 ½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
 3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least 2 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against

any person or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.

Exhibit “B”

15A-25-03 Tree Stewardship

A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the city that:

1. Specified City property be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this Section is enacted and intended to establish a tree stewardship ordinance. This Section may be referred to as the Tree Stewardship Ordinance.

B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.
7. Work with engineers, architects, and the Community Development Department during the design phase of development.

8. Periodically review this Section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

C. **Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the city.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
10. Keep any branches that overhang a sidewalk pruned eight feet (8') above the sidewalk and any branch that overhangs a road pruned fourteen feet (14') above the road.

D. **City Responsibilities.** The City shall assume responsibility for:

1. Tree care in City owned and operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this Chapter.
2. Pruning of City trees, as necessary, after appropriate notification to property owners.
3. Pruning of trees in the city maintained public rights-of-way and utility easements.
4. Removal of diseased or dying City trees that are beyond reclamation.
5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.

6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. **Responsibility for Correcting Private Hazard Trees.** Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
8. Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within 10 working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

F. **Protection of City Trees.**

1. It shall be unlawful for any person to do any of the following:
 - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.

- c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn.
 - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4 ½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
 3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least 2 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against

any person or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.

ORDINANCE 18-02

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, TO MODIFY CHAPTER 25, "LANDSCAPING STANDARDS" BY ADDING SOME REGULATIONS FOR CITY AND CITIZEN RESPONSIBILITIES FOR TREE STEWARDSHIP; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15A of the Revised Ordinances of Sandy City (the Land Development Code), 2008, to modify Chapter 25, "Landscaping Standards" by adding some regulations for city and citizens responsibilities for tree stewardship; and

WHEREAS, the Planning Commission held a public hearing on December 7, 2017 which meeting was preceded by notice by publication in the Salt Lake Tribune on November 23, 2017, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov> on November 15, 2017; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on January 23, 2018 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on January 9, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on December 28, 2017; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt a zoning plan, including an ordinance and map which divide the municipality into districts or zones, and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. whereby appeals can be heard and decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 15A is amended as shown on **Exhibit "A"**, which is attached

hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2018.

Linda Martinez Saville, Chairman
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2018.

APPROVED this _____ day of _____, 2018.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2018.

Exhibit “A”

15A-25-03 Tree Stewardship

A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the city that:

1. Specified City property be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this Section is enacted and intended to establish a tree stewardship ordinance. This Section may be referred to as the Tree Stewardship Ordinance.

B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.
7. Work with engineers, architects, and the Community Development Department during the design phase of development.
8. Periodically review this Section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

C. **Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the city.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
10. Keep any branches that overhang a sidewalk pruned eight feet (8') above the sidewalk and any branch that overhangs a road pruned fourteen feet (14') above the road.

D. **City Responsibilities.** The City shall assume responsibility for:

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3. Pruning of trees in the city maintained public rights-of-way and utility easements.
4. Removal of diseased or dying City trees that are beyond reclamation.
5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. **Responsibility for Correcting Private Hazard Trees.** Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.

2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
8. Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within 10 working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

F. Protection of City Trees.

1. It shall be unlawful for any person to do any of the following:
 - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.
 - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn.
 - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius distance in feet from the tree equal to the diameter

of the tree trunk in inches measured 4 ½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.

3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least 2 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.

Field Trip

THOSE PRESENT: Nancy Day, Monica Collard, Jared Clayton, Joe Baker, Scott Sabey, Ron Mortimer, Lisa Hartman, Doug Haymore, Alternate Member Cyndi Sharkey, Alternate Member; James Sorensen, Community Development Director; Brian McCuiston, Planning Director; Wade Sanner, Planner; Mike Wilcox, Zoning Administrator; Darien Alcorn, Senior City Attorney; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

THOSE EXCUSED: Jared Clayton

Executive Session

McKay Christensen Lot 5 Concept Discussion
Stonecroft Subdivision Discussion

Regular Session

THOSE PRESENT: Nancy Day, Monica Collard, Joe Baker, Scott Sabey, Ron Mortimer, Lisa Hartman, Doug Haymore, Alternate Member Cyndi Sharkey, Alternate Member; James Sorensen, Community Development Director; Brian McCuiston, Planning Director; Wade Sanner, Planner; Mike Wilcox, Zoning Administrator; Darien Alcorn, Senior City Attorney; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

THOSE EXCUSED: Jared Clayton

1. **Tree Stewardship Amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008**

CODE-11-17-5325

The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 25, Landscaping Standards, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that will clarify the City and Citizen responsibilities concerning the maintenance of street trees.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", for the following reasons:

1. Compliance with the Purpose of the Land Development Code by helping facilitate adequate provisions for other public requirements (specifically street trees in parkstrips) within the City.

2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Mike Wilcox presented this item to the Planning Commission. He stated request to amend would make three small changes:

1. Emphasizes that street trees are not permitted within site visibility triangle as per the City's Standard Specifications.
2. Provides clarity on the dimensional requirements of pruning street trees over streets and sidewalks.
3. Clarifies that the City is only required to prune and maintain trees along city maintained streets.

Commissioner Scott Sabey opened this item to public comment.

Steve Van Maren, 11039 Lexington Circle, Sandy, stated this was noticed in the paper but not under the public meeting notice.

Commissioner Doug Haymore moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", for the two reasons outlined in the staff report.

Monica Collard seconded the motion. The vote was as follows: Doug Haymore, yes; Monica Collard, yes; Nancy Day, yes; Ron Mortimer, yes; Lisa Hartman, yes; Joe Baker, yes; Scott Sabey, yes. The vote was unanimous in favor.

2. **Standard Specifications and Details for Municipal Construction Amend Title 15A, Chapter 2, General Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008** **CODE-11-17-5326**

The Sandy City Public Works Department has filed a request to amend Title 15A, Chapter 2, General Provisions, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that will align it with recent State Code changes relating to formal codification of the City's Standard Specifications and Details for Municipal Construction (SB 232). The proposed changes will establish a process by which the city may annually review and adopt the City's Standard Specifications and Details for Municipal Construction.

STAFF RECOMMENDATIONS

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly

Exhibit “C”

15A-25-03 Tree Stewardship

A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the city that:

1. Specified City property be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this Section is enacted and intended to establish a tree stewardship ordinance. This Section may be referred to as the Tree Stewardship Ordinance.

B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.
7. Work with engineers, architects, and the Community Development Department during the design phase of development.

8. Periodically review this Section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

C. **Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the city.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
10. Keep any branches that overhang a public access sidewalk pruned eight feet (8') above the sidewalk and any branch that overhangs a road pruned fourteen feet (14') above the road.

D. **City Responsibilities.** The City shall assume responsibility for:

1. Tree care in City owned and operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this Chapter.
2. Pruning of City trees, as necessary, after appropriate notification to property owners.
3. Pruning of trees in the city maintained public rights-of-way and utility easements.
4. Removal and replacement of diseased or dying City trees that are beyond reclamation, as determined appropriate by the Urban Forester.

5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. Responsibility for Correcting Private Hazard Trees. Where a hazard tree (see definition) exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
8. Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within 10 working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

F. Protection of City Trees.

1. It shall be unlawful for any Person to do any of the following:
 - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.

- c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn.
 - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4 ½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
 3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
 - H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
 - I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
 - J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least 3 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
 - K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against

any person or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.

Exhibit “D”

(Staff initial changes shown in red. Additional changes shown in purple)

15A-25-03 Tree Stewardship

A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community. The City Council declares it to be a policy of the city that:

1. Specified City property be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this Section is enacted and intended to establish a tree stewardship ordinance. This Section may be referred to as the Tree Stewardship Ordinance.

B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.

7. Work with engineers, architects, and the Community Development Department during the design phase of development.
8. Periodically review this Section, the Tree Stewardship Ordinance, the Streetscape Plan, and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

C. **Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the city.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City's Standard Specifications and Details for Municipal Construction, which states that no trees are to be planted within intersection sight triangles. See detail for exact dimensions of the sight triangle, which can vary depending on location.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.
10. Keep any branches that overhang a public access sidewalk pruned eight feet (8') above the sidewalk and any branch that overhangs a road pruned fourteen feet (14') above the road.

D. **City Responsibilities.** The City shall assume responsibility for:

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2. Pruning of City trees, as necessary, after appropriate notification to property owners.
3. Pruning of trees in the city maintained public rights-of-way and utility easements.

4. Removal **and replacement** of diseased or dying City trees that are beyond reclamation, **as determined appropriate by the Urban Forester**.
5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. Responsibility for Correcting Private Hazard Trees. Where a hazard tree (**see definition**) exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
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1. It shall be unlawful for any ~~person~~ **Person** to do any of the following:

- a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
 - b. Fill up the ground area around any city tree so as to shut off air, light, or water from its roots.
 - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury to the tree.
 - d. Pour or spray any injurious matter on or around a City tree.
 - e. Injure any City tree, tree stake, or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn.
 - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
 - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4 ½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees or groves of trees of at least 23 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub,

or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide for Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.



Staff Report

File #: 18-044, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

Council Member Robinson introducing a code amendment concept to create idle free zones within Sandy City.

Presenter:

Council Member Robinson

Description/Background:

The purpose of this agenda item is to begin a conversation of creating areas of Sandy City where vehicle cannot idle. After a brief review, nothing exists in our code that creates such areas.

With the air quality continually being a roller-coaster, many businesses and organizations are beginning to adopt idle free zones in their communities. Organizations are working diligently across the valley to help reduce the emissions in the air we breathe.

Research indicates that the average person idles their car five to ten minutes a day. Cutting idle time makes sense during inversions, because reduced idling also reduces the emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs), both precursor gases for the formation of PM2.5 during inversions.

The proposed code addition would create a way for Sandy City to do our part. By restricting vehicles from idling, we can assist with the fight to keep our environment clean.

The proposed code addition would supplement the idling vehicle policy we currently have.

With the approval of this council, I will work with Legal, and Administration to find a policy that works well for our community.

After collaboration with various departments, I will bring back a clean amendment for final council consideration.

Fiscal Impact:

Possible fiscal implications would be signage in public areas.

Further action to be taken:

A final version of proposed code changes will be scheduled for a vote of the City Council.

Recommended Action and/or Suggested Motion:

Motion to approve the development of idle free zones within Sandy City.



Staff Report

File #: 18-036, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

Amending Title 9 - Property Maintenance Ordinance, Chapter 2, Landscaping, Structure & Lot Maintenance, Revised Ordinances of Sandy City. The Sandy City Community Development Department recommends the City Council consider adding new language for this section of the Code regarding construction site maintenance.

Presenter: Scott Marsell, Chief Building Official

Description/Background:

The Code Enforcement Division has received a number of complaints about construction debris not being secured properly at construction sites. This leads to trash and other material flying away from the site onto adjacent properties leaving the responsibility on other residents to clean up the debris. The proposed language addresses the need to keep construction sites free of junk, garbage and rubbish. This new language would require an approved trash enclosure for one or multiple sites. The Chief Building Official will also have the ability to require a building permit holder to cover the trash enclosure if garbage is found outside of the approved enclosure.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

The Sandy City Community Development Department recommends that the City Council consider adopting new language into Chapter 2, Landscaping, Structure & Lot Maintenance, of Title 9, Property Maintenance Ordinance, Revised Ordinances of Sandy City. The proposed new language is attached as Exhibit "A".

Exhibit “A”

9-2-5 Construction site maintenance

Any person who is issued a building permit shall be responsible for maintenance of the construction site for which the building permit is issued. The construction site shall be maintained free of junk, garbage and rubbish. Every construction site shall have an approved trash enclosure. Upon request of the building permit holder, the Chief Building Official may approve the use of a single trash enclosure to serve multiple construction sites. If junk, garbage or rubbish is found outside of the approved trash enclosure, the permit holder shall make modifications as required by the Chief Building Official, which may include covering the trash enclosure.

ORDINANCE 18-04

AN ORDINANCE AMENDING TITLE 9, “PROPERTY MAINTENANCE” OF THE REVISED ORDINANCES OF SANDY CITY BY ADDING A NEW SECTION 9-2-5, “CONSTRUCTION SITE MAINTENANCE”; ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Title 9, “Property Maintenance” of the Revised Ordinances of Sandy City by adding a new Section 9-2-5, “Construction Site Maintenance”; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:

Section 1. Title 9 of the Revised Ordinances of Sandy City is hereby amended as set forth in **Exhibit A** which is attached to and incorporated in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This ordinance shall become effective upon publication of a summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council this ____ day of _____, 2018.

Linda Martinez Saville, Chairman
Sandy City Council

PRESENTED to the Mayor this ____ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2018

SUMMARY PUBLISHED this ____ day of _____, 2018.



Staff Report

File #: 18-043, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

City Council Office recommending advise and consent process for pending Planning Commission appointments.

Presenter:

Mike Applegarth

Description/Background:

Utah Code Annotated Section 10-3b-202(1)(d)(ii) permits the Mayor in the Council-Mayor form of government to appoint, with the City Council's advice and consent members of a statutory commission such as the Planning Commission. The Sandy City Land Development Code Chapter 15A-03-03 also requires the Council's advice and consent of Planning Commission members.

Planning Commissioners serve voluntarily. The qualifications for Planning Commissioners are listed in the Land Development Code as follows: "Members of the Planning Commission shall be selected from residents of the City with experience in related fields including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement." The City Council relies heavily on the Planning Commission to conduct public hearings and make recommendations on land use proposals such as rezone of property and other changes to the Land Development Code. The Planning Commission also hears and decides on proposed site plans.

Administration has recently requested the Council's advice and consent on four new Planning Commissioners and the conversion of one alternate member to a regular member. The City Council does not have a policy or consistent practice with respect to providing advice and consent for voluntary, citizen appointments, whether an interview should be conducted, what documentation is required if any, etc. In consultation with the Chair, the Council Office has requested through the Community Development Department a statement of qualifications and a criminal background check for each prospective Planning Commissioner. Resolutions approving the new appointments have been prepared and scheduled for the February 27 Council Meeting.

The Council Office recommends that if the Council intends to interview the proposed new Commissioners that it either 1) do so at the beginning of the February 27 Council Meeting in lieu of previously scheduled business, or 2) if less than a quorum intends to interview, that meetings be scheduled with interested Council Members and new Planning Commissioners prior to February 27. It is important to move expeditiously as the Planning Commission requires a quorum of four to conduct business. The February 15 Planning Commission meeting was canceled for example due to lack of a quorum.

Recommended Action and/or Suggested Motion:



Staff Report

File #: 18-034, **Version:** 1

Date: 2/13/2018

Agenda Item Title:

Recess of City Council meeting and convene a meeting of the Sandy City Redevelopment Agency.

Presenter:

Nick Duerksen

Description/Background:

1. Resolution RD 18-01. A Resolution approving the sale of land and a contiguous temporary construcion easement, located at approximately 132 E 8960 S, to the Utah Department of Transportation.
2. Resolution RD 18-02. A Resolution authorizing the execution of a Tax Increment Participation Agreement with ST Mall Owner, LLC, relating to a community mural program at the Shops at South Town.
3. Approval of Minutes: December 19 and December 28, 2017

Agenda, information and supporting documents attached

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Motion to approve RD 18-01. A Resolution approving the sale of land and a contiguous temporary construcion easement, located at approximately 132 E 8960 S, to the Utah Department of Transportation.

Motion to arrove RD 18-02. Resolution authorizing the execution of a Tax Increment Participation Agreement with ST Mall Owner, LLC, relating to a community mural program at the Shops at South Town.

Redevelopment Agency of Sandy City



Linda Martinez Saville	Chair
Steve Fairbanks	Vice-Chair
Brooke Hansen	Board Member
Zach Robinson	Board Member
Chris McCandless	Board Member
Maren Barker	Board Member
Kristin Coleman-Nicholl	Board Member

Tuesday, February 13, 2018

Sandy City Hall
10000 Centennial Parkway, Sandy, Utah

Agenda

Meeting time: Approximately 7:00 p.m.

1. Motion to convene Redevelopment Agency meeting
2. Resolution RD 18-01. A Resolution approving the sale of land and a contiguous temporary construction easement, located at approximately 132 E 8960 S, to the Utah Department of Transportation.
3. Resolution RD 18-02. A Resolution authorizing the execution of a Tax Increment Participation Agreement with ST Mall Owner, LLC, relating to a community mural program at The Shops at South Town.
4. Approval of Minutes:
December 19, 2017
December 28, 2017
5. Motion to adjourn Redevelopment Agency meeting.

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](tel:(801)568-7141).



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

January 2, 2018

Redevelopment agency of Sandy City
10000 Centennial Parkway
Sandy, UT 84070

Dear Redevelopment agency of Sandy City:

The Utah Department of Transportation (UDOT) has prepared an offer to purchase your property, which is located at 132 East 8960 South, Sandy, UT 84070 and has assigned parcel number(s) 128:A, 128:E to help identify your property during this process. The property has been valued using standard valuation methods. Based on those methods, UDOT hereby makes an offer to purchase your property for \$15,000.00.

Although this letter is provided as part of an attempt to negotiate with you for the sale of your property or an interest in your property without using the power of eminent domain, UDOT may use that power if it is not able to acquire the property by negotiation. Because of that potential, the person negotiating on behalf of UDOT is required to provide the following disclosures to you:

- * You are entitled to receive just compensation for your property.
- * You are entitled to an opportunity to negotiate with UDOT over the amount of just compensation before any legal action will be filed.
- * You are entitled to an explanation of how the compensation offered for your property was calculated.
- * If an appraiser is asked to value your property, you are entitled to accompany the appraiser during an inspection of the property.
- * You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at 801-530-6391, or at Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT, 84111.
 - * The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights. You are entitled to ask questions and request an explanation of your legal options.
- * If you have a dispute with UDOT over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.
- * Oral representations or promises made during the negotiation process are not binding upon the entity seeking to acquire the property by eminent domain.



State of Utah

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Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

I will be pleased to visit with you or your representative to discuss this offer and to answer any questions you might have about the acquisition process. Please review all the enclosed documents:

- * Ombudsman's Acquisition Brochure - Your Guide to Just Compensation
- * Offer to Purchase
- * Statement of Just Compensation
- * Right of Way Contract
- * Deed(s) and/or Easement(s)
- * Map and legal description

I will be calling you to discuss the enclosed documents and to answer any questions you may have regarding this UDOT Project. If you don't hear from me in the next couple of days it might mean that I have been unable to locate a good telephone number for you. As that may be the case, please give me a call and leave your contact phone number and best time for me to contact you. My contact information is on my business card and also printed below. For your records please make yourself a copy of the documents you are signing before sending them back.

If you are in agreement with our offer, please sign and initial the contract, offer to purchase, all deed(s) and/or easement(s). All deed(s) and/or easement(s) must be signed and notarized. Once all of the required documents have been signed and approved by UDOT, closing documents will be prepared. Please note the signed documents must be approved by the UDOT Director of Right of Way before they will be a final enforceable contract. Upon receipt of the signed documents, a check will be issued payable to you after all applicable liens have been paid. This payment along with a copy of the fully executed contract will be returned to you in approximately six weeks. If you have any questions about the closing or acquisition process, please contact me at your earliest convenience.

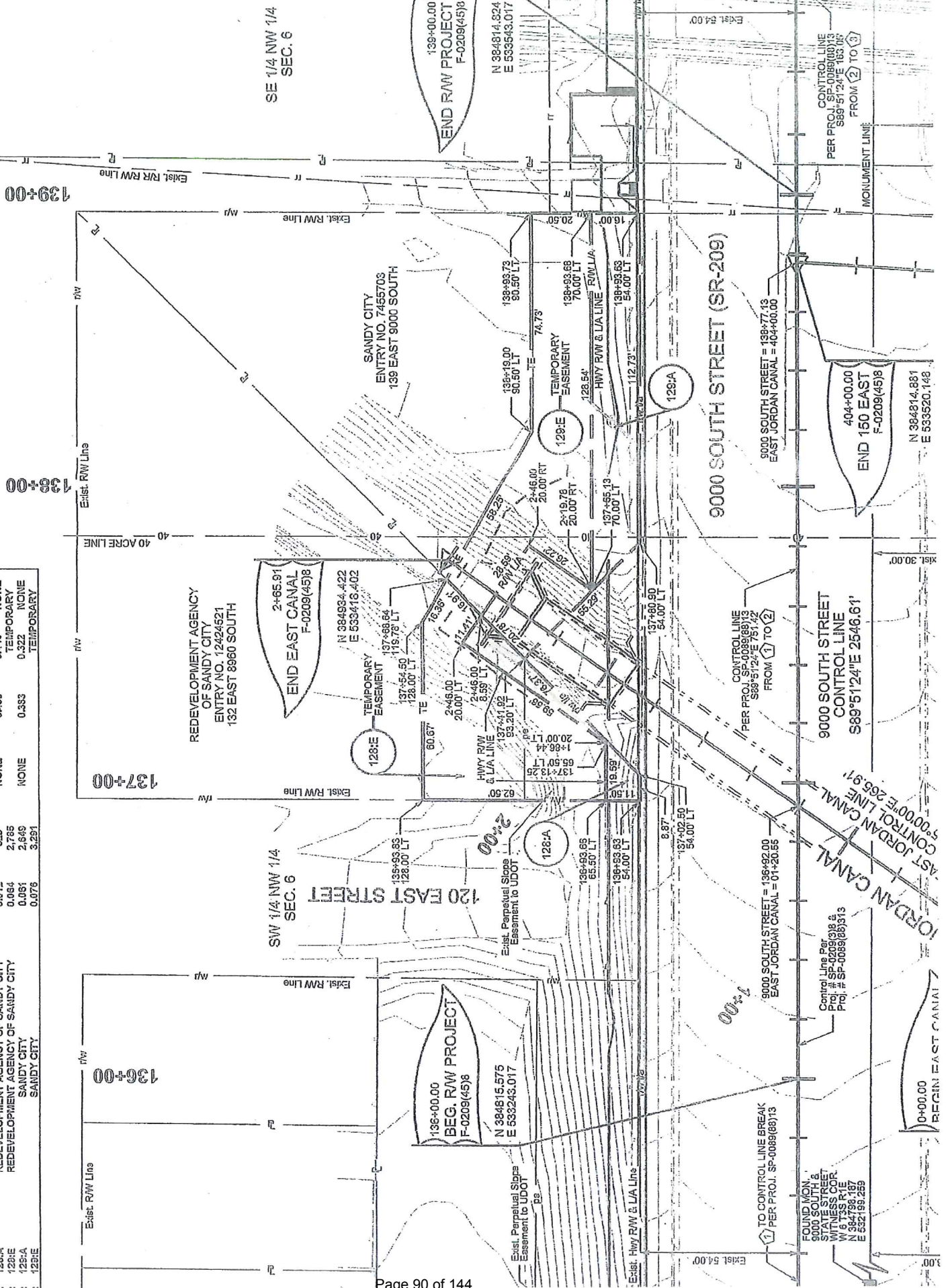
On behalf of UDOT, I look forward to working with you.

Sincerely,

David L. Peterson (Consultant)
801-558-4778
Acquisition Agent / Right of Way Division
Utah Department of Transportation

SANDY CITY (INCORPORATED)

PARCEL NO.	OWNER	NET AC.	SQ. FEET	EXIST. RW AC. IN DEED	OWNERSHIP AC.	REMAINING AC. LEFT	RIGHT
128A	REDEVELOPMENT AGENCY OF SANDY CITY	0.012	525	NONE	0.458	0.446	NONE
128E	REDEVELOPMENT AGENCY OF SANDY CITY	0.064	2,785	NONE	0.333	0.322	TEMPORARY
129A	SANDY CITY	0.051	2,649	NONE	0.333	0.322	NONE
129E	SANDY CITY	0.076	3,291	NONE	0.333	0.322	TEMPORARY





Utah Department of Transportation
Right of Way Division
Statement of Just Compensation

Project No: F-0209(45)8 Parcel No.(s): 128:A, 128:E

Pin No: 15998 Job/Proj No: 55151 Project Location: SR-209; 90th., State St. to 700 E (Canal Wrk early)
County of Property: SALT LAKE Tax ID / Sidwell No: 28-06-180-001
Property Address: 132 East 8960 South SANDY UT, 84070
Owner's Address: 10000 Centennial Parkway, Sandy, UT, 84070
Owner's Home Phone: Owner's Work Phone: (801)568-7106
Owner / Grantor (s): Redevelopment agency of Sandy City, a Utah political subdivision
Grantee: Utah Department of Transportation (UDOT)/The Department

The following information is the basis for the amount estimated by Utah Department of Transportation to be just compensation.

Parcel No.	Type of Interest Acquired	Size Units	Price Per Unit	Property % Use	County
128:A	Land	525 SQFT	\$12.75	100 Government	SALT LAKE
128:E	Land	2785 SQFT	\$12.75	8 Government	SALT LAKE

VALUE OF THE TAKING

		Size Units	Price Per Unit	Factor	Value
128:A	----->	525 SQFT	\$12.75	100 x 1 =	\$6,694.00
128:E	----->	2785 SQFT	\$12.75	8 x 2.914 =	\$8,276.00

OTHER COSTS

128:A	Rounding				\$30.00
-------	----------	--	--	--	---------

NET AMOUNT: \$15,000.00

Utah Department of Transportation declares that this offer is the amount that has been established by UDOT as just compensation and is in accordance with applicable State laws and requirements. Just compensation is defined as the fair market value of the property taken, plus damages, if any, to the remaining property, less any benefit which may accrue to said property by reason of the construction of the highway.

DATE:

Jan 2, 2018

David L. Peterson (Consultant) / Acquisition Agent

OFFER TO PURCHASE RIGHT OF WAY

Pin: 15998 **Project No:** F-0209(45)8

Owner Name: Redevelopment agency of Sandy City, a Utah political subdivision

Property Address: 132 East 8960 South, SANDY, UT 84070

Parcel No: 128:A, 128:E

Authority No: 55151

Tax Id: 28-06-180-001

Project Location: SR-209; 90th., State St. to 700 E (Canal Wrk early

The Utah Department of Transportation hereby makes you an offer of \$15,000.00 as Just Compensation for your property and/or easement(s) on your property.

This is the approved value for the parcel of land described in the Project shown above.

Utah Department of Transportation declares that this offer has been established by the Department as Just Compensation and is in accordance with applicable State laws and requirements. Just Compensation is defined as the fair market value of the property acquired. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

This letter is not a contract to purchase your property. It is merely an offer to purchase the property and/or purchase easement(s) on your property for \$15,000.00. Along with this Offer attached are the Statement of Just Compensation, Executive Summary of Property Owner's Rights, and the Agency's Brochure. Your signature is for the purpose of verifying that you have actually received these items. Signing this document does not prejudice your right to have the final amount determined through Condemnation proceedings in the event you do not accept this Offer. Information regarding your rights is explained in the agency's brochure.

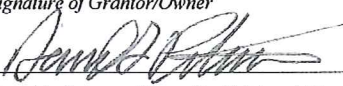
Information about the acquiring process and procedures is included in the Agency's Brochure, which has been given to you. Other information regarding your rights as a property owner was also given to you with this offer. If you have questions regarding this offer or information given to you, please contact me, David L. Peterson (Consultant). I can be reached at 801-558-4778.

Receipt: Please sign below to indicate you have received the following documents:

Ombudsman's Acquisition Brochure - Your Guide to Just Compensation
Offer to Purchase & Offer Letter
Statement of Just Compensation
Right of Way Contract
Deed(s) and/or Easement(s)
Map and legal description

Date: _____ By: _____
Signature of Grantor/Owner

Date: _____ By: _____
Signature of Grantor/Owner

Date: Jan 2, 2018 By: 
David L. Peterson (Consultant) / Acquisition Agent

OWNERSHIP RECORD

Deed Search By: AJC
Date: 9/6/2017

County: Salt Lake

PIN No: 15998
Project No: F-0209(45)8
Parcel No: 0209:128

Property Address: 132 East 8960 South

Tax ID No. 28-06-180-001

Record Owners: Redevelopment agency of Sandy City, a Utah political subdivision

Owners Address: 10000 Centennial Parkway, Sandy, UT 84070

Type of Ownership: City

Percent Owned: 100

Entry No.	Book	Page	Type of Instrument	Date Signed	Date Recorded
12424521	10506	2785	Warranty Deed	11/30/2016	12/1/2016

Deed Description (verbatim):

Beginning at the Northeast Corner of Block 17, Sandy Station Plat, and running thence West 200 feet to the Northwest Corner of Block 17; thence South 200 feet to the Southwest Corner of Block 17; thence North 45° East to the Northeast Corner of said Block 17 and point of beginning.

Less and excepting:

A parcel of land in fee for the widening of 9000 South Street, a highway known as Project No. 0209, being part of an entire tract of property situate in Block 17, Sandy Station plat, a subdivision in the NW ¼ of Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at the South Corner of said entire tract, which point is the Southwest Corner of Lot 2, of said Block 17, and running thence North 8.85 feet along the West boundary line of said entire tract to a point 54.00 feet perpendicularly distant Northerly from the centerline of said project, and to a point designated as point "A"; thence North 89°50'33" East 8.87 feet along a line parallel with said centerline, to the Southeasterly boundary line of said entire tract, and to a point designated as point "B"; thence South 45° West 12.55 feet along said boundary line to the point of beginning.

SUBJECT TO: County and/or City Taxes not delinquent; Bonds and/or Special Assessments not delinquent and Covenants, Conditions, restrictions, Right-of-Way, Easements, Leases and Reservations now of Record.

Note(s): Vesting document
Grantor(s): Daniel M. Donovan Jr.
Grantee(s): Redevelopment Agency of Sandy City, a Utah political subdivision

Prepared By: Meridian Engineering, Inc. (AJC)
Date: 9/6/2017

Page 1 of 2

Ownership Record RW-51

PIN No: 15998
Project No: F-0209(45)8
Parcel No: 0209:128

Entry No.	Book	Page	Type of Instrument	Date Signed	Date Recorded
6176454	7236	1537	Easement	9/8/1995	9/27/1995

Deed Description (verbatim):

A perpetual easement, upon part of an entire tract of property in Block 17, Sandy Station Plat, a subdivision in the NW1/4 of Section 6, T.3S., R.1E., SLB&M, in Salt Lake County, Utah, for the erection, operation, maintenance, repair, alteration, enlargement, inspection, relocation and replacement of electric transmission and distribution lines, communications, circuits, fiber optic cables and associated facilities, with the necessary guys, stubs, cross arms, braces and other attachments affixed thereto, for the support of said lines and circuits, of the PacificCorp, and Oregon corporation, dba Utah Power & Light Company, its successors in interest and assigns, and for the construction thereon of a canal access road, together with cut and/or fill slopes, and appurtenant parts thereof, to facilitate the construction of 9000 South Street, incident to the widening of a highway known as Project No. 0209.

The boundaries of said part of an entire tract are described as follows:

Beginning at a point 8.85 feet north from the Southwest Corner of said Block 17; thence North 39.32 feet along the easterly right of way line of 120 east street; thence North 89°58'59" East 48.18 feet to a southeasterly boundary line of said entire tract; thence South 45° West 55.59 feet along said southeasterly boundary line; thence South 89°50'33" West 8.87 feet to the point of beginning.

The above described part of an entire tract contains 1121 square feet in are of 0.026 acre.

Note(s): Included for reference
Grantor(s): Reid Blank and Melanie Blank
Grantee(s): Utah Department of Transportation, at 4501 South 2700 West, Salt Lake City, Utah 84119

Entry No.	Book	Page	Type of Instrument	Date Signed	Date Recorded
73796	C	110	Plat	2/10/1874	7/20/1874

Deed Description (verbatim):

See vesting document for description

Note(s): Included for reference

General Note(s):

1. The area of the property according to the Salt Lake County Assessor is 0.45 acre.
2. The area of the property by calculation is 19,961 square feet or 0.458 acre, more or less.

Prepared By: Meridian Engineering, Inc. (AJC)
Date: 9/6/2017

Page 2 of 2

Ownership Record RW-51

REDEVELOPMENT AGENCY OF SANDY CITY, UTAH

Resolution No. RD 18-01

**A RESOLUTION APPROVING THE SALE OF LAND AND A
CONTIGUOUS TEMPORARY CONSTRUCTION EASEMENT,
LOCATED AT APPROXIMATELY 132 E 8960 S, TO THE UTAH
DEPARTMENT OF TRANSPORTATION.**

A. The Utah Department of Transportation (“UDOT”) desires to purchase approximately 525 square feet of Agency property located at approximately 132 E 8960 S, Sandy, UT (the “ROW Property”) along with a temporary construction easement on approximately 2,785 square feet of contiguous land (the “Easement Property”), for right of way purposes.

B. UDOT has prepared and provided to the Agency an Offer to Purchase Right of Way (under threat of condemnation), along with other accompanying materials, providing for payment of compensation to the Agency in the total amount of \$15,000.00, calculated as \$6,694.00 for the ROW Property, \$8,276 for the Easement Property, plus \$30 “rounding”; and

C. Attached as **Exhibit A** are various agreements and other transaction documents provided by UDOT to carry out the proposed acquisitions, including (i) Permit to Enter and Construct, (ii) Offer to Purchase Right of Way, (iii) Right of Way Contract, (iv) Quit Claim Deed, and (v) Easement (collectively, the “Agreements”).

**NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE
REDEVELOPMENT AGENCY OF SANDY CITY:**

1. The *above* recitals are by this reference made findings and conclusions of the Agency Board.

2. The Agency Board determines that \$15,000.00 is a reasonable conclusion of the combined fair market value for the ROW Property and Easement Property, based on the information provided to and known by the members of the Agency Board, including, among other things, the materials provided by UDOT which included an appraisal, and the analysis and recommendation of the Agency staff.

3. The Agency Board approves the sale of the Property to UDOT on the terms offered by UDOT.

4. Each of the Agreements in substantially the form attached hereto as **Exhibit A** is approved, and the Executive Director of the Agency is authorized and directed to execute each of the Agreements for and on behalf of the Agency. The Executive Director is authorized to approve any minor modifications, amendments, or revisions to the Agreements as the Executive Director determines may be in the Agency’s best interest and consistent with the intent and purposes of the Agreements, subject to final approval by the Agency’s legal counsel, and the

Executive Director's signature upon the final Agreements will constitute the Agency Board's acceptance of all those minor modifications, amendments, or revisions.

5. The Executive Director is, subject to review and approval by the Agency's legal counsel, authorized to take execute any other documents or agreements as may be necessary to complete the sale of the Property to UDOT under the terms of the approved Agreements.

6. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this February 13, 2018.

Linda Martinez-Saville, *Chair*

Attest:

Vickey Barrett, *Secretary*

Exhibit A

Form of Agreement



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: F-0209(45)8 Parcel No.(s): 128:A, 128:E

Pin No: 15998 Job/Proj No: 55151 Project Location: SR-209; 90th., State St. to 700 E (Canal Wrk early)
County of Property: SALT LAKE Tax ID / Sidwell No: 28-06-180-001
Property Address: 132 East 8960 South SANDY UT, 84070
Owner's Address: 10000 Centennial Parkway, Sandy, UT, 84070
Primary Phone: 801-568-7106 Owner's Home Phone: Owner's Work Phone: (801)568-7106
Owner / Grantor (s): Redevelopment agency of Sandy City, a Utah political subdivision
Grantee: Utah Department of Transportation (UDOT)/The Department

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows:

The Grantor hereby agrees to convey and sell by Quit Claim, Temporary Easement a parcel(s) of land known as parcel number(s) 128:A, 128:E for transportation purposes. This contract is to be returned to: David L. Peterson (Consultant), Right of Way Agent c/o Utah Department of Transportation, 4501 South 2700 West, P.O. Box 148420, Salt Lake City, UT 84114-8420.

1. Grantor will transfer property free of all liens and encumbrances except recorded easements.
2. Grantor agrees to transfer property free of all debris and any hazardous materials (including paint or other household products.)
3. Grantor shall leave the property in the same condition, as it was when this contract was signed. No work, improvement, or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the Department takes possession.
4. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
5. The Department shall pay the Grantor and or other parties of interest for the real property in the deed(s) and/or easement(s) referenced above.
6. "Transportation Purposes" is defined as follows: The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, transit, project caused statutory relocations, and other related transportation uses.
7. The Grantor(s) is aware that Utah Code Ann. Sect. 78B-6-520.3 provides that in certain circumstances, the seller of property which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor(s) waives any right grantor may have to repurchase the property being acquired herein, and waives any rights Grantor(s) may have under Utah Code Ann. Sect. 78B-6-520.3.
8. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders or lessees of the property.
9. Grantee shall indemnify and hold Grantor harmless for all third party claims, liabilities, obligations, damages, costs or expenses to the extent directly caused by the actions or omissions of the Grantee, its agents, employees, or contractors while performing construction activities for the highway project within the temporary easement. Grantee's obligation to indemnify is limited to the amounts described in the Utah Governmental Immunity Act ("Act") and Grantee does not waive any protections in the Act.
10. Upon execution of this contract by the parties, Grantor grants the Department, its contractors, permittees, and assigns, including but not limited to, utilities and their contractors, the right to immediately occupy and commence construction or other necessary activity on the property acquired for the state transportation project.

Additional Terms:

Total Selling Price \$15,000.00



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: F-0209(45)8 Parcel No.(s): 128:A, 128:E

Pin No: 15998 Job/Proj No: 55151 Project Location: SR-209; 90th., State St. to 700 E (Canal Wrk early)
County of Property: SALT LAKE Tax ID / Sidwell No: 28-06-180-001
Property Address: 132 East 8960 South SANDY UT, 84070
Owner's Address: 10000 Centennial Parkway, Sandy, UT, 84070
Primary Phone: 801-568-7106 Owner's Home Phone: Owner's Work Phone: (801)568-7106
Owner / Grantor (s): Redevelopment agency of Sandy City, a Utah political subdivision
Grantee: Utah Department of Transportation (UDOT)/The Department

Grantor's Initials

Grantor understands this agreement is an option until approved by the Director of Right of Way.

Grantors acknowledge and accept the percent of ownership listed below and agree that the portion of the total selling price they each receive, will correspond with their respective percent of ownership.

This Contract may be signed in counterparts by use of counterpart signature pages, and each counterpart signature page shall constitute a part of this Contract as if all Grantors signed on the same page.

Percent

Date

100%

Redevelopment agency of Sandy City

Right of Way Agents

David L. Peterson (Consultant) / Acquisition Agent

Eric Lyon / Team Leader

Approved by Director of Right of Way

OFFER TO PURCHASE RIGHT OF WAY

Pin: 15998 Project No: F-0209(45)8

Owner Name: Redevelopment agency of Sandy City, a Utah political subdivision

Property Address: 132 East 8960 South, SANDY, UT 84070

Parcel No: 128:A, 128:E

Authority No: 55151

Tax Id: 28-06-180-001

Project Location: SR-209; 90th., State St. to 700 E (Canal Wrk early

The Utah Department of Transportation hereby makes you an offer of \$15,000.00 as Just Compensation for your property and/or easement(s) on your property.

This is the approved value for the parcel of land described in the Project shown above.

Utah Department of Transportation declares that this offer has been established by the Department as Just Compensation and is in accordance with applicable State laws and requirements. Just Compensation is defined as the fair market value of the property acquired. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

This letter is not a contract to purchase your property. It is merely an offer to purchase the property and/or purchase easement(s) on your property for \$15,000.00. Along with this Offer attached are the Statement of Just Compensation, Executive Summary of Property Owner's Rights, and the Agency's Brochure. Your signature is for the purpose of verifying that you have actually received these items. Signing this document does not prejudice your right to have the final amount determined through Condemnation proceedings in the event you do not accept this Offer. Information regarding your rights is explained in the agency's brochure.

Information about the acquiring process and procedures is included in the Agency's Brochure, which has been given to you. Other information regarding your rights as a property owner was also given to you with this offer. If you have questions regarding this offer or information given to you, please contact me, David L. Peterson (Consultant). I can be reached at 801-558-4778.

Receipt: Please sign below to indicate you have received the following documents:

Ombudsman's Acquisition Brochure - Your Guide to Just Compensation
Offer to Purchase & Offer Letter
Statement of Just Compensation
Right of Way Contract
Deed(s) and/or Easement(s)
Map and legal description

Date: _____ By: _____
Signature of Grantor/Owner

Date: _____ By: _____
Signature of Grantor/Owner

Date: Jan 2, 2018 By: 
David L. Peterson (Consultant) / Acquisition Agent

I, David L. Peterson, am a licensed real estate agent in the State of Utah. My Broker is E – 7 Properties, Inc.

I am acting as an agent for the buyer, The Utah Department of Transportation in this matter.



Dave Peterson

Please sign below for acknowledgement only

Grantor

Date

Grantor

Date

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Quit Claim Deed

(Controlled Access)
(City)

Salt Lake County

Tax ID No.	28-06-180-001
PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:A

Redevelopment agency of Sandy City, a Utah political subdivision, a Municipal Corporation of the State of Utah Grantor(s), hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described parcel of land in Salt Lake County, State of Utah, to-wit:

A parcel of land in fee for the widening of the existing highway State Route 209 known as Project No. F-0209(45)8, being part of an entire tract of property situate in Lots 2-4 of Block 17, Sandy Station, a subdivision recorded as Entry No. 73796, Book C, Page 110 of plats, in the SW1/4 NW1/4 of Section 6, T.3S., R.1E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the southwest corner of said entire tract in the northerly right of way line of the existing highway State Route 209 which corner is 8.85 feet North from the Southwest Corner of said Block 17, said corner is also 54.00 feet perpendicularly distant northerly from the control line of said project opposite approximate engineer station 136+93.63; and running thence North 11.50 feet to a line parallel with and 65.50 feet perpendicularly distant northerly from said control line opposite engineer station 136+93.66; thence

Continued on Page 2
CITY RW-07CY (11-01-03)

PAGE 2

PIN No. 15998
Project No. F-0209(45)8
Parcel No. 0209:128:A

N.89°50'33"E. 19.59 feet along said parallel line to a line parallel with and 20.00 feet perpendicularly distant northwesterly from the control line of the East Jordan Canal opposite engineer station 1+86.44; thence N.34°41'56"E. 59.56 feet along said parallel line to a point opposite engineer station 2+46.00; thence S.55°18'04"E. 11.41 feet to the southeasterly boundary line of said entire tract; thence S.45°00'00"W. 76.37 feet along said southeasterly boundary line and the northerly right of way line of said highway; thence S.89°50'33"W. 8.87 feet along said northerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 525 square feet or 0.012 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°18'04" counter-clockwise to obtain highway bearings.)

To enable the Utah Department of Transportation to construct and maintain a public highway as a expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

Continued on Page 3
COMPANY RW-09C (11-01-03)

PAGE 3

PIN No. 15998
Project No. F-0209(45)8
Parcel No. 0209:128:A

IN WITNESS WHEREOF, said Redevelopment agency of Sandy City, has caused this instrument to be executed by its proper officers thereunto duly authorized, this ____ day of _____, A.D. 20 ____.

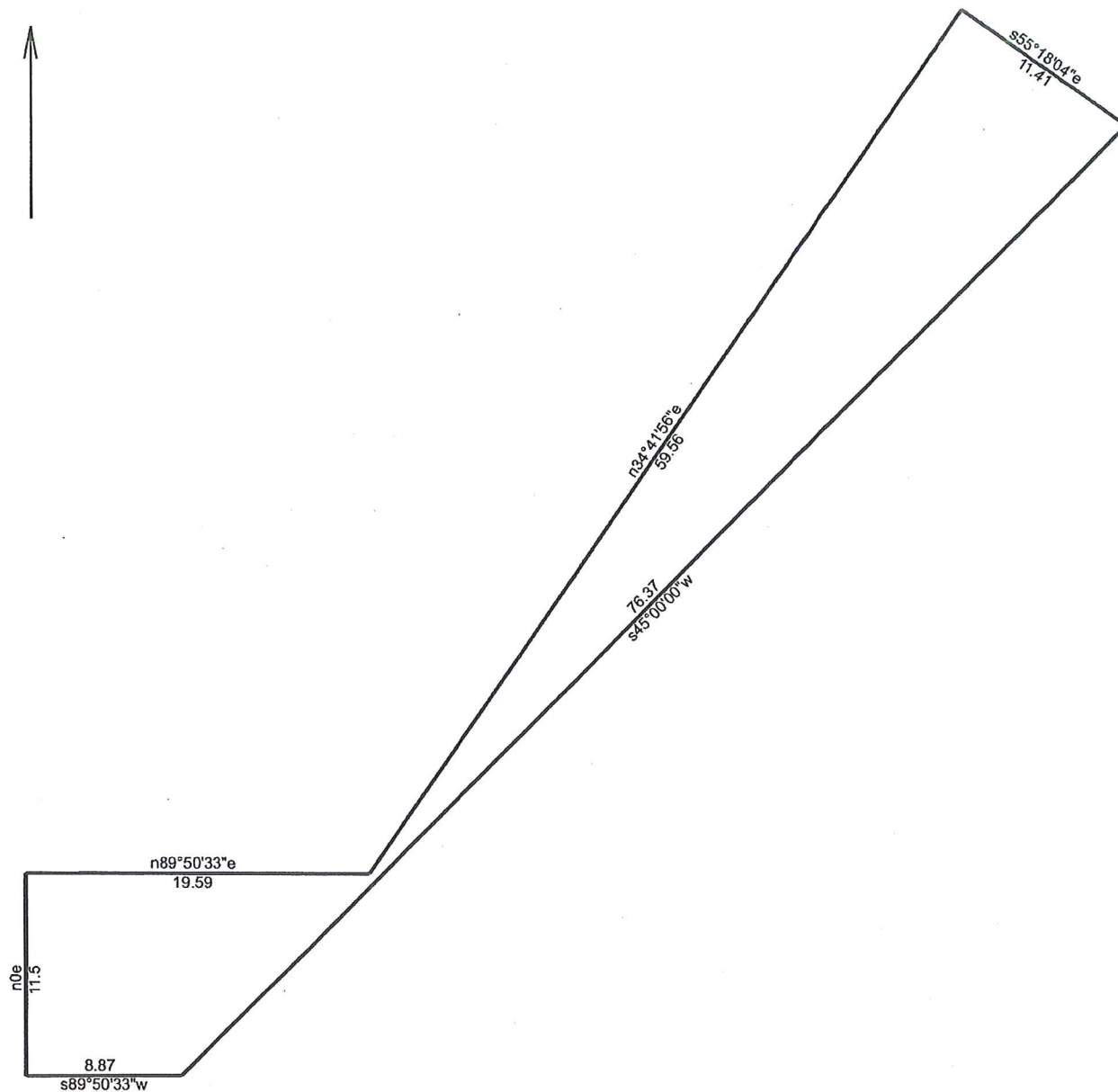
STATE OF _____)
) ss. _____
COUNTY OF _____) By _____

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the _____, of Redevelopment agency of Sandy City, a municipal corporation of the State of Utah, and that the within and foregoing instrument was signed in behalf of said municipal corporation by authority adopted at a regular meeting of the _____ held on the _____ of _____ A.D. 20 ____, and said acknowledged to me that said municipal corporation executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Prepared by: (AJC) Meridian Engineering, Inc. 01F - 9/13/2017 CITY RW-07CY (11-01-03)



Parcel 128:A

9/7/2017

Scale: 1 inch= 9 feet

File: 15998_F-0209(45)8_01F_128_A_DeedPlot.ndp

Tract 1: 0.0121 Acres (525 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/43118), Perimeter=187 ft.

01 /n0e 8.85

07 s89.5033w 8.87

02 n0e 11.5

03 n89.5033e 19.59

04 n34.4156e 59.56

05 s55.1804e 11.41

06 s45.0000w 76.37

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement (City)

Salt Lake County

Tax ID No.	28-06-180-001
PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:E

Redevelopment agency of Sandy City, a Utah political subdivision, a Municipal Corporation of the State of Utah Grantor(s), hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property, in Lots 2-5 of Block 17, Sandy Station, a subdivision recorded as Entry No. 73796, Book C, Page 110 of plats, in the SW1/4 NW1/4 of Section 6, T.3S., R.1E., S.L.B.&M., in Salt Lake County, Utah, for the purpose of roadway improvements, side treatments and appurtenant parts thereof and blending slopes incident to the construction of the existing highway State Route 209 known as Project No. F-0209(45)8. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the westerly boundary line of said entire tract 8.85 feet North and 11.50 feet North from the Southwest Corner of said Block 17, said point is also 65.50 feet perpendicularly distant northerly

Continued on Page 2
CITY RW-09CY (11-01-03)

PAGE 2

PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:E

from the control line of said project opposite approximate engineer station 136+93.66; and running thence North 62.50 feet along said westerly line to a line parallel with and 128.00 feet perpendicularly distant northerly of said control line; thence N.89°50'33"E. 60.67 feet along said parallel line; thence S.59°59'03"E. 16.36 feet to the southeasterly line of said entire tract; thence S.45°00'00"W. 16.91 feet along said southeasterly line; thence N.55°18'04"W. 11.41 feet to a line parallel with and 20.00 feet perpendicularly distant northwesterly from the East Jordan Canal control line opposite engineer station 2+46.00; thence S.34°41'56"W. 59.56 feet along said parallel line to a line parallel with and 65.50 feet perpendicularly distant northerly from the control line of said highway opposite engineer station 137+13.25; thence S.89°50'33"W. 19.59 feet along said parallel line to the point of beginning. The above described part of an entire tract of land contains 2,785 square feet or 0.064 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°18'04" counter-clockwise to obtain highway bearings.)

Continued on Page 3
CITY RW-09CY (11-01-03)

PAGE 3

PIN No. 15998
Project No. F-0209(45)8
Parcel No. 0209:128:E

IN WITNESS WHEREOF, said _____ Redevelopment agency of Sandy City _____ has caused this instrument to be executed by its proper officers thereunto duly authorized, this ____ day of _____, A.D. 20 ____.

STATE OF _____)
) ss. _____
COUNTY OF _____) By _____

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that they are the _____ of _____ Redevelopment agency of Sandy City _____, a municipal corporation of the State of Utah, and that the within and foregoing instrument was signed in behalf of said municipal corporation by authority adopted at a regular meeting of the _____ held on the _____ of _____ A.D. 20 _____, and said acknowledged to me that said municipal corporation executed the same.

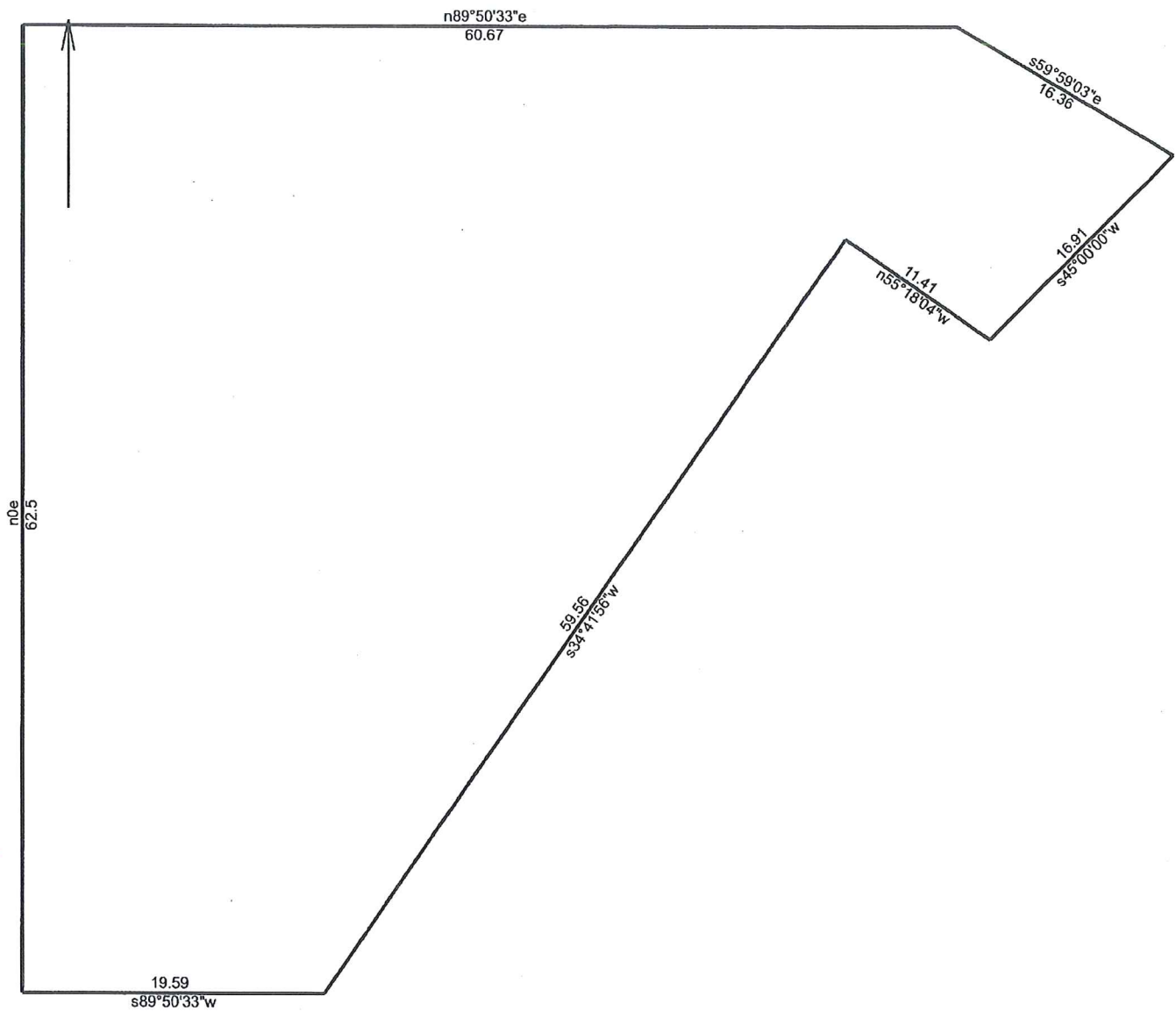
WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Prepared by: (AJC) Meridian Engineering, Inc.

01F - 9/7/2017

CITY RW-09CY (11-01-03)



Parcel 128:E

9/12/2017

Scale: 1 inch= 10 feet

File: 15998_F-0209(45)8_01F_128_E_DeedPlot.ndp

Tract 1: 0.0639 Acres (2785 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/99078), Perimeter=247 ft.

01 /n0e 8.85

08 s34.4156w 59.56

02 /n0e 11.5

09 s89.5033w 19.59

03 n0e 62.5

04 n89.5033e 60.67

05 s59.5903e 16.36

06 s45.0000w 16.91

07 n55.1804w 11.41



PERMIT TO ENTER AND CONSTRUCT

SALT LAKE COUNTY
SR-209; 90th., State St. to 700 E (Canal Wrk early
UDOT Project No. F-0209(45)8
Pin No. 15998

County Tax ID No. 28-06-180-001
UDOT Parcel No.:128:A, 128:E, 128:P

I/We, Redevelopment agency of Sandy City, a Utah political subdivision at 132 East 8960 South SANDY UT, 84070, the owner(s) of the above identified parcel or the designated representative thereof, and Utah Department of Transportation, hereby agree to allow the Utah Department of Transportation and its designated contractors and agents to:

Enter the Grantor's property for purposes extending the box culvert for the East Jordan canal identified on the attached Exhibit A.

This permit shall expire upon completion of the construction of said project, or three years after the date of execution of this instrument, whichever occurs first.

After said highway structure and appurtenant parts thereto, is constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for cost, damages, or maintenance charges which may accrue against said construction related elements and appurtenant parts thereof.

This permit shall be binding upon the grantor, their heirs, successors, or assigns, for the duration of the permit as noted above. This permit will be considered an option until the Director of Right of Way with the Utah Department of Transportation makes approval.

For this permit, Redevelopment agency of Sandy City, a Utah political subdivision, will receive other good and valuable consideration. This Agreement shall constitute the entire agreement and understanding between Grantor (Redevelopment agency of Sandy City, a Utah political subdivision) and Grantee (UDOT) regarding the permit. This Agreement shall supersede all offers, negotiations and other agreements with respect to the permit.

Grantor

Dated this _____ day of _____, 2018

Grantor

Dated this _____ day of _____, 2018

Director of Right of Way, UDOT

Dated this _____ day of _____, 2018

Exhibit "A"

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Quit Claim Deed
(Controlled Access)
(City)

Salt Lake County

Tax ID No.	28-06-180-001
PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:A

Redevelopment agency of Sandy City, a Utah political subdivision, a Municipal Corporation of the State of Utah Grantor(s), hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described parcel of land in Salt Lake County, State of Utah, to-wit:

A parcel of land in fee for the widening of the existing highway State Route 209 known as Project No. F-0209(45)8, being part of an entire tract of property situate in Lots 2-4 of Block 17, Sandy Station, a subdivision recorded as Entry No. 73796, Book C, Page 110 of plats, in the SW1/4 NW1/4 of Section 6, T.3S., R.1E., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the southwest corner of said entire tract in the northerly right of way line of the existing highway State Route 209 which corner is 8.85 feet North from the Southwest Corner of said Block 17, said corner is also 54.00 feet perpendicularly distant northerly from the control line of said project opposite approximate engineer station 136+93.63; and running thence North 11.50 feet to a line parallel with and 65.50 feet perpendicularly distant northerly from said control line opposite engineer station 136+93.66; thence

Continued on Page 2
CITY RW-07CY (11-01-03)

PAGE 2

PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:A

N.89°50'33"E. 19.59 feet along said parallel line to a line parallel with and 20.00 feet perpendicularly distant northwesterly from the control line of the East Jordan Canal opposite engineer station 1+86.44; thence N.34°41'56"E. 59.56 feet along said parallel line to a point opposite engineer station 2+46.00; thence S.55°18'04"E. 11.41 feet to the southeasterly boundary line of said entire tract; thence S.45°00'00"W. 76.37 feet along said southeasterly boundary line and the northerly right of way line of said highway; thence S.89°50'33"W. 8.87 feet along said northerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 525 square feet or 0.012 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°18'04" counter-clockwise to obtain highway bearings.)

To enable the Utah Department of Transportation to construct and maintain a public highway as a expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

Continued on Page 3
COMPANY RW-09C (11-01-03)

PAGE 3

PIN No. 15998
Project No. F-0209(45)8
Parcel No. 0209:128:A

IN WITNESS WHEREOF, said _____ Redevelopment agency of Sandy City _____, has caused this instrument to be executed by its proper officers thereunto duly authorized, this ____ day of _____, A.D. 20 ____.

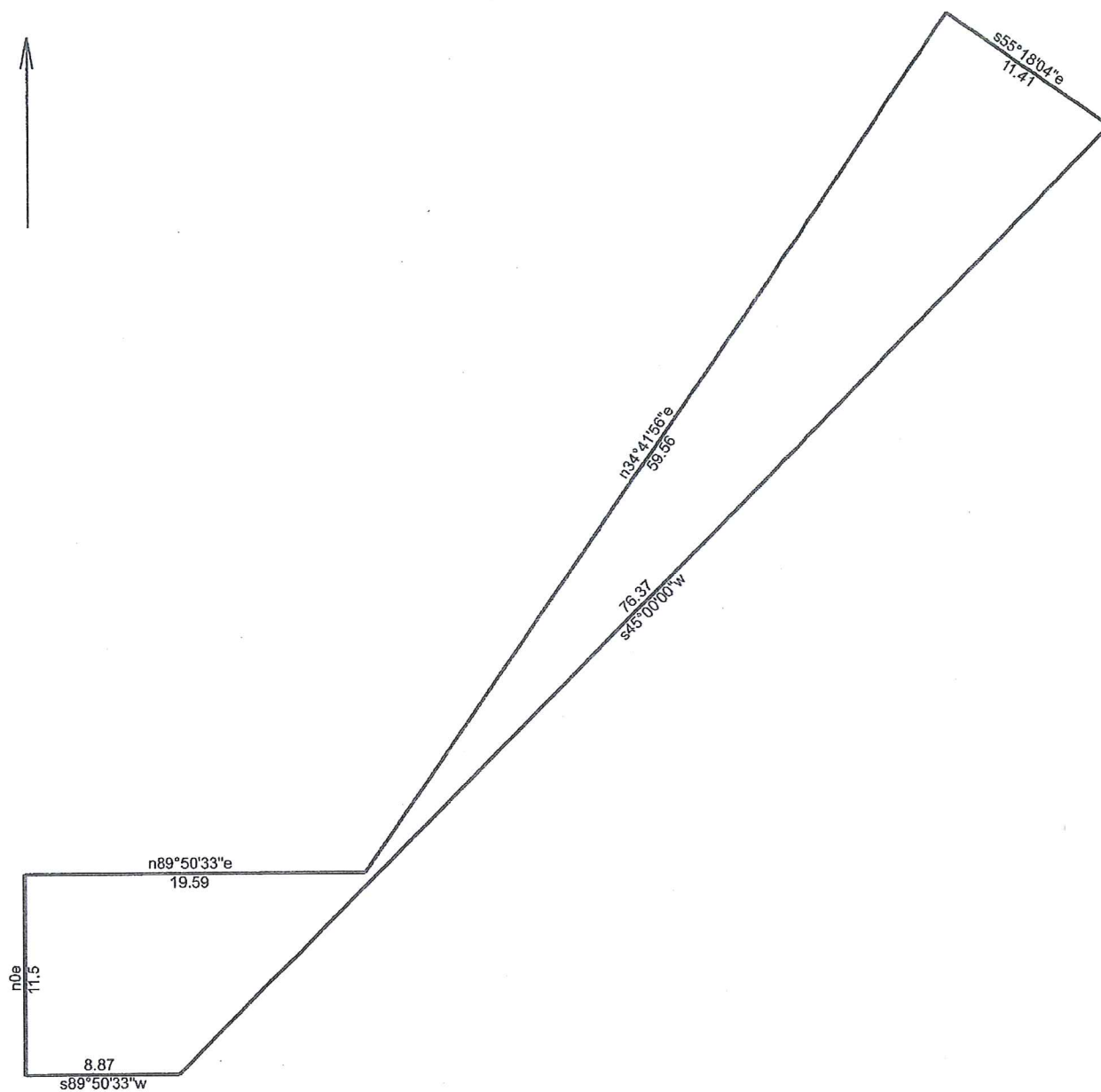
STATE OF _____)
) ss. _____
COUNTY OF _____) By _____

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that ____ he ____ is the _____, of _____ Redevelopment agency of Sandy City _____, a municipal corporation of the State of Utah, and that the within and foregoing instrument was signed in behalf of said municipal corporation by authority adopted at a regular meeting of the _____ held on the _____ of _____ A.D. 20 ____, and said acknowledged to me that said municipal corporation executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Prepared by: (AJC) Meridian Engineering, Inc. 01F - 9/13/2017 CITY RW-07CY (11-01-03)



Parcel 128:A

9/7/2017

Scale: 1 inch= 9 feet

File: 15998_F-0209(45)8_01F_128_A_DeedPlot.ndp

Tract 1: 0.0121 Acres (525 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/43118), Perimeter=187 ft.

01 /n0e 8.85

07 s89.5033w 8.87

02 n0e 11.5

03 n89.5033e 19.59

04 n34.4156e 59.56

05 s55.1804e 11.41

06 s45.0000w 76.37

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement (City)

Salt Lake County

Tax ID No.	28-06-180-001
PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:E

Redevelopment agency of Sandy City, a Utah political subdivision, a Municipal Corporation of the State of Utah Grantor(s), hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property, in Lots 2-5 of Block 17, Sandy Station, a subdivision recorded as Entry No. 73796, Book C, Page 110 of plats, in the SW1/4 NW1/4 of Section 6, T.3S., R.1E., S.L.B.&M., in Salt Lake County, Utah, for the purpose of roadway improvements, side treatments and appurtenant parts thereof and blending slopes incident to the construction of the existing highway State Route 209 known as Project No. F-0209(45)8. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the westerly boundary line of said entire tract 8.85 feet North and 11.50 feet North from the Southwest Corner of said Block 17, said point is also 65.50 feet perpendicularly distant northerly

Continued on Page 2
CITY RW-09CY (11-01-03)

PAGE 2

PIN No.	15998
Project No.	F-0209(45)8
Parcel No.	0209:128:E

from the control line of said project opposite approximate engineer station 136+93.66; and running thence North 62.50 feet along said westerly line to a line parallel with and 128.00 feet perpendicularly distant northerly of said control line; thence N.89°50'33"E. 60.67 feet along said parallel line; thence S.59°59'03"E. 16.36 feet to the southeasterly line of said entire tract; thence S.45°00'00"W. 16.91 feet along said southeasterly line; thence N.55°18'04"W. 11.41 feet to a line parallel with and 20.00 feet perpendicularly distant northwesterly from the East Jordan Canal control line opposite engineer station 2+46.00; thence S.34°41'56"W. 59.56 feet along said parallel line to a line parallel with and 65.50 feet perpendicularly distant northerly from the control line of said highway opposite engineer station 137+13.25; thence S.89°50'33"W. 19.59 feet along said parallel line to the point of beginning. The above described part of an entire tract of land contains 2,785 square feet or 0.064 acre in area, more or less.

(Note: Rotate all bearings in the above description 00°18'04" counter-clockwise to obtain highway bearings.)

Continued on Page 3
CITY RW-09CY (11-01-03)

PAGE 3

PIN No. 15998
Project No. F-0209(45)8
Parcel No. 0209:128:E

IN WITNESS WHEREOF, said _____ Redevelopment agency of Sandy City _____ has caused this instrument to be executed by its proper officers thereunto duly authorized, this ____ day of _____, A.D. 20 ____.

STATE OF _____)
) ss. _____
COUNTY OF _____) By _____

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that they are the _____ of _____ Redevelopment agency of Sandy City _____, a municipal corporation of the State of Utah, and that the within and foregoing instrument was signed in behalf of said municipal corporation by authority adopted at a regular meeting of the _____ held on the _____ of _____ A.D. 20 _____, and said acknowledged to me that said municipal corporation executed the same.

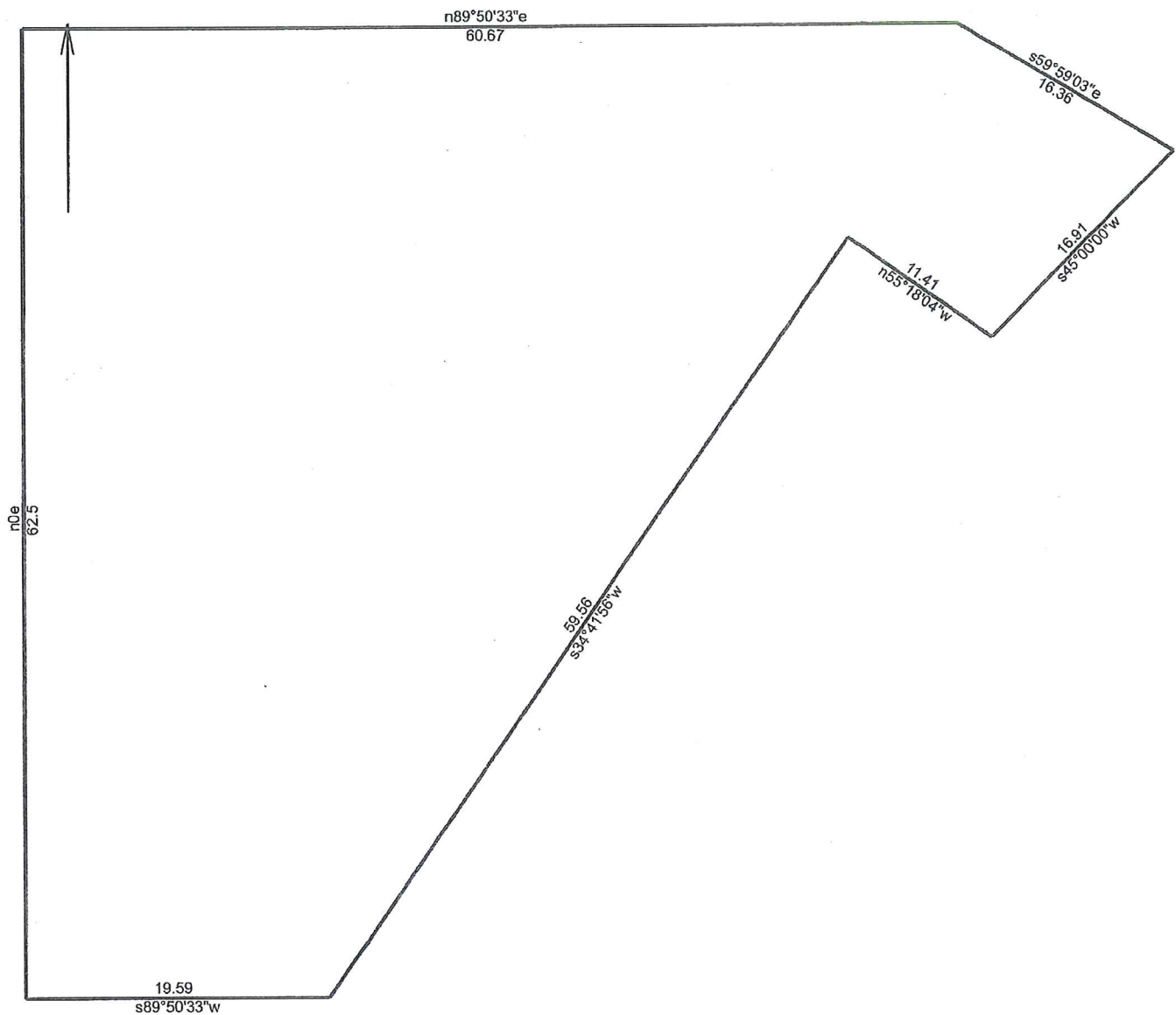
WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Prepared by: (AJC) Meridian Engineering, Inc.

01F - 9/7/2017

CITY RW-09CY (11-01-03)



Parcel 128:E

9/12/2017

Scale: 1 inch= 10 feet

File: 15998_F-0209(45)8_01F_128_E_DeedPlot.ndp

Tract 1: 0.0639 Acres (2785 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/99078), Perimeter=247 ft.

01 /n0e 8.85

08 s34.4156w 59.56

02 /n0e 11.5

09 s89.5033w 19.59

03 n0e 62.5

04 n89.5033e 60.67

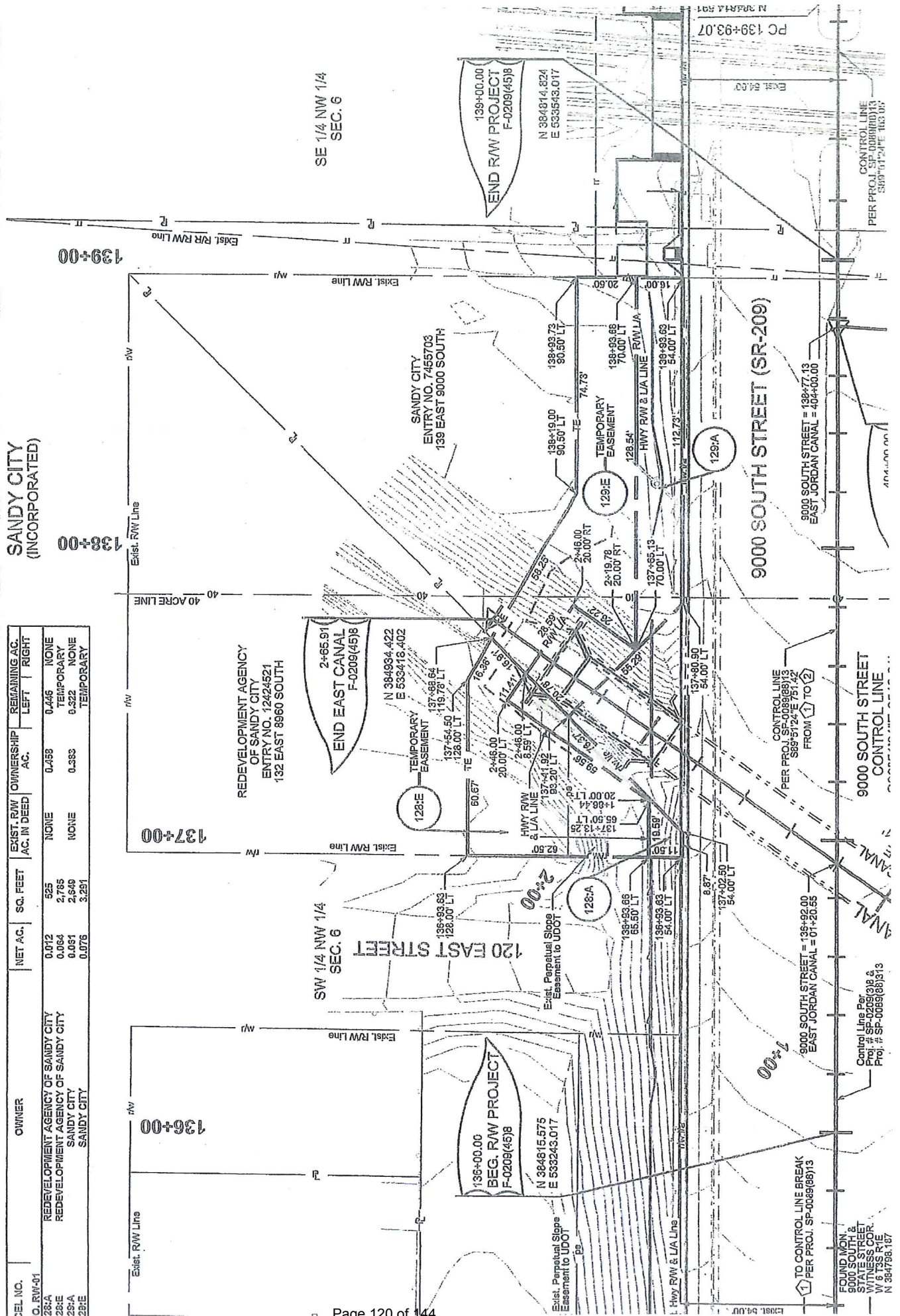
05 s59.5903e 16.36

06 s45.0000w 16.91

07 n55.1804w 11.41

SANDY CITY (INCORPORATED)

CEL NO.	OWNER	NET AC.	SQ. FEET	EXIST. R/W OWNERSHIP AC. IN DEED	REMAINING AC. LEFT RIGHT
28-A	REDEVELOPMENT AGENCY OF SANDY CITY	0.012	525	NONE	0.446 NONE
28-E	REDEVELOPMENT AGENCY OF SANDY CITY	0.064	2,785	NONE	0.522 TEMPORARY
29-A	SANDY CITY	0.081	2,549	NONE	0.522 NONE
29-E	SANDY CITY	0.076	3,291	NONE	0.522 TEMPORARY



REDEVELOPMENT AGENCY OF SANDY CITY, UTAH

Resolution No. RD 18-02

A RESOLUTION AUTHORIZING THE EXECUTION OF A TAX INCREMENT PARTICIPATION AGREEMENT WITH ST MALL OWNER, LLC, RELATING TO A COMMUNITY MURAL PROGRAM AT THE SHOPS AT SOUTH TOWN.

WHEREAS the Redevelopment Agency of Sandy City (the “Agency”) has been created by the Sandy City Council to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, “Limited Purpose Local Government Entities—Community Reinvestment Agency Act” (the “Act”);

WHEREAS, the Agency, in furtherance of the purposes of the Act and the Project Area Plan for the City Center (South Towne) Redevelopment Project Area (the “Project Area”), desires to enter into a Tax Increment Participation Agreement (the “Agreement”), substantially in the form attached hereto as **Exhibit A**, in connection with a community art program at the Shops at South Town.

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE REDEVELOPMENT AGENCY OF SANDY CITY:

1. The community art program described in the Agreement will be a benefit to, and will encourage and promote commercial activity and redevelopment in the Project Area and surrounding community.

2. The Agreement in substantially the form attached hereto as **Exhibit A** is approved, and the Executive Director of the Agency is authorized and directed to execute the same for and on behalf of the Agency. The Executive Director is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency’s best interest and consistent with the intent and purposes of the Agreement, subject to final approval by the Agency’s legal counsel, and the Executive Director’s signature upon the final Agreement will constitute the Agency Board’s acceptance of all such minor modifications, amendments, or revisions.

3. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this February 13, 2018.

Linda Martinez-Saville, *Chair*

Attest:

Vickey Barrett, *Secretary*

Exhibit A

Form of Agreement

TAX INCREMENT PARTICIPATION AGREEMENT

This Tax Increment Participation Agreement (this "Agreement") is entered into as of February 13, 2018, between **ST Mall Owner, LLC**, a Delaware limited liability company (the "Company") and the **Redevelopment Agency of Sandy City**, a Utah political subdivision (the "Agency") as follows:

A. **WHEREAS** the Agency has adopted a Project Area Plan (the "Plan") for the City Center (South Towne) Redevelopment Project Area (the "Project Area"), which Plan, in connection with Utah Code Ann. § 17C-1-403, authorizes the Agency to collect and use tax increment for, among other things, the purposes of this Agreement.

B. **WHEREAS** the Company is the owner and operator of the Shops at South Town located within the Project Area, which generates tax increment revenues that are diverted to the Agency under the Plan and as provided in Utah Code Ann. § 17C-1-403 (2017).

C. **WHEREAS** the Company has created a Community Mural Program (the "Program") for the Shops at South Town and has provided the Agency (c/o Sandy City) with a proposal for co-operative public art funding in connection with that Program. A copy of the proposal is attached as **Exhibit 1** (the "Proposal").

D. **WHEREAS** the Agency wants to participate in the Program on the terms set forth in this Agreement, by providing certain tax increment payments for use in the Program.

AGREEMENT

1. **Tax Increment.** This Agreement refers to "tax increment" which is a term defined by Utah Code Ann. § 17C-1-102(60) (2017). The term tax increment has the same meaning as defined by that statute (as amended, replaced or superseded from time to time). The parties acknowledge that tax increment generally refers to the additional *ad valorem* tax revenues generated by the increase in value of taxable real and personal property within the Project Area resulting from new development and improvements on real property located within the Project Area. Under the Plan, the Agency is entitled to collect tax increment from the Project Area as provided in the schedule under Utah Code Ann. § 17C-1-403(2)(a) (2017).

2. **Program Operation and Funding.** The Company is solely responsible for all the costs, efforts and responsibilities for or in connection with the Program. However, subject at all times to the Company complying with all of the Company Commitments under Section 3 *below*, the Agency will participate with the Company in financing the Program solely by paying tax increment in a maximum amount of \$85,000.00 (the "Maximum Participation Amount") to the Company for expenses actually owed by the Company in connection with the Program, as follows: The Agency will match any payment, dollar for dollar, expended by the Company. Each time the Company pays any amount in connection with the Program (consistent with the Proposal and this Agreement), the Company may submit proof of payment, or proof of the obligation owed along with proof that the Company will pay one-half, to the Agency Secretary. The Agency will issue a check for a matching

contribution. This process will continue until the Agency has expended the Maximum Participation Amount.

3. **Company Commitments.** Each of the following is a "Company Commitment" and the failure of the Company to comply with any one of these Company Commitments will constitute a material breach of this Agreement:

- a. The Company will operate the Program substantially as described in the Proposal.
- b. The Company will not permit any political, religious, obscene, pornographic, offensive, discriminatory, or illegal content to be produced or maintained under the Program.
- c. The Company will cause a selection committee, consisting of an even number of people at least four but no more than ten, to be created for the selection of all of the artists, and the theme and nature of the murals and content, in the Program. The Agency's Executive Director will appoint one-half of the members of the selection committee, and the Company will cause those appointments to be carried out. The Company may appoint the remaining one-half members of the selection committee. A simple majority vote of the selection committee will be the final decision on all matters relative to commissioning artists and approving content for the Program, subject at all times to the requirements of this Agreement. The Company will not permit any artist to work in the program, or any content to be created in the Program, unless the selection committee has approved first.

4. **Agency Authority.** The Company acknowledges that the Agency is a political subdivision of the State of Utah operating and existing under Title 17C of the Utah Code Ann., separate and distinct from Sandy City, for the purpose of, among other things, promoting the urban renewal, economic development and community development in the City. The Company acknowledges that Sandy City is not a party to this Agreement and Sandy City will not have any duties, liabilities or obligations under this Agreement. The Company understands that the Agency has no independent taxing power, and therefore the Agency's sole source of revenue under this Agreement is tax increment paid as provided under the Plan as permitted by Utah law. If Utah law is amended or superseded by new law that has the effect of reducing or eliminating the amount of tax increment revenue to be paid to the Agency under the Plan, the Agency's obligation to pay tax increment to the Company will be accordingly reduced or eliminated. Similarly, if a court of competent jurisdiction declares that the Agency cannot receive tax increment under the Plan, or make payments to the Company from tax increment revenues as provided in this Agreement, or takes any other action which eliminates or reduces the amount of tax increment revenues paid to the Agency from the Project Area, the Agency's obligation to pay any tax increment to the Company will be accordingly reduced or eliminated. The Agency will use commercially reasonable efforts to maintain its right to collect tax increment under the Plan.

5. **Agreement Term/Breach/Termination.** This Agreement will automatically terminate and expire upon payment of the Maximum Participation Amount. This Agreement may also be terminated earlier as follows: Upon the material breach of this Agreement by either party, the non-breaching party may provide notice to the breaching party. The breaching party will have 30

days to cure the breach, and if the breach is not timely cured, the non-breaching party may then terminate this Agreement by providing final notice to the breaching party.

6. **Successors and Assigns.** This Agreement is binding upon the parties and their respective successors and assigns. Neither party may assign its rights or obligations under this Agreement without the advance written consent of the other party.

7. **Amendments.** Except as otherwise provided herein, this Agreement may be modified or amended by, and only by, a written instrument duly authorized and executed by the Company and the Agency.

8. **Governing Law and Interpretation.** This Agreement will be governed by the laws of the State of Utah, and any action pertaining to this Agreement must be brought in the applicable state or federal court having jurisdiction in Salt Lake County, Utah.

9. **Integrated Agreement.** The above recitals, and any attached exhibits, are incorporated into and made an integral part of this Agreement. This Agreement constitutes the entire agreement of the parties with respect to the subject matter addressed. There are no other contracts or agreements, written or verbal, between the parties relating in any way to the subject matter of this Agreement. No party is relying on any verbal or written statements of the other than those expressly set forth in this Agreement. If there are any conflicts between the provisions in the body of this Agreement and the Proposal attached as **Exhibit 1**, the provisions in the body of this Agreement prevail.

10. **Further Assurances.** The parties will cooperate, take such additional actions, sign such additional documentation, and provide such additional information as reasonably necessary to accomplish the objectives set forth in this Agreement.

11. **Indemnification.** The Company will indemnify, defend—with counsel of the indemnitee's choosing—and hold the Agency and Sandy City, including their respective officers, directors, agents, employees, contractors, and consultants, harmless from and against all liability, loss, damage, costs or expenses, including attorneys' fees and court costs, arising from or as a result of death, injury, accident, loss or damage of any kind caused to any person or property arising out of or relating in any way to the Program or arising out of or in connection in any way with this Agreement, except in each case to the extent arising out of the gross negligence or willful misconduct by the Agency or Sandy City, including their respective officers, directors, agents, employees, contractors, and consultants.

12. **Third-Party Beneficiaries.** Except for Sandy City which is an intended third-party beneficiary as described in the immediately preceding paragraph regarding indemnification, this Agreement is intended solely for the benefit of the Agency and the Company and there are no intended third party beneficiaries.

13. **No Liability of Officials or Employees.** No director, officer, agent, employee, or consultant of the Agency or the Company is or will be personally liable to the other party hereto, or any successor in interest, in the event of any default or breach by the Agency or Company or for any amount which may become due to the Company or its successors or on any obligations under the

terms of this Agreement.

14. **No Legal Relationships.** The parties disclaim any partnership, joint venture, fiduciary, agency or employment status or relationship between them. No party has the authority to make any representation or warranty or incur any obligation or liability on behalf of the other party, nor will they make any representation to any third party inconsistent with this paragraph.

THIS TAX INCREMENT PARTICIPATION AGREEMENT IS EXECUTED effective as of the day and year first above written, by:

ST MALL OWNER, LLC

By: _____
Name: Gary Karl
Title: COO

REDEVELOPMENT AGENCY OF SANDY CITY,
a Utah political subdivision

By: _____
Kurt Bradburn, *Executive Director*

Attest:

Vickey Barrett, *Secretary*



The Shops at South Town, Sandy Utah

Community Mural Program

Formal proposal for co-operative public art funding project with
The City of Sandy

November 2017

November 29, 2017

SUBJECT: Proposal for Request of Funds for Public Art Mural and Building Beautification Program

Dear Nick Duerksen, Vickey Barrett and Members of the City Council,

The Shops at South Town, together with Pacific Retail Capital Partners, is pleased to present this proposal for your review. We look forward to partnering with you to provide a much-needed exterior paint project at The Shops at South Town. Currently, the facade is drab and everything but visually stimulating. By working together, alongside the community, we can utilize the shop's blank walls as public art murals for increased visibility and community engagement; promote art and culture in Sandy, Utah and celebrate the unique location as base-camp to the Wasatch Mountains. Sandy and the Salt Lake City area has a vibrant arts community, therefore, by investing into this program and by transforming existing facade walls at The Shops at South Town into public art murals, we will provide a sense of community, enhance the aesthetics and develop local artists.

We have seen measurable success at another one of our assets, Eastridge Center in San Jose, CA and we are now seeking to expand our efforts within the City of Sandy at The Shops at South Town. Our proposal requests fifty percent of the \$170,000 in funding needed to obtain and pay the artists, purchase supplies, market the community call for artists program and document the process. In addition to the \$85,000 in funding, we are seeking the city's efforts to help bring the community of Sandy together and help support and promote our efforts to bring a positive art project to an ever growing and evolving city. It is important to note that through this program, one of the artists chosen will be local, as we believe it is important to keep the arts alive within the community.

We appreciate the City of Sandy taking an interest in participating with The Shops at South Town to develop public art and we look forward to speaking with you soon regarding launching the mural program in town.

Thank you,



Najla Kayyem
Senior Vice President
Pacific Retail Capital Partners
760.333.9451
NKayyem@PacificRetail.com

THE IDEA

The Shops at South Town Team in conjunction with Pacific Retail Capital Partners, propose to improve and enhance the look and feel of the facade with a visually engaging artistic mural series. The proposal's aim is to utilize the shop's blank walls as public art murals for increased visibility and community engagement; promote art and culture in Sandy, Utah and celebrate the unique location as base-camp to the Wasatch Mountains.

This project will be managed by The Shops at South Town, PRCP and the city of Sandy and will place a public call for local artist starting on December 15th. It is intended that the South facade hosts a professional mural, on the blank section, as well as the corner adjacent walls (see below for layout). The ideas will be developed by professional artists and approved by PRCP and the city actively seeing participation for a community wall.

GOALS AND OBJECTIVES:

The goal of the public mural project is to take what is currently a monotonous looking exterior and turn it into a visually stimulating, charming and artistic backdrop creation; creating a true sense of place.

The main objectives include:

1. to create memorable places and a bold visual impact from a distance
2. to provide "Instagrammable" photo moments for millennials, tourists and locals of the area.
3. to display the talents and work of local and professional artists
4. to generate a bold visual impact that engages the public and celebrate Sandy's location at the foothill of the Wasatch Mountains.
5. To develop a Public/Private collaborative art partnership

TIMELINE:

ACTIVITY	TIMING
Artist Selection: Felipe Pepantone – develop agreement and determine design for professional mural box	12.31.17
Community Artist – Call for artist: one local artist to be commissioned to paint the JCPenney wall portion	12.15.17 – 1.31.17
Project Schedule – Determine Final Timeline	12.15.17
Community Artist Landing Page Website	12.15.17
Installer – Identify the Contractor	12.31.17
Obtain all funding requests	1.15.17
PRCP/City of Sandy – Pick Local Muralist	2.1.17
Secure Mural Agreements	Feb 2018
Painting Service Contract	Feb 2018
Documentation – Video/Photographer/Reel	3.1.18
Paint Murals	3.1.18

PUBLIC ART MURAL PROJECT:

DESCRIPTION	PRICE
(1a) Forever 21	
(1b) Forever 21	
(2) Dining Terrance Patio Wall	
(3) JC Penney	
TOTAL:	\$170,000

Requested project funding by the City of Sandy - \$85,000

Balance of project to be funded by The Shops at South Town - \$85,000

ORGANIZATION INFORMATION

Below is a detailed layout of where the murals will be installed and a brief biography and design samples from artists under consideration.

Theme: a bold visual impact that engages the public and celebrates Sandy's location at the foothill of the Wasatch Mountains.

Location (as labeled in budget)

1a, 1b & 3:

ARTIST MURAL / EXISTING CONDITIONS



1_FOREVER 21 EXTERIOR WALLS,
ARTIST MURAL



2_JCPENNEY EXTERIOR WALL, ARTIST MURAL

1a (Professional Artist – Felipe Pepantone)

ARTIST MURAL / FOREVER 21_1

THE SHOPS AT SOUTHTOWN

1b



The Information shown in this document is based on existing drawings. This exhibit is strictly diagrammatic. It is intended for the purpose of indicating estimated overall heights and lengths of proposed artwork wall coverage. It is recommended that the Artist field verify all dimensions and conditions prior to commencing work.

ARTIST MURAL / FOREVER 21_2

THE SHOPS AT SOUTHTOWN



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TOTAL AREA: 4,525 SF



ARTIST SPOTLIGHT:

Felipe Pepantone

Instagram Followers: 145K Followers

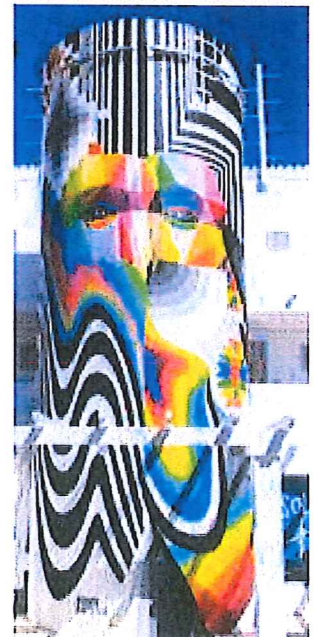
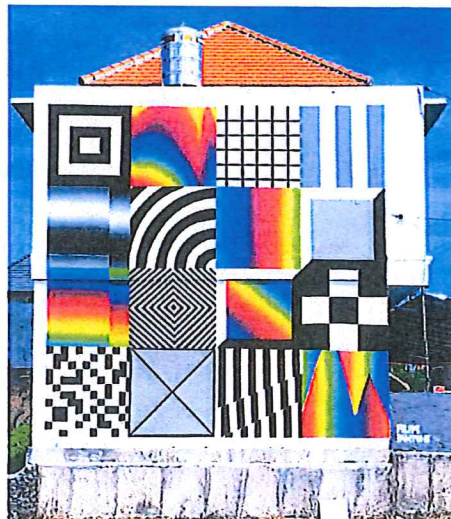
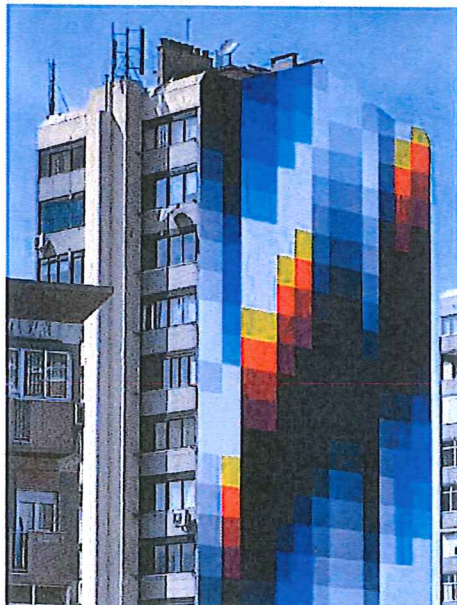
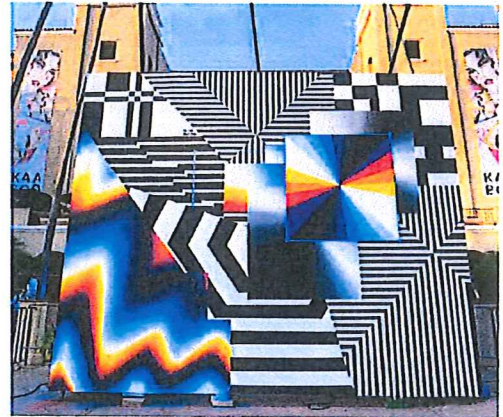
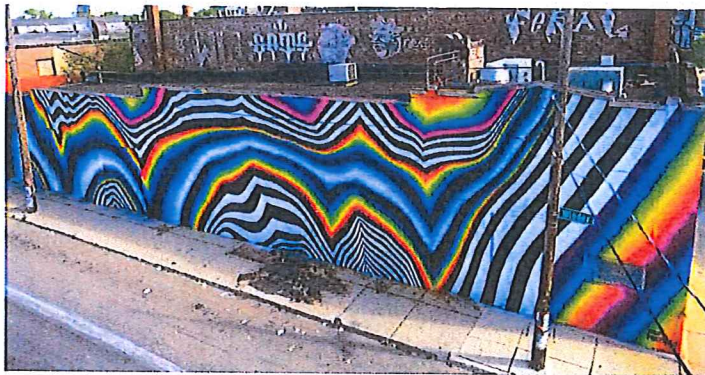
<https://www.felipepantone.com/publicart>

Felipe will be painting 1a and 1b (Forever 21)

ARTIST BIO: Felipe Pantone is an Argentinian-Spanish artist. He started doing graffiti at the age of 12. He graduated with a Fine Art degree in Valencia, Spain where his studio is based. Felipe travels the world ceaselessly with his art. His work has been exhibited all over Europe, America, Australia, and Asia.

Artistic Vibe: "Felipe Pantone's work is at the cutting edge of street art. Straddling conventional graffiti, typography and abstraction, his work fuses bold elements of graphic design with highly evolved geometric shapes to create an ultra-modern aesthetic which complements and reacts with the stark modernity of our cityscapes. Drawing on our concerns of the digital age and the speed at which technology is developing, Pantone's art is like looking several light years ahead into the future and discovering a new language in which to communicate."

Samples of Felipe's work:



2 (Professional Artist Section)

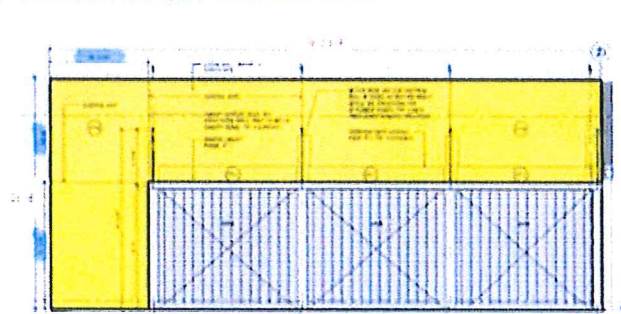
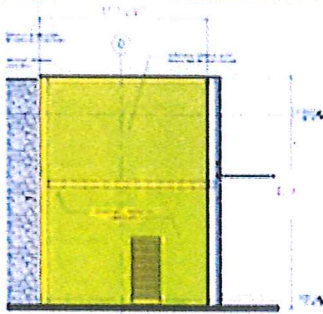
ARTIST MURAL / FOOD COURT

THE SHOPS AT SOUTHTOWN



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TOTAL AREA: 1,174 SF



3 (Community Artist Wall)

ARTIST MURAL / JCPENNEY

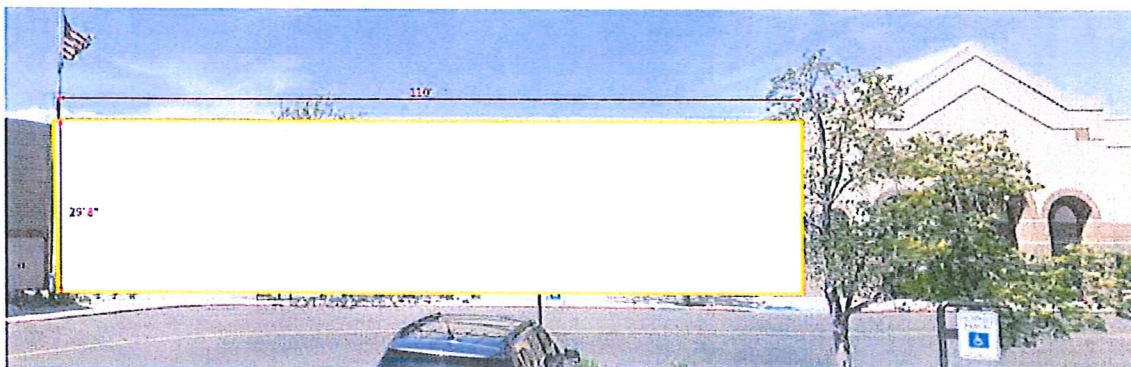
THE SHOPS AT SOUTHTOWN



The information shown in this document is based on existing drawings. This exhibit is strictly diagrammatic. It is intended for the purpose of indicating estimated overall heights and lengths of proposed artwork wall coverage. It is recommended that the Artist field verify all dimensions and conditions prior to commencing work.

NOTE: PRCP to confirm proposed mural location with JCP

TOTAL AREA: 3,263 SF

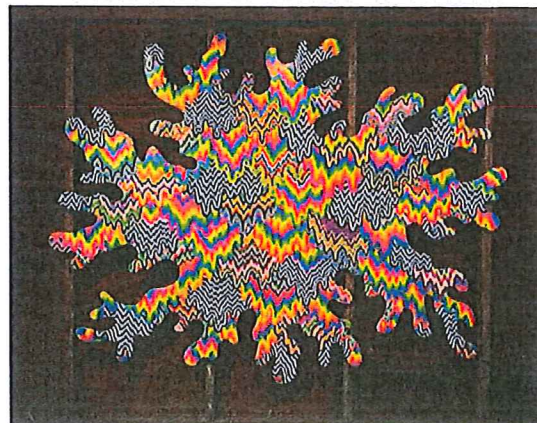


ALTERNATE ARTIST OPTIONS:

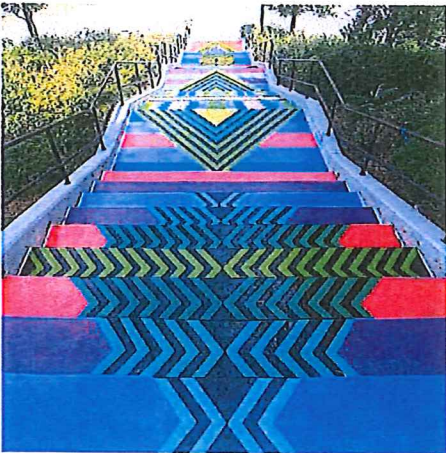
David Flores: <http://www.ba-reps.com/murals/david-flores/portfolio>



- Jen Stark: <http://www.jenstark.com/public-art-1/>



- Jessie and Katey: <http://www.jessieandkatey.com/>



COMMUNITY CALL FOR ARTISTS:

A landing page has been developed to facilitate a call for local artists within the community. Artists will be able to view project goals, specifications, and objectives and will submit an application for review by the City of Sandy representatives and Pacific Retail Capital Partners.

THE SHOPS AT
SOUTH
TOWN

HOME STORES SHOP DEALS EVENTS CENTER INFO BLOG

Community Call For Artists

Art Mural Projects at The Shops At South Town

The Shops at South Town and the City of Sandy are dedicated to fostering community collaborations and partnerships. Recently, The Shops at South Town completed Phase I of a modernization renovation. With the addition of Round 1 Bowling and Entertainment this coming spring, the completed phase has allowed the Shops at South Town to become the center of Sandy, living, equipped with technology, entertainment, retail, restaurants and beautifully inviting modern spaces for the community to connect throughout the year.

We believe the series of spaces will provide a vibrant and eclectic, local community gathering space and a unique open space experience. It will also help to create an attractive, walkable, vibrant and safe pedestrian perimeter of the shops.

eligibility

Any artist or team of artists who wish to create a public mural project, to be completed by July 2018. Submissions are due to the artist by January 25, 2018 at info@shopsatouthtown.com.

goals

- Create a piece of public art that enhances and reflects the spirit of Salt Lake and the Corbin project.
- Engage our local artist community through volunteer participation, meet the artist opportunities, demonstrations, etc.
- Select a dedicated and qualified artist or artist team that can demonstrate a artistic excellence while completing this project on time and within budget.

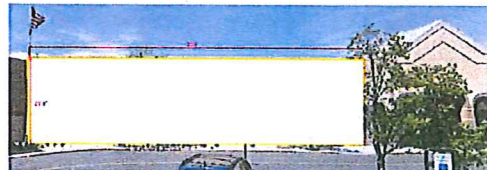
location

There are a series of spaces designated for this mural program. Dimensions and locations of applicable walls are included in the attached documents. The wall have various sizes. The surface material is brick at the JC Penney wall. Artists should submit what look good is preferred and what should be painted only or base painted in a specific color. The base paint/prime will not be part of the artist budget.

specifications

Mural to be completed on the JC Penney outlined wall shown below. You'll be a great company with amazing artist from around the country.

JC Penney wall - 3,263 sq. ft. of creative artist space to work and create on!



- Click the Mural Application button below and complete the form on the next page.
- Upload a Video to Facebook and check into The Shops at South Town on Facebook, in the video highlight why you should be chosen. Include who you are, where you come from, how long you lived in the area, examples of past works, and your vision for the project. Include a link to the video in the form on the next page. Best Video will win \$1000! A narrative and design illustrating the concept is required for each submission. Include as much supplemental information such as medium, paint type and timeline for completion.
- All components must be in digital format for submission renderings (which may be completed with digital media or by hand and scanned), to be included as a link in the Application Form or sent via dropbox to info@shopsatouthtown.com.
- The budget should include the artist(s) fee, supplies, travel related expenses, and other associated costs including insurance.
- Supporting materials, including images and reviews of previously completed works, are required. Examples should describe size, materials, cost, and location of other public works. References for earlier projects are encouraged.

policies

Artists will retain the ownership of design ideas submitted with this application until a selection has been made and contract signed between the artist and The Shops at South Town. At the time a contract is awarded, the ownership of the design and the artwork produced, in this case the public/private art mural project, will become the property of The Shops at South Town and The City of Sandy.

Pacific Retail, Center and community members will be solicited to discuss and give their opinions on the design which best fits The Shops at South Town and The City of Sandy representatives. The final selections will be made by the shopping center's executive team.

Financial compensation and insurance for completion of the mural will be made in accordance with the agreed upon contract between the artist(s) and the shopping center. A suitable Artist Maintenance Plan must be submitted. A sample maintenance plan is included for reference.

APPLICATION AND SAMPLE ARTIST MAINTENANCE PLAN

TIMELINE

February 15th
Submission Deadline
February 25th
Artists chosen
February 27th
Wall Primed / Base Coat Painted
March 1st
Artists Commence Painting
March 25th
Artists Complete Mural

YOUR CREATION HERE

SUCCESS IN THE PAST

Recently, Pacific Retail Capital Partners has completed the world's largest collection of outdoor murals on a shopping center, and the only public art project of its kind at Eastridge, in San Jose, CA. The 20,000 square feet of murals features four carefully curated California artists – CYRCLE, Brendan Monroe, Lila Gemellos (local to San Jose) and Aaron De La Cruz. Much like the Shops at South Town, there wasn't much facade to be desired at Eastridge. A four-point mural project was completed to not only make the blank walls of Eastridge come to life, but also to bring the community together. These murals now act as a meeting spot for a quick bite to eat or a tranquil place to relax after a long day of shopping. The Eastridge murals replaced dull and sterile walls with positive and vibrant street art which had a distinctively 'local' feel. These depictions have been displayed and celebrated all over social media and featured in various publications. See below for photos of the success Eastridge found in this project!



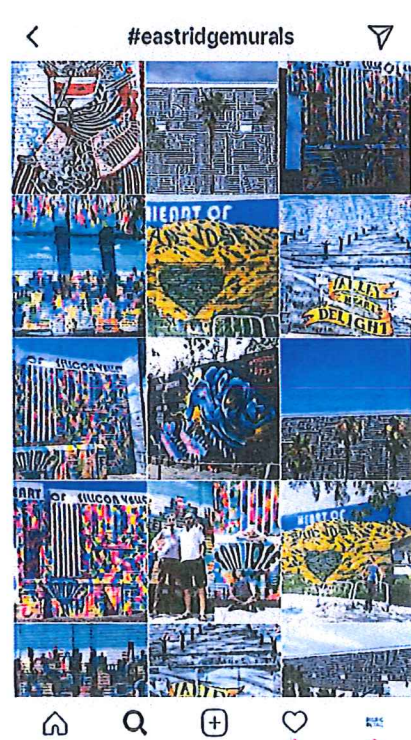
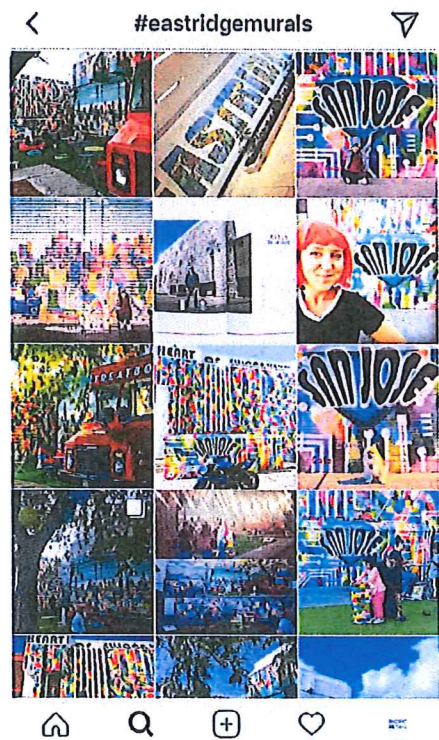
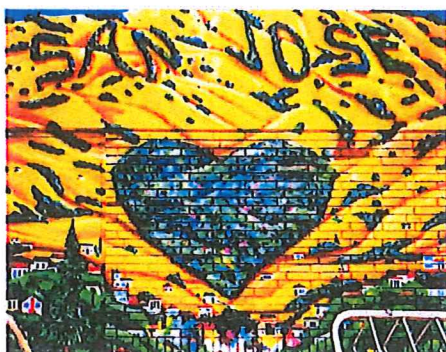
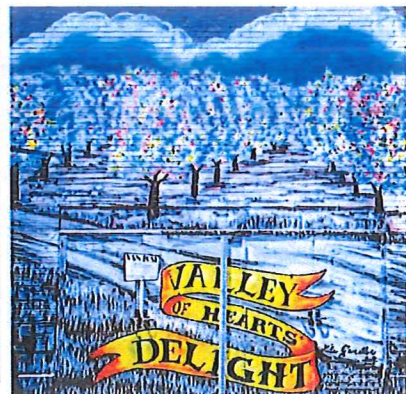
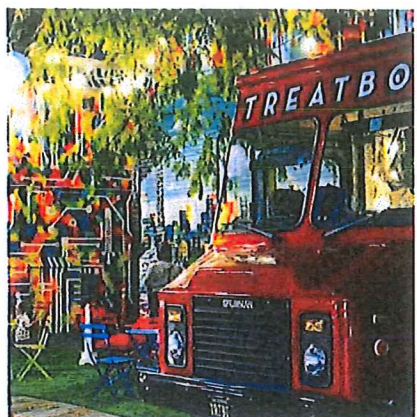
Overview Video:

<https://youtu.be/RxmbZI5tG8E>

Artist Videos:

1. <https://youtu.be/7F-Qvb4E-J8>
2. <https://youtu.be/eRM5nql6-pl>
3. <https://www.youtube.com/watch?v=LJIHZ8Pevk>
4. <https://youtu.be/SWmT82oCTBo>

#EastridgeMurals



Meeting of the Redevelopment Agency of Sandy City

December 19, 2017

City Council Chambers, Sandy City Hall
10000 South Centennial Parkway, Sandy, Utah

MINUTES

Present: Present: Chairman Chris McCandless, Scott Cowdell, Maren Barker, Steve Fairbanks, Linda Martinez Saville. Kristin Coleman-Nicholl – via telephone.

Absent: Steven P. Smith

Mayor: Tom Dolan - Absent

Others in Attendance: CAO Scott Bond, Assistant CAO Shane Pace, Economic Development Director Nick Duerksen, Economic Development Project Manager Kasey Dunlavy; Public Works Director Mike Gladbach, Fire Chief Bruce Cline, City Attorney Rob Wall, City Civil Attorney Josh Chandler, Parks & Recreation Director Scott Earl, Gardner Companies John Bankhead, Council Office Director Mike Applegarth, Council Office Analyst Dustin Fratto.

1. Motion was made by Mr. Fairbanks to recess the meeting of the City Council and convene the Sandy City Redevelopment Meeting. Mrs. Saville seconded the motion with all voting “yes”.

The Redevelopment Agency Meeting commenced at 5:15 p.m.

2. Gardner Building 2 design presentation.

Nick Duerksen reminded the Board that as per the purchase sale agreement with Gardner Companies, the concept designs of the buildings need to be presented and approved by the RDA Board. Also on the agenda, the RDA Board has the ability to move forward on the participation agreement for the parking structure as required on the PSA which was approved back in August.

Nick indicated that the Architecture Review Committee has seen the concept and design plans. Next would be for the Board to approve the concept and design of the buildings. Nick introduced John Bankhead with Gardner Companies who gave a presentation on the concept and design for the new buildings. He stated that this project is a companion project, the 2nd phase to the MACU project on Monroe Street. This project is comprised of 3 components, an 11 story office building (308,000 sq. ft.), a parking structure for the office building, and along the front of the parking structure fronting Monroe Street, apartments attached to the parking structure.

Board members voiced concern regarding the apartments versus owner occupied, increased traffic and the height of the building. Nick said the previously approved PSA requires the building to be at least 250,000 sq. ft., which would be a minimum of 10 stories. Anything less and the PSA would need to be amended. John said they could easily remove the apartments and find another way to screen the parking structure. He also indicated through discussions with Hale and Mountain America regarding traffic impact, was that the infrastructure of Monroe Street has been planned long term to handle growth in the area.

Motion was made by Ms. Barker to deny the proposal to construct an 11 story building as presented by Gardner Company. Seconded by Mrs. Saville.

Vote: Yes: 2 - Maren Barker, Linda Martinez-Saville

No: 4 – Scott Cowdell, Kristin Coleman-Nicholl, Steve Fairbanks, Chris McCandless

Absent: Steven Smith

Motion Failed.

Motion was made by Mr. Cowdell to approve the 11 story structure without the residential component that will be brought back at a later date for further discussion. Mrs. Nicholl seconded the motion.

Vote: Yes: 4 - Scott Cowdell, Kristin Coleman-Nicholl, Chris McCandless, Steve Fairbanks.

No: 2 – Maren Barker, Linda Martinez-Saville

Absent: Steven Smith

Motion passed.

3. Adoption of RD 17-13. A Resolution of the Redevelopment Agency of Sandy City approving a Tax Increment Participation Agreement providing, generally, for tax increment funds to be used for reimbursement of the costs of construction of a parking structure on certain land located between Monroe Street and I15, just South of Sego Lily Dr., by the KC Gardner Company, L.C.

Nick Duerksen discussed the Tax Increment Participation Agreement (with Gardner Companies) indicating that this allows RDA participate on the parking structure. The agreement also allows Gardner to capture 85% of the tax increment they create on only their site between now and 2032 which is consistent with the other parking structures in the area. Chris McCandless asked what other entities are participating and at what level. Nick affirmed that all the other entities are participating at 60% for 10 years.

Motion was made by Mr. Fairbanks to adopt RD 17-13. A Resolution of the Redevelopment Agency of Sandy City approving a Tax Increment Participation Agreement providing, generally, for tax increment funds to be used for reimbursement of the costs of construction of a parking structure on certain land located between Monroe Street and I15, just South of Sego Lily Dr., by the KC Gardner Company, L.C.. Mrs. Saville seconded the motion.

Vote: Yes: 6 – Steve Fairbanks, Linda Martinez Saville, Scott Cowdell, Maren Barker, Kristin Coleman-Nicholl, Chris McCandless.

Absent: Stephen P. Smith

4. Approval of minutes for:
November 14, 2017
November 21, 2017

Mr. Fairbanks made a motion to approve the minutes for November 14, 2017 and November 21, 2017. Ms. Barker seconded the motion, with all voting “yes”.

Absent: Steven P. Smith

5. Motion to adjourn Redevelopment Agency Meeting: Mr. McCandless made a motion to recess the meeting of the RDA. Mr. Tenney seconded the motion, with all voting “yes”.

The meeting recessed at 6:00 p.m.

ATTEST:

Linda Martinez Saville – Chairman

Vickey Barrett – Secretary

Meeting of the Redevelopment Agency of Sandy City

December 28, 2017

City Council Chambers, Sandy City Hall
10000 South Centennial Parkway, Sandy, Utah

MINUTES

Present: Present: Chairman Chris McCandless, Scott Cowdell, Linda Martinez Saville, Steven P. Smith. Kristin Coleman-Nicholl – via telephone.

Absent: Maren Barker, Steve Fairbanks

Others in Attendance: CAO Scott Bond, Assistant CAO Korban Lee, Economic Development Director Nick Duerksen, Economic Development Project Manager Kasey Dunlavy, Hamilton Partners Bruce Bingham, Community Development Jared Gerber, Council Office Director Mike Applegarth, Council Office Analyst Dustin Fratto, Council Office Pam Lehman.

1. Motion was made by Mr. Cowdell to recess the meeting of the City Council and convene the Sandy City Redevelopment Meeting. Mrs. Saville seconded the motion with all voting “yes”.

The Redevelopment Agency Meeting commenced at 4:30 p.m.

2. Adoption of RD 17-14. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of a Tax Increment Participation Agreement with East Village Investments LLC relating to participation in a portion of the costs for certain extraordinary infrastructure improvements serving a new Transit Oriented Development within the TOD Community Development Project Area.

Nick Duerksen thanked the Board for allowing the special meeting.

Nick explained this participation agreement is with Hamilton Partners, a significant developer in the TOD/CDA project area. The agreement for tax increment is used for infrastructure, parking structures and other special development issues the project has. The agreement provides for 40% participation for Phase 1 of the project and the amount collected is from the net tax increment collected by the RDA. At the completion of Phase 2, this will be changed to 70 % participation. Building 4 is nearly complete and is the last building for phase 1. Phase 2 is additional residential but significant parking structures both for UTA transit parking and office space to be added in the project area.

This agreement is for the RDA to participate on the project with Hamilton Partners and the properties they control. The increment will only be from the increment they (Hamilton Properties) create. There are performance requirements included; a minimum sq. ft. of office space built, 350 minimum parking spaces for UTA parking. There is a cap of 12 million dollars for 20 years of participation. The project area creates RDA funds which have been identified for City projects that stem from improvements on Beetdigger Blvd., trail connection at the tunnel at the Trax stop, and storm water improvements at 10200 South.

Nick noted one correction needed when the motion is made: Section 1-b of the agreement Sandy Suburban Improvement District has been listed as a participant and they are not participating. This will need to be struck from the agreement.

Kris Nicholl asked what does the “extraordinary infrastructure costs” and “other costs” involve? Nick explained the “extraordinary costs” is the biggest and is for moving and relocating of the canal. The “other improvements” are primarily for roads, and to help offset gap financing on the structured parking for the office building and UTA parking requirements. Kris asked if they can appeal their tax assessment. Nick indicated they have the right to appeal and if the tax assessment were lowered, that would lower the amount of tax increment the RDA would collect and the amount the RDA would make available to them. Kris also asked what the Downtown Association is? Nick said there has been discussion about possibly creating a Downtown Association in the Cairns District sometime in the future. With this in mind, as part of any new participation agreements, language has been included that should a Downtown Association be created the RDA would look to them to participate as a member of the Association.

Scott Cowdell expressed concern regarding parking in high density areas. Nick responded saying parking is addressed in the zoning code as a requirement of their Planning Commission Approval. The TOD/CDA project area requires 300 parking stalls and there will be 480 public stalls available. Scott added that we (the City) need to be more in tune with the location of parking stalls for the public.

Steve Smith brought up that in RDA Resolutions for interlocal agreements, Section 1, authorizes the Executive Director to approve minor modifications, and amendments or revisions to the agreement. There currently is no tracking mechanism in place. Any changes made should be brought before the Board within 30 days of the change.

Motion was made by Mr. McCandless to approve RD 17-14. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of a Tax Increment Participation Agreement with East Village Investments LLC relating to participation in a portion of the costs for certain extraordinary infrastructure improvements serving a new Transit Oriented Development within the TOD Community Development Project Area, with 2 amendment's. The first amendment being to page 1, the paragraph below the “Now therefore”, add “, and to report to the Board within 30 days of said amendment”. Second amendment

made on page 106 of the agreement in definitions relating to Tax Increment, 1-b, striking “Sandy Suburban Improvement District” from the list of participating tax entities. Mrs. Saville seconded the motion.

Vote: Yes: 4 –Chris McCandless, Steven P. Smith, Linda Martinez Saville, Kristin Coleman-Nicholl.

No: 1 – Scott Cowdell

Absent: Maren Barker, Steve Fairbanks

3. Motion to adjourn Redevelopment Agency Meeting: Mr. Cowdell made a motion to recess the meeting of the RDA. Mr. Smith seconded the motion, with all voting “yes”.

The meeting recessed at 4:45 p.m.

ATTEST:

Linda Martinez Saville – Chairman

Vickey Barrett – Secretary