



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, January 8, 2019

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: <https://sandy.utah.gov/government/city-council/procedure-guidelines>. Public comment will be taken on all voting items. Each speaker is allowed one minute per voting item, except for noticed Public Hearings in which case each speaker is allowed three minutes. The Citizen Comment sections of the meeting are for issues not listed on the agenda. Each speaker is allowed three minutes to address the Council during Citizen Comments. If a citizen is unable to attend a meeting in person, he or she may provide written comments to the City Council Executive Director by 3:00 PM the day of the Council Meeting to have those comments distributed to the City Council and have them read into the record at the appropriate time.

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 Council Meeting

Roll Call

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Council Member Business

Mayor's Report

CAO Report

Legislative Report

Citizen Comments

Information Items

1. [19-002](#) Administrative Services Department recommending a presentation from Leanne Buehler of New Measures (independent survey administrator) reporting the results of the employee survey

Voting Items

Consent Calendar

2. [19-004](#) Approval of the December 4, 2018 Minutes.

Attachments: [December 4, 2019 Minutes.pdf](#)
3. [19-005](#) Approval of the December 11, 2018 Minutes.

Attachments: [December 11, 2018 Minutes.pdf](#)

Council Items

4. [18-471](#) Recess of City Council meeting and convene a meeting of the Sandy City Redevelopment Agency

Attachments: [Agenda Packet](#)
5. [18-472](#) Economic Development Department recommending the City Council adopt Resolution #19-01C. A Resolution of the Sandy City Council approving an Addendum to the Interlocal Cooperation Agreement with the Redevelopment Agency of Sandy City, which agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe Street and I-15, just South of Sego Lily Drive, from the City to the Agency.

Attachments: [2018.12.19 City Resolution Approving Add. 1 to ILA](#)
[2018.12.19 Add. 1 to ILA](#)
6. [18-474](#) Council Office recommending annually required Open and Public Meeting Act training.

Attachments: [Link to State Auditor training](#)
[David Church Discussion](#)
7. [18-465](#) Council Member Fairbanks proposing a change to the Sandy Legislative Code

Attachments: [Utah Code 10-3-502](#)
[Title 22 - Legislative Code Changes](#)

7:00 Time Certain Items and Public Hearings

Prayer / Pledge of Allegiance

Citizen Comments

Public Hearing(s)

8. [CODE-11-18-5564 CC](#) Architectural Review Committees - Amending a portion of Title 15A, Chapter 23-21(A) & (B), Central Business District & Automall, Land Development Code, Revised Ordinances of Sandy City, 2008

Attachments: [Staff Report.pdf](#)
[19-01.pdf](#)
[Exhibit A.pdf](#)

Adjournment



Staff Report

File #: 19-002, **Version:** 1

Date: 1/8/2019

Agenda Item Title:

Administrative Services Department recommending a presentation from Leanne Buehler of New Measures (independent survey administrator) reporting the results of the employee survey

Presenter: Leanne Buehler



Staff Report

File #: 19-004, **Version:** 1

Date: 1/8/2019

Approval of the December 4, 2018 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
Kristin Coleman-Nicholl, District 3
Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, December 4, 2018

5:15 PM

Council Chambers

5:15 Council Meeting

Per Utah Code Annotated 52-4-207 and City Council policy, Council Member Barker may be participating in the December 4, 2018 Council Meeting via telephone.

Roll Call

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Council Member Barker participated via telephone.

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy CAO Kim Bell
Deputy to the Mayor Evelyn Everton
Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Community Development Director James Sorensen
Planning Director Brian McCuiston
Facilities Manager Dave Goldhardt
Fire Chief Bruce Cline
Parks & Recreation Director Scott Earl
Police Chief William O'Neal
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

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth reviewed the Agenda Planning Calendar. He reference an e-mail received regarding Item #7 on the Agenda.

Council Member Business

Brooke Christensen reported on a Chamber Board Meeting.

Linda Martinez Saville thanked Nick Duerksen for a copy of a magazine referencing Sandy City. She thanked Chief Cline for the invitation to the Fire's Annual Banquet.

Chris McCandless presented a picture of deer on 106th South and 18th East and his concerns on illegal poaching. He spoke regarding the Central Wasatch Commission and formation of a Stake Holder Council. He invited everyone to his Christmas open house on Tuesday, December 11th.

Kris Coleman Nicholl suggested doing proactive education in September regarding the deer population.

Mayor's Report

Mayor Bradburn spoke about the employee luncheon and the appointment of Kim Bell as Deputy City Administrator.

CAO Report

Dave Goldhardt and Nick Duerksen reported on office construction in the multipurpose room for the move of the economic development staff. Nick also reported on potential construction of a boutique hotel.

Legislative Report

Evelyn Everton reported on a meeting of the Council of Governments and a scheduling of a legislative breakfast.

Citizen Comments

There were no comments.

Voting Items

1. [18-460](#) The Exchange Club of Sandy is requesting that the Council consider increasing funding for the 2019 Sandy Pride events

Attachments: [Sandy Pride Funding Request](#)
[XC 2017-2018 Programs of Service](#)
[Sandy Pride 2018 Presentation](#)

Barbara Alexander, Sandy Pride Chair made the presentation to the Council requesting an additional \$5,000 for Sandy Pride.

A motion was made by Chris McCandless, seconded by Linda Martinez Saville, to direct the Budget Officer to allocate \$5,000 additional to Sandy Pride... 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. [18-457](#) The Sandy City Council is recommending adoption of Resolution 18-64 C, a resolution of the City Council establishing the 2019 Annual Meeting Schedule.

Attachments: [Resolution 18-64 C](#)
[2019 Annual Meeting Schedule](#)

The July 30, 2019 meeting will not be cancelled in lieu of a cancellation of the July 23, 2019 meeting.

A motion was made by Kristin Coleman-Nicholl, seconded by Linda Martinez Saville, to adopt Resolution 18-64 C establishing the 2019 Annual Meeting Schedule... 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

3. [18-446](#) City Council Office recommending that the City Council elect a Chair and Vice Chair.

Council Member Nicholl was elected Chair.

Council Member Saville was elected Vice Chair.

4. [18-445](#) City Council Office recommending the Council make appointments of Council Members to serve as liaisons to various external organizations and special committees.

Attachments: [2019 Council Liaison Appointments Adopted](#)

Dustin Fratto presented the item to the Council

A motion was made by Kristin Coleman-Nicholl, seconded by Linda Martinez Saville, to adopt Resolution #18-57c with new appointments as prescribed by the Council.. 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

Steve Van Maren expressed concern about item #7

Meeting went into Recess

Meeting Reconvened

A motion was made by Kristin Coleman-Nicholl, seconded by Zach Robinson, 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

5. [18-454](#) Approval of the November 6, 2018 Minutes.

Attachments: [November 6, 2018 Minutes](#)

6. [18-453](#) City Council recommending the cancellation of the December 18, 2018 City Council Meeting per Resolution 18-65 C.

Attachments: [18-65 C canceling December 18, 2018 Meeting](#)

7. [18-447](#) City Council Office recommending adoption of Resolution 18-63C authorizing an increase in severance for the positions of Chief Administrative Officer, City Attorney, and City Council Executive Director.

Attachments: [Resolution 18-63C](#)

8. [18-439](#) City Council Office recommending that the Council make appointments to the Community Development Block Grant (CDBG) Committee

Attachments: [Don Gerdy](#)
[Julie Barrus](#)
[Wade Greenwood](#)
[Macleans Geojaia](#)

9. [18-440](#) City Council Office recommending that the Council make appointments to the Historic Committee

Attachments: [Jeff Smith](#)

10. [18-441](#) City Council Office recommending that the Council make appointments to the Public Utilities Advisory Board (PUAB)

Attachments: [Larry Bowler](#)

7:00 Time Certain Items and Public Hearings

Prayer / Pledge of Allegiance

Chairman Steve Fairbanks welcomed all those in attendance.

Thomas Howard offered the opening prayer.

Jameson Morzelewski, Colin Boyd, and Anthony Jennings, Cub Scout Troop, led the audience in the pledge.

Citizen Comments

Monica Zoltanski addressed the Council about an event on 12/8 at 11 AM in Bell Canyon Acres and suggested a budget stipend for newly elected Council Members next year.

Mike Applegarth noted that Maren Barker was no longer participating in the meeting. He took a new Roll Call with participating Council Members.

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

Time Certain Items

11. [18-459](#) Sandy City Fire Department's Badge Pinning/Swearing In Ceremony for recent promotions and new hires.
- City Recorder Wendy Downs administered the oath to new fire personnel. Chief Cline showed a video about the fire training academy.

Public Hearing(s)

12. [CODE-07-18](#) Cairns Design Standards - Amend Title 15A, Land Development Code,
[-5449\(CC\)](#) Revised Ordinances of Sandy City, 2008

Attachments: [Staff Report \(2\)](#)
[pc09-06-2018](#)
[18-36 \(Ord\)](#)
[Cairns Design Standards Adopted Reduced File Size](#)

Brian McCuiston presented the Cairns Design Standards for the public hearing.

There were no comments for the public hearing.

Adjournment

The meeting adjourned at approximately 7:40 p.m. by Linda Martinez Saville. The next scheduled meeting of the City Council is Tuesday, December 11, 2018 at 5:15 p.m.

Steve Fairbanks, Chair
Sandy City Council

Michael Applegarth
Meeting Clerk



Staff Report

File #: 19-005, **Version:** 1

Date: 1/8/2019

Approval of the December 11, 2018 Minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

10000 Centennial Parkway
Sandy, UT 84070
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Meeting Minutes

City Council

Brooke Christensen, District 1
Maren Barker, District 2
Kristin Coleman-Nicholl, District 3
Chris McCandless, District 4
Steve Fairbanks, At-large
Linda Martinez Saville, At-large
Zach Robinson, At-large

Tuesday, December 11, 2018

5:15 PM

Council Chambers

5:15 Council Meeting

Per Utah Code Annotated 52-4-207 and City Council policy, Council Member Nicholl may be participating in the December 11, 2018 Council Meeting via telephone.

Roll Call

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Administration:

Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Public Works Director Mike Gladbach

Present: 4 - Council Member Chris McCandless
Council Member Steve Fairbanks
Council Member Zach Robinson
Council Member Linda Martinez Saville

Absent: 3 - Council Member Brooke Christensen
Council Member Maren Barker
Council Member Kristin Coleman-Nicholl

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

No Report.

Council Member Business

Chris McCandless expressed appreciation to Steve Fairbanks for his service as Chairman for the past six months.

Mayor's Report

No Report.

CAO Report

No Report.

Legislative Report

No Report.

Citizen Comments

Steve Van Maren thanked Steve Fairbanks for his service as the Chairman for the City Council and complimented him on a "great job". He asked if the City has formed a Taxing Entity Committee.

Nick Duerksen, who's comments were unadialable, indicated that the City has not done a taxing entity in years. Mr. Van Maren wished everyone a "Happy New Year".

Adjournment

The meeting adjourned at approximately 5:20 p.m. by Zach Robinson. The next scheduled meeting of the City Council is Tuesday, January 8, 2019 at 5:15 p.m.

Steve Fairbanks, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Staff Report

File #: 18-471, **Version:** 1

Date: 1/8/2019

Agenda Item Title:

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

Presenter:

Nick Duerksen

Description/Background:

Resolution RD 19-01. A Resolution of the Redevelopment Agency of Sandy City approving an Addendum to the Interlocal Cooperation Agreement with Sandy City, which Agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe street and I-15, just South of Sego Lily Dr., from the City to the Agency.

Resolution RD 19-02. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Tax Increment Participation Agreement with the KC Gardner Company L.C. relating to new commercial development within the Civic Center North Redevelopment Project Area.

Resolution RD 19-03. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Purchase Sale Agreement with the KC Gardner Company L.C., relating to certain vacant land located between Monroe Street and I-15, just South of Sego Lily Dr.
Resolution RD 19-04. A Resolution of the Redevelopment Agency of Sandy City Authorizing the execution of a Second Amendment to Conditional Purchase Option Agreement with SPC Sandy, LLC and Truong Sandy Properties LLC, in the Civic Center North Project Area.

Approval of Minutes:

February 13, 2018

February 27, 2018

See attached documents and Staff report for information and details

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Motion to approve Resolution RD 19-01. A Resolution of the Redevelopment Agency of Sandy City approving an Addendum to the Interlocal Cooperation Agreement with Sandy City, which Agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located

between Monroe street and I-15, just South of Sego Lily Dr., from the City to the Agency.

Motion to approve Resolution RD 19-02. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Tax Increment Participation Agreement with the KC Gardner Company L.C. relating to new commercial development within the Civic Center North Redevelopment Project Area.

Motion to approve Resolution RD 19-03. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Purchase Sale Agreement with the KC Gardner Company L.C., relating to certain vacant land located between Monroe Street and I-15, just South of Sego Lily Dr.

Motion to approve Resolution RD 19-04. A Resolution of the Redevelopment Agency of Sandy City Authorizing the execution of a Second Amendment to Conditional Purchase Option Agreement with SPC Sandy, LLC and Truong Sandy Properties LLC, in the Civic Center North Project Area.

Motion to approve minutes from February 13 and 27, 2018

Redevelopment Agency of Sandy City



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

Tuesday, January 8, 2019

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 19-01. A Resolution of the Redevelopment Agency of Sandy City approving an Addendum to the Interlocal Cooperation Agreement with Sandy City, which Agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe street and I-15, just South of Sego Lily Dr., from the City to the Agency.
3. Resolution RD 19-02. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Tax Increment Participation Agreement with the KC Gardner Company L.C. relating to new commercial development within the Civic Center North Redevelopment Project Area.
4. Resolution RD 19-03. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of an Addendum to the Purchase Sale Agreement with the KC Gardner Company L.C., relating to certain vacant land located between Monroe Street and I-15, just South of Sego Lily Dr.
5. Resolution RD 19-04. A Resolution of the Redevelopment Agency of Sandy City Authorizing the execution of a Second Amendment to Conditional Purchase Option Agreement with SPC Sandy, LLC and Truong Sandy Properties LLC, in the Civic Center North Project Area.
6. Approval of Minutes:
February 13, 2018
February 27, 2018
7. 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:8015687141).



Redevelopment Agency of Sandy City

KRIS COLEMAN-NICHOLL
Chair

LINDA MARTINEZ-SAVILLE
Vice-Chair

****MEMORANDUM****

To: RDA Board
From: Nick Duerksen, Director
Date: December 27, 2018
RE: Addendums Gardner #2 Project – Closing Date, Additional Deposit and Finance Charges

The Gardner Company is requesting to amend the Purchase and Sale Agreement, RDA Tax Increment Participation Agreement and the Interlocal Cooperation Agreement between the RDA and the City on Gardner #2 building/development, more specifically requesting an extension of the closing date from February 1, 2019 to February 1, 2020.

There are no requested changes in the plan or performance requirements.

As consideration for the extension of the closing deadline, the Gardner Company will make an additional non-refundable \$500,000 payment towards the purchase price at the execution of the agreement amendment.

The RDA Staff recommends the RDA Board approve the Addendum No.1 to the Interlocal Cooperation Agreement (RD 19-01), Addendum 1 to the Tax Increment Participation Agreement (RD 19-02) and Addendum No. 1 to the Purchase and Sale Agreement (RD 19-03) as attached.

Resolution No. RD 19-01

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SANDY CITY APPROVING AN ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT WITH SANDY CITY, WHICH AGREEMENT PROVIDES, GENERALLY, FOR THE CONVEYANCE OF ABOUT 2.49 ACRES OF SURPLUS PROPERTY, LOCATED BETWEEN MONROE STREET AND I-15, JUST SOUTH OF SEGO LILY DR., FROM THE CITY TO THE AGENCY.

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, known as the “Limited Purpose Local Government Entities — Community Reinvestment Agency Act” (the “RDA Act”);

WHEREAS under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), public agencies, such as the City and the Agency, are authorized to enter agreements for joint and cooperative actions, including the sharing of tax and other revenues;

WHEREAS, the Agency entered into an Interlocal Cooperation Agreement with the City, dated August 29, 2017 (the “Agreement”), relating to the disposition of the real property generally described *above* (the “Addendum”), and the Agency has determined that an addendum to the Agreement is needed in order to clarify certain provisions regarding allocation of deposit and purchase price funds.

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

1. The Addendum in substantially the form attached hereto and incorporated herein as **Exhibit A** is approved, and the Executive Director of the Agency is authorized and directed to execute the Addendum for and on behalf of the Agency. The Executive Director may approve any minor modifications, amendments, or revisions to the Addendum as may be in the Agency’s best interest and in harmony with the intent and purpose of the Addendum as substantially set forth in the attached **Exhibit A**.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED on January 8, 2019.

Chair

Attest:

Secretary

Exhibit A

Form of Addendum

Addendum No. 1 to Interlocal Cooperation Agreement

THIS ADDENDUM NO. 1 TO INTERLOCAL COOPERATION AGREEMENT (this “**Agreement**”) is entered as of January 8, 2019 (the “**Effective Date**”), by and between the **REDEVELOPMENT AGENCY OF SANDY CITY**, a Utah political subdivision (the “**Agency**”) and **SANDY CITY**, a Utah municipal corporation (the “**City**”) (collectively, the “**Parties**”). This Addendum is to be attached to, and is made an integral part of, the Interlocal Cooperation Agreement dated August 29, 2017, entered into by and between the Agency and the City, relating to a vacant parcel of land located along Monroe Street, south of 10000 South, in Sandy City (the “**Original Agreement**” and as amended by this Addendum, and any other addenda, the “**Agreement**”). If there is a conflict between the terms of this Addendum and the terms of the Original Agreement, the terms in this Addendum will control. The Original Agreement is modified as follows:

1. The Agency has entered into a Purchase and Sale Agreement and Escrow Instructions with KC Gardner Company, L.C. (the “**Buyer**”), dated August 29, 2017, relating to the Property (the “**PSA**”). The City has reviewed and approves of the PSA, as amended from time to time by the Agency in the Agency’s discretion and in compliance with the Original Agreement.
2. The Buyer under the PSA may provide a nonrefundable deposit of \$575,000. That money, when received by the Agency, will be delivered to the City as a credit against future amounts due to the City under the Original Agreement. To be clear, the City is entitled under Section 2.b. of the Original Agreement to receive 62% of the “net sales proceeds”, and the \$575,000 received by the City will be applied as a credit against the amount otherwise due to the City under that Section 2.b.

[Remainder of Page Intentionally Blank – Signature Pages to Follow]

~ SIGNATURES TO ADDENDUM NO. 1 TO
INTERLOCAL COOPERATION AGREEMENT ~

REDEVELOPMENT AGENCY OF SANDY CITY

Executive Director

ATTEST:

Secretary

Attorney Review for Redevelopment Agency:

The undersigned, as counsel for the Redevelopment Agency of Sandy City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

Attorney for the Agency

[Signatures continue on next page.]

~ ADDITIONAL SIGNATURES TO ADDENDUM NO. 1 TO
INTERLOCAL COOPERATION AGREEMENT ~

SANDY CITY

By: _____
Mayor

ATTEST:

City Recorder

Attorney Review for City:

The undersigned, as attorney for Sandy City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

City Attorney

Resolution No. RD 19-02

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SANDY CITY AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE TAX INCREMENT PARTICIPATION AGREEMENT WITH KC GARDNER COMPANY L.C. RELATING TO NEW COMMERCIAL DEVELOPMENT WITHIN THE CIVIC CENTER NORTH REDEVELOPMENT PROJECT AREA.

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 Civic Center North Redevelopment Project Area (the “Project Area”), entered into a Tax Increment Participation Agreement with KC Gardner Company, L.C. dated December 19, 2017 (the “Agreement”), encouraging and promoting the private development of a commercial/office campus and associated parking structure within the Project Area; and

WHEREAS, the Agency has determined that the Agreement needs to be modified as set forth in the Addendum No. 1 attached hereto in substantially final form as **Exhibit A**.

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

1. The Addendum in substantially the form attached hereto as **Exhibit A** is hereby 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 Addendum as may be in the Agency’s best interest and in harmony with the intent and purpose of the Addendum, and the Executive Director’s signature upon the final Addendum shall constitute the Agency Board’s acceptance of all such minor modifications, amendments, or revisions.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this January 8, 2019.

Chair

Attest:

Secretary

Exhibit A

Form of Addendum

ADDENDUM NO. 1 TO TAX INCREMENT PARTICIPATION AGREEMENT

THIS ADDENDUM NO. 1 TO TAX INCREMENT PARTICIPATION AGREEMENT (this “**Addendum**”) is dated effective as of January 8, 2019 (the “**Effective Date**”), by and between the Redevelopment Agency of Sandy City, a Utah political subdivision (“**Agency**”) and KC Gardner Company, L.C., a Utah limited liability company (“**Company**”). This Addendum is to be attached to, and is made an integral part of, the Tax Increment Participation Agreement dated December 19, 2017, entered into by and between the Agency and the Company, relating to a vacant parcel of land located along Monroe Street, south of 10000 South, in Sandy City (the “**Original Agreement**” and as amended by this Addendum, and any other addenda, the “**Agreement**”). If there is a conflict between the terms of this Addendum and the terms of the Original Agreement, the terms in this Addendum will control. The Original Agreement is modified as follows:

The February 1, 2021 deadline for substantial completion of construction, as provided under Section 2.a of the Original Agreement, is revised to a new deadline of February 1, 2022, in recognition of the fact that the closing deadline under the PSA has been revised, on or about the date hereof, to move the PSA closing deadline back one year also.

AGENCY: Redevelopment Agency of Sandy City

Executive Director

Attest:

RDA Secretary

COMPANY: KC Gardner Company, L.C.

Name:

Title:

Resolution No. RD 19-03

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SANDY CITY AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE PURCHASE AND SALE AGREEMENT WITH THE KC GARDNER COMPANY, L.C., RELATING TO CERTAIN VACANT LAND LOCATED BETWEEN MONROE STREET AND I-15, JUST SOUTH OF SEGO LILY DR.

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 Civic Center North Redevelopment Project Area (the “Project Area”), entered into a Purchase and Sale Agreement and Escrow Instructions with KC Gardner Company, L.C. dated August 29, 2017 (the “Agreement”), relating to the sale by the Agency of certain unimproved and vacant real property located between Monroe Street and I-15, just south of Sego Lily Dr.; and

WHEREAS, the Agency has determined that the Agreement needs to be modified as set forth in the Addendum No. 1 attached hereto in substantially final form as **Exhibit A**.

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

1. The Addendum in substantially the form attached hereto as **Exhibit A** is hereby 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 Addendum as may be in the Agency’s best interest and in harmony with the intent and purpose of the Addendum, and the Executive Director’s signature upon the final Addendum shall constitute the Agency Board’s acceptance of all such minor modifications, amendments, or revisions.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this January 8, 2019.

Chair

Attest:

Secretary

Exhibit A

Form of Addendum

**ADDENDUM NO. 1 TO
PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS**

THIS ADDENDUM NO. 1 TO PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS (this “**Addendum**”) is dated effective as of January 8, 2019 (the “**Effective Date**”), by and between the Redevelopment Agency of Sandy City, a Utah political subdivision (“**Seller**”) and KC Gardner Company, L.C., a Utah limited liability company (“**Buyer**”). This Addendum is to be attached to, and is made an integral part of, the Purchase and Sale Agreement and Escrow Instructions dated August 29, 2017, entered into by and between the Seller and the Buyer, relating to a vacant parcel of land located along Monroe Street, south of 10000 South, in Sandy City (the “**Original Agreement**” and as amended by this Addendum, and any other addenda, the “**Agreement**”). If there is a conflict between the terms of this Addendum and the terms of the Original Agreement, the terms in this Addendum will control. The Original Agreement is modified as follows:

1. The term “Closing Deadline” means the earlier to occur of (a) 30 days after Buyer has received a building permit for the Office Building, or (b) February 1, 2020.
2. As a condition to the enforceability and effectiveness of this Addendum, Buyer agrees to pay an additional \$500,000 as Deposit, by delivery directly to Seller. Accordingly, the term “Deposit” now means the amount of \$575,000 (\$75,000 initially, plus \$500,000 added today). Despite anything in the Original Agreement to the contrary, the Deposit (i) is fully earned by Seller immediately upon receipt, (ii) any amount held in escrow by the Escrow Holder must be immediately paid to Seller, (iii) will not be refunded for any reason other than an uncured material breach by Seller (after Buyer has provided notice and opportunity for Seller to cure as provided under Section 11.2 of the Original Agreement), and (iv) will be applied as a credit against the Purchase Price at Closing.
3. The term “Purchase Price” means the amount of \$3,052,070, plus interest calculated on \$2,477,070 of that amount (\$3,052,070 *less* \$575,000 Deposit) at the rate of 2.7% annually beginning on February 1, 2019 and continuing until the actual date of Closing.

SELLER: Redevelopment Agency of Sandy City

Executive Director

Attest:

RDA Secretary

BUYER: KC Gardner Company, L.C.

Name:

Title:



Redevelopment Agency of Sandy City

KRIS COLEMAN-NICHOLL
Chair

LINDA MARTINEZ-SAVILLE
Vice-Chair

****MEMORANDUM****

To: RDA Board
From: Nick Duerksen, Director
Date: December 28, 2018
RE: Second Amendment Conditional Purchase Option Agreement

SPC, LLC is submitting changes to the uses within the Centennial Towers project to accommodate a full-service hotel (see attached elevations) on the corner of Sego Lily Dr. and Centennial Parkway. This would reduce the overall condominium unit count by 149 (271 total) but add 200 hotel rooms, approximately 30,000 SF of meeting space and additional restaurants. This is in keeping with the Cairns Master Plan and the RDA Project Area Plan. The Mayor has reviewed the new design and forwards a positive recommendation.

To precipitate the inclusion of hospitality in the development, The Community Development Department has requested that a new site plan with the hotel as a phase be submitted jointly with the condominium phases.

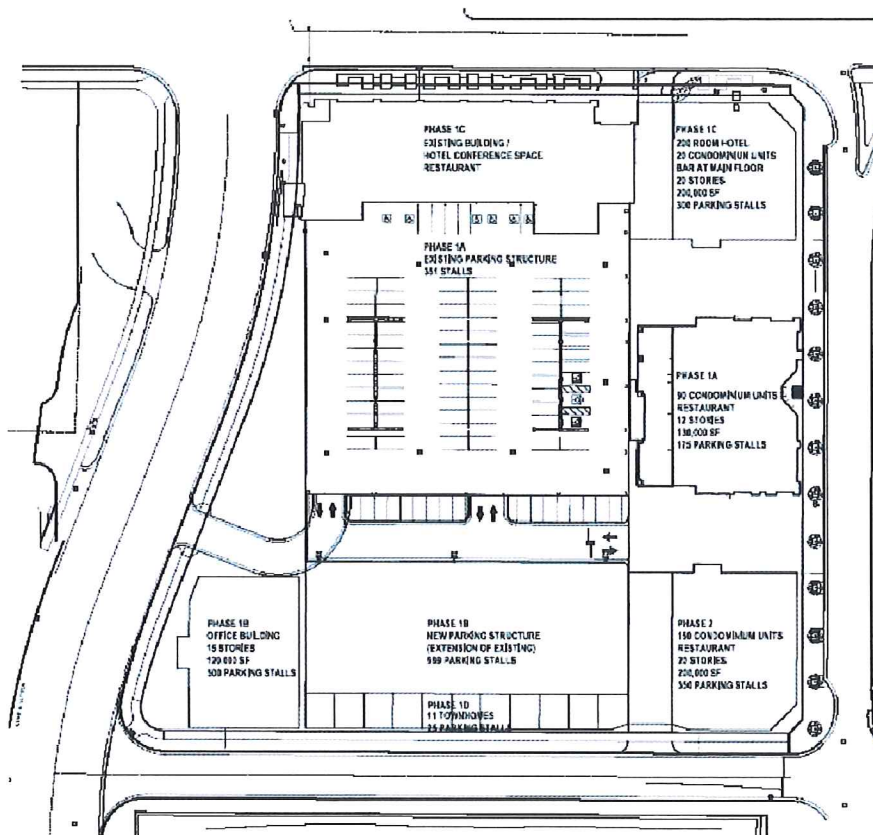
To that end, RDA Staff and SPC, LLC are requesting to amend the Conditional Purchase Option Agreement, specifically with respect to the time frame of performance requirements in the phased approval and construction of the project to accommodate Community Development's request that the phases be submitted jointly for Site Plan Review. Additionally, as consideration for the time frame extensions, the RDA Staff is recommending additional provisions for non-performance in the form of liquid damages.

The RDA Staff recommends the RDA Board approve the Second Amendment Conditional Purchase Option Agreement as attached.



CENTENNIAL TOWERS Site Development Phasing and Time Line
December 20, 2018

Building	Phase	Site Plan Submission	Building Plan Submission	Review/Redlines	Bldg. Permit	Start Construction	Substantial Completion
Residential Condo - Tower 1	1A	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Existing Parking Structure	1A	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Office Condo - Tower 2	1B	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Parking Structure Addition	1B	02-21-2019	11-21-2019	10-21-2020	10-22-2020	10-31-2019	10-31-2021
Hotel/Residential Condo - Tower 3	1C	02-21-2019	11-21-2019	04-21-2020	04-22-2020	04-30-2020	10-31-2021
Town Homes	1D	02-21-2019	05-21-2021	10-21-2021	10-22-2021	10-31-2021	10-31-2022
Residential Condo - Tower 4	2	02-21-2019	05-21-2021	10-21-2022	10-22-2022	10-31-2022	04-30-2024



Resolution No. RD 19-04

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SANDY CITY AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO CONDITIONAL PURCHASE OPTION AGREEMENT WITH SPC SANDY, LLC AND TRUONG SANDY PROPERTIES LLC, IN THE CIVIC CENTER NORTH PROJECT AREA.

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 Civic Center North Redevelopment Project Area (the “Project Area”), entered into a Conditional Purchase Option Agreement dated November 20, 2015 (the “Agreement”), relating to certain real property located between in the Project Area; and

WHEREAS, the Agency has determined that the Agreement needs to be modified as set forth in the Second Amendment to Conditional Purchase Option Agreement attached hereto in substantially final form as **Exhibit A** (the “Amendment”);

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

1. The Amendment in substantially the form attached hereto as **Exhibit A** is hereby 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 Amendment as may be in the Agency’s best interest and in harmony with the intent and purpose of the Amendment, and the Executive Director’s signature upon the final Amendment shall constitute the Agency Board’s acceptance of all such minor modifications, amendments, or revisions.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this January 8, 2019.

Chair

Attest:

Secretary

Exhibit A

Form of Amendment

SECOND AMENDMENT TO CONDITIONAL PURCHASE OPTION AGREEMENT

1. This Second Amendment to Conditional Purchase Option Agreement (this “**Amendment**”) is dated effective as of January 8, 2019 (the “**Effective Date**”), by and among the **Redevelopment Agency of Sandy City, a Utah political subdivision** with an address at 10000 Centennial Parkway, Sandy, UT 84070 (the “**Agency**”); **Sandy City**, a Utah political subdivision with an address at 10000 Centennial Parkway, Sandy, UT 84070 (the “**City**” and together with the Sandy Parties, the “**Sandy Parties**”); and (i) **Truong Sandy Properties LLC**, a Utah limited liability company with an address at 1559 West 3860 South, West Valley City, UT 84119 and (ii) **SPC Sandy, LLC**, a Utah limited liability company with an address at 235 W. Sego Lilly, Suite 250, Sandy UT 84070 (collectively, the “**Developer**”). This Amendment amends, and shall be considered an integral part of, that certain Conditional Purchase Option Agreement dated November 20, 2015 among the Sandy Parties and the Developer, as previously amended (as further amended by this Amendment, the “**Contract**”). If any of the terms of this Amendment modify or conflict with any provisions of the original Contract, the terms in this Amendment control. All other terms of the original Contract, including all prior addenda and counteroffers, not modified by this Amendment, remain the same and are ratified and reinstated.

2. Subsection 3 of the original Contract is deleted and replaced in its entirety with the following:

3. **CONDITIONAL OPTION TO PURCHASE:** Subject to Section 19, the Sandy Parties have the option (the “**Purchase Option**”), but not the obligation, to purchase the Property from the Developer, which Purchase Option is exercisable by the Sandy Parties if the Developer does not do each and all of the following (collectively referred to as the “**Option Conditions Precedent**”) (for purposes of clarification, the Purchase Option shall be exercisable by the Sandy Parties if, and only if, any one or more of the following Option Conditions Precedent is not timely satisfied by the Developer):

- i. submit to Sandy City fully-complete site plans for each distinct Phase of the Project as specified in, and by the deadline set forth in, the attached **Exhibit A**;
- a. submit to Sandy City fully-complete building plans for each distinct Phase of the Project as specified in, and by the deadline set forth in, the attached **Exhibit A**;
- b. obtain a building permit for each distinct Phase of the Project as specified in, and by the deadline set forth in, the attached **Exhibit A**
- c. start construction of each distinct Phase of the Project as specified in, and by the deadline set forth in, the attached **Exhibit A** (for purposes of this section, “start construction” means the pouring of foundations for all vertical improvements in the Phase; and

- d. substantially complete construction of each distinct Phase of the Project as specified in, and by the deadline set forth in, the attached **Exhibit A**.

If the Sandy Parties believe that the Developer has not timely satisfied any of the Option Conditions Precedent then the Sandy Parties shall deliver to the Developer and the Lender(s) (as defined in Section 17 of the Contract) written notice (the “**Preliminary Exercise Notice**”) of the Sandy Parties’ intent to exercise the Purchase Option. The Preliminary Exercise Notice shall include each and every basis for which the Sandy Parties believe Developer has not timely satisfied any of the Option Conditions Precedent has occurred. The Developer shall then have a period of 90 days, beginning with the date that the Developer receives the Preliminary Exercise Notice (the “**Cure Period**”), to remedy all of the defects identified in the Preliminary Exercise Notice. If, and only if, the Developer has made significant and good faith progress towards remedying each of the defects identified in the Preliminary Exercise Notice, but is not able to fully complete the same within the Cure Period, then the Developer may unilaterally extend the Cure Period for an additional 120 days (the “**Extended Cure Period**”) by providing written notice to the Sandy Parties before expiration of the original Cure Period (the “**Extension Notice**”). The Extension Notice shall specify the Developer’s efforts to cure all the defects identified in the Preliminary Exercise Notice, and the estimated timeline for completion of all such defects.

3. If the Developer fails to timely complete any Option Condition Precedent by the deadline specified in the attached **Exhibit A**, then the Sandy Parties may deliver a notice of default to the Developer, and the Developer will have 30 days to cure the default (measured from the original deadline, regardless of when the notice from Sandy Parties is actually provided). If Developer does not cure the default within that 30-day period, then the Developer must pay to the Sandy Parties damages in the amount of \$250.00 per day for each day that Developer is delayed beyond that deadline until such time as Developer has cured the default by performing the Option Condition(s) Precedent. The Sandy Parties’ failure to deliver a notice of default to Developer will not extend the date of accrual of damages; the notice of default from Seller will be considered solely a courtesy and not a condition. The Sandy Parties’ right to receive damages under this subsection 3 is, despite anything else in this Contract to the contrary, in addition to any and all other rights and remedies the Sandy Parties has under this Contract or at law or in equity.

4. The Developer agrees to fully respond to all Sandy City staff requests for clarifications, revisions, and amendments to any site plans or building plans submitted by Developer, within 30 calendar days after receiving such request(s) from Sandy City staff. If Developer does not timely and fully respond to any such requests, Developer agrees to pay the Sandy Parties damages in the amount of \$250 per day until Developer has fully responded to such request(s). If Sandy City staff receives any resubmission(s) from the Developer and the staff determines, in the staff’s reasonable discretion, that the resubmission(s) do(es) not fully respond to all requested clarifications, revisions, and amendments, then Developer agrees to pay the Sandy Parties damages in the amount of \$400 per day until Developer has fully responded to such request(s). To be clear, the 30-day cure period provided under subsection 3 immediately *above* does not apply to the deadlines under this subsection 4. The Sandy Parties’ right to receive

damages under this subsection 4 is, despite anything else in this Contract to the contrary, in addition to any and all other rights and remedies the Sandy Parties has under this Contract or at law or in equity. The enforcement options under this subsection 4 may be carried out under the sole direction of the Economic Development Director of Sandy City (or its designee).

5. If the Developer submits building plans for any vertical improvements in the Project, and Developer is unable to obtain Sandy City staff approval of those building plans after two rounds of resubmissions, then the Developer agrees to alter its building plans to use traditional post-tension construction instead of platforms. No deadlines under the Contract/this Amendment will be extended if that happens. The enforcement options under this subsection 5 may be carried out under the sole direction of the Economic Development Director of Sandy City (or its designee).

**THIS SECOND AMENDMENT TO CONDITIONAL PURCHASE OPTION
AGREEMENT IS AGREED TO BY:**

THE SANDY PARTIES:
SANDY CITY

ATTEST:

By: _____
Kurt Bradburn, Mayor

Wendy Downs, City Recorder

REDEVELOPMENT AGENCY OF SANDY CITY

ATTEST:

By: _____
Kurt Bradburn, Executive Director

Vickey Barrett, Secretary

DEVELOPER:
Truong Sandy Properties, LLC

By: _____
Name: Dan Simons
Title: Manager

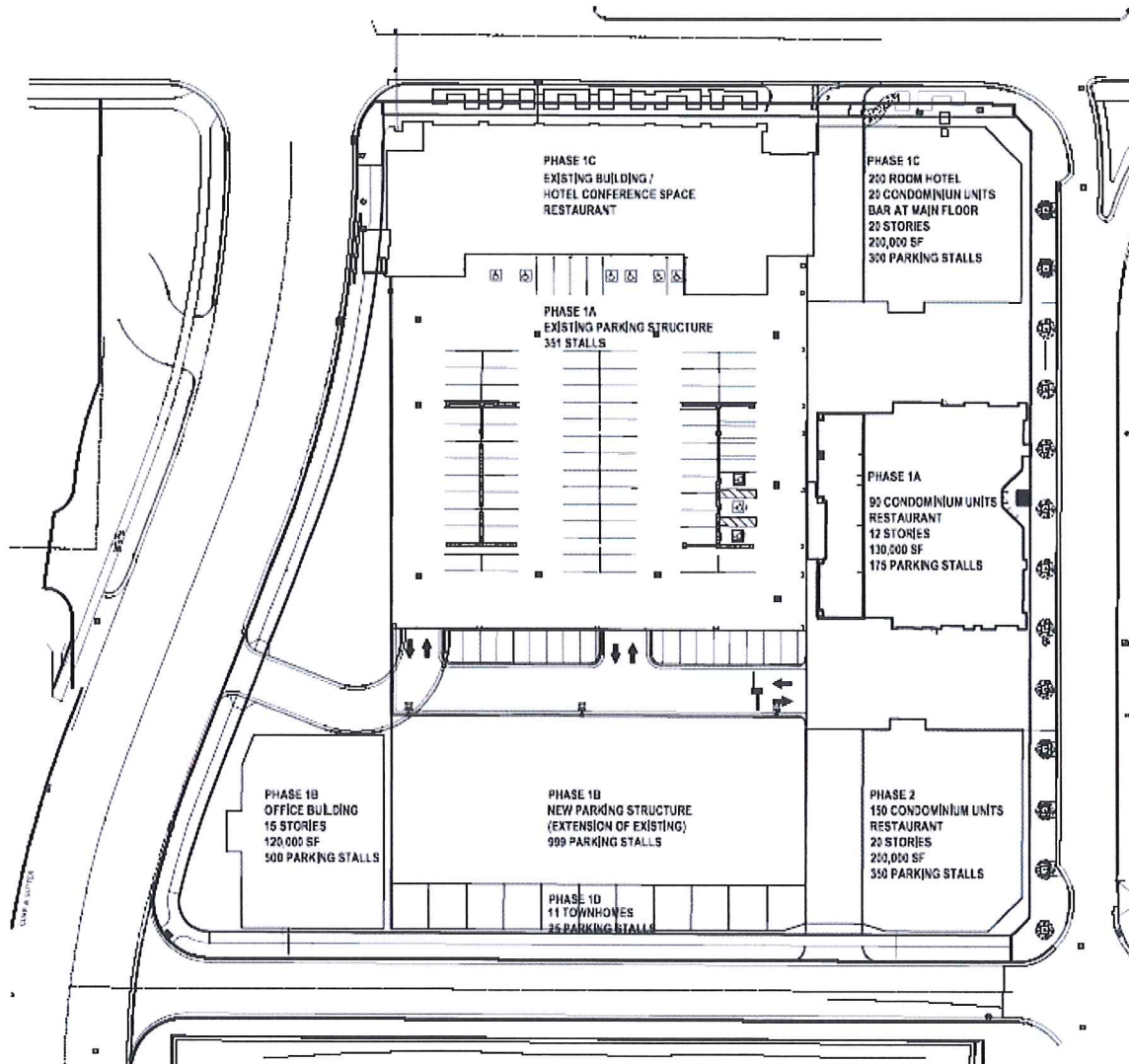
SPC Sandy, LLC

By: _____
Name: Dan Simons
Title: Manager

Exhibit A

CENTENNIAL TOWERS Site Development Phasing and Time Line December 20, 2018

Building	Phase	Site Plan Submission	Building Plan Submission	Review/Redlines	Bldg. Permit	Start Construction	Substantial Completion
Residential Condo - Tower 1	1A	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Existing Parking Structure	1A	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Office Condo – Tower 2	1B	02-21-2019	05-21-2019	10-21-2019	10-22-2019	10-31-2019	04-30-2021
Parking Structure Addition	1B	02-21-2019	11-21-2019	10-21-2020	10-22-2020	10-31-2019	10-31-2021
Hotel/Residential Condo - Tower 3	1C	02-21-2019	11-21-2019	04-21-2020	04-22-2020	04-30-2020	10-31-2021
Town Homes	1D	02-21-2019	05-21-2021	10-21-2021	10-22-2021	10-31-2021	10-31-2022
Residential Condo – Tower 4	2	02-21-2019	05-21-2021	10-21-2022	10-22-2022	10-31-2022	04-30-2024



Meeting of the Redevelopment Agency of Sandy City

February 13, 2018

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

MINUTES

Present: Present: Chairman Linda Martinez Saville, Brooke Christensen, Maren Barker, Kristin Coleman-Nicholl, Zach Robinson, Steve Fairbanks, Chris McCandless.

Mayor: Kurt Bradburn

Others in Attendance: CAO Matt Huish, Deputy Mayor Evelyn Everhart, Assistant CAO Korban Lee, Assistant CAO Shane Pace, Communications Director Eric Richards, Economic Development Director Nick Duerksen, Economic Development Project Manager Kasey Dunlavy, Economic Development Assistant Vickey Barrett, Pacific Retail Najla Kayyem, Pacific Retail Sharsten Plenge, The Shops at South Town Heather Nash, City Attorney Bob Thompson, Community Development Director James Sorensen, Zoning Administrator Mike Wilcox, Chief Building Official Building & Safety Division Scott Marsell, Administrative Services Director Brian Kelley, Public Works Director Mike Gladbach, Police Chief Kevin Thacker, Fire Chief Bruce Cline, Public Utilities Director Tom Ward, Parks & Recreation Director Scott Earl, Council Office Pam Lehman.

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

The Redevelopment Agency Meeting commenced at 7:36 p.m.

2. Adoption of RD 18-01. A Resolution approving the sale of land and a contiguous temporary construction easement, located at approximately 132 East 8960 S, to the Utah Department of Transportation.

Nick Duerksen indicated UDOT is planning on widening 9000 South and they will need to acquire property along 9000 South one which is owned by the RDA at 132 East 8960 South. This will not affect any future housing plans for the RDA.

Motion was made by Mr. Fairbanks to adopt RD 18-01 approving the sale of land and a contiguous temporary construction easement, located at approximately 132 East 8960 S, to the Utah Department of Transportation. Mr. McCandless seconded the motion.

Vote: Mr. Fairbanks – yes, Mr. McCandless – yes, Mrs. Barker – yes, Mr. Robinson – yes, Mrs. Nicholl – yes, Mrs. Christensen – yes, Mrs. Saville – yes.

3. Adoption of 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.
Pacific Retail/The Shops at South Town presented the Community Mural Program Co-Operative Public Art Funding Project to create a unified partnership between STMall Owner and Sandy City. This program would transform existing façade walls of The Shops at South Town into public art murals using local and professional artists. The project will be managed by The Shops at South Town with input from Sandy City. STMall is requesting Sandy City contribution of 50% (\$85,000) for the project. The Shops at South Town will be responsible to maintain and update the walls.

Motion made by Steve Fairbanks to approve RD 18-02 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 in accordance with clause for a 5-year longevity clause and incorporating a second artist location. Seconded by Zack Robinson.

Vote: Mr. Fairbanks – yes, Mr. Robinson – yes, Mr. McCandless – yes, Mrs. Barker – yes, Mrs. Nicholl – yes, Mrs. Christensen - no, Mrs. Saville – yes.

4. Approval of minutes for:
December 19, 2017
December 28, 2017

Mrs. Christensen made a motion to approve the minutes for December 19 and December 28, 2017. Mr. McCandless seconded the motion, with all voting “yes”.

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

The meeting recessed at 7:55 p.m.

ATTEST:

Kris Coleman-Nicholl – Chairman

Vickey Barrett - Secretary

Meeting of the Redevelopment Agency of Sandy City

February 27, 2018

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

MINUTES

Present: Present: Chairman Linda Martinez Saville, Brooke Christensen, Maren Barker, Kristin Coleman-Nicholl, Zach Robinson, Steve Fairbanks, Chris McCandless.

Mayor: Kurt Bradburn

Others in Attendance: CAO Matt Huish, Deputy Mayor Evelyn Everhart, Assistant CAO Korban Lee, Assistant CAO Shane Pace, Communications Director Eric Richards, Economic Development Director Nick Duerksen, Economic Development Project Manager Kasey Dunlavy, Economic Development/RDA Assistant Vickey Barrett, SPC Group Dan Simons, SPC Group Russ Platt, SPC Group Roy Bartee, City Attorney Bob Thompson, Community Development Director James Sorensen, Zoning Administrator Mike Wilcox, Chief Building Official Building & Safety Division Scott Marsell, Administrative Services Director Brian Kelley, Public Works Director Mike Gladbach, Police Chief Kevin Thacker, Fire Chief Bruce Cline, Public Utilities Director Tom Ward, Parks & Recreation Director Scott Earl, Council Office Director Mike Applegarth, Council Office Analyst Dustin Fratto, Council Office Pam Lehman.

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

The Redevelopment Agency Meeting commenced at 7:35 p.m.

2. Presentation by SPC Group regarding modifications of Prestige project located at 235 West Sego Lily Drive. Nick Duerksen indicated that there are some modifications requested to previously approved project that are significant enough be approved by the RDA Board. Dan Simons of SPC Group presented an update on the Prestige project. The proposed changed to the previously approved project with 4 buildings up to 26 stories. The proposed changes will be from 4 residential buildings to 3, 8 to 11 stories, 650 units to 425. Russ Platt presented updated photos of the new buildings and heights saying they have simplified the structure of the buildings with no changes to the mixed uses. Motion made to approve the modifications to the design presented by the SPC Group regarding the of Prestige project located at 235 West Sego Lily Drive. Mr. Fairbanks seconded the motion.

Vote: Mr. McCandless – yes, Mr. Fairbanks, Ms. Barker – abstained, Ms. Nichol - yes, Mr. Robinson - yes, Mrs. Christensen - yes, Mrs. Saville – yes. Mr. Robinson – yes,

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

The meeting recessed at 7:52 p.m.

ATTEST:

Kristin Coleman-Nicholl – Chairman

Vickey Barrett - Secretary



Staff Report

File #: 18-472, **Version:** 1

Date: 1/8/2019

Agenda Item Title:

Economic Development Department recommending the City Council adopt Resolution #19-01C. A Resolution of the Sandy City Council approving an Addendum to the Interlocal Cooperation Agreement with the Redevelopment Agency of Sandy City, which agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe Street and I-15, just South of Sego Lily Drive, from the City to the Agency.

Presenter:

Nick Duerksen

Description/Background:

Resolution #19-01C. A Resolution of the Sandy City Council approving an Addendum to the Interlocal Cooperation Agreement with the Redevelopment Agency of Sandy City, which agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe Street and I-15, just South of Sego Lily Drive, from the City to the Agency.

Information provided in Redevelopment Agency Meeting previous to this Agenda item including staff report and background information.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Motion to adopt Resolution #19-01C. A Resolution of the Sandy City Council approving an Addendum to the Interlocal Cooperation Agreement with the Redevelopment Agency of Sandy City, which agreement provides, generally, for the conveyance of about 2.49 acres of surplus property, located between Monroe Street and I-15, just South of Sego Lily Drive, from the City to the Agency.

Resolution No. 19-01C

A RESOLUTION OF THE SANDY CITY COUNCIL APPROVING AN ADDENDUM TO THE INTERLOCAL COOPERATION AGREEMENT WITH THE REDEVELOPMENT AGENCY OF SANDY CITY, WHICH AGREEMENT PROVIDES, GENERALLY, FOR THE CONVEYANCE OF ABOUT 2.49 ACRES OF SURPLUS PROPERTY, LOCATED BETWEEN MONROE STREET AND I-15, JUST SOUTH OF SEGO LILY DR., FROM THE CITY TO THE AGENCY.

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, known as the “Limited Purpose Local Government Entities — Community Reinvestment Agency Act”;

WHEREAS under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended (the “Interlocal Act”), public agencies, such as the City and the Agency, are authorized to enter agreements for joint and cooperative actions, including the sharing of tax and other revenues;

WHEREAS, the City entered into an Interlocal Cooperation Agreement with the Agency, dated August 29, 2017 (the “Agreement”), relating to the disposition of the real property generally described *above* (the “Addendum”), and the City has determined that an addendum to the Agreement is needed in order to clarify certain provisions regarding allocation of deposit and purchase price funds.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE BODY OF SANDY CITY:

1. The Addendum in substantially the form attached hereto and incorporated herein as **Exhibit A** is approved, and the Mayor is authorized and directed to execute the Addendum for and on behalf of the City. The Mayor may approve any minor modifications, amendments, or revisions to the Addendum as may be in the City’s best interest and in harmony with the intent and purpose of the Addendum as substantially set forth in the attached **Exhibit A**.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED on January 8, 2019.

Chair

Attest:

City Recorder

Exhibit A

Form of Addendum

Addendum No. 1 to Interlocal Cooperation Agreement

THIS ADDENDUM NO. 1 TO INTERLOCAL COOPERATION AGREEMENT (this “**Agreement**”) is entered as of January 8, 2019 (the “**Effective Date**”), by and between the **REDEVELOPMENT AGENCY OF SANDY CITY**, a Utah political subdivision (the “**Agency**”) and **SANDY CITY**, a Utah municipal corporation (the “**City**”) (collectively, the “**Parties**”). This Addendum is to be attached to, and is made an integral part of, the Interlocal Cooperation Agreement dated August 29, 2017, entered into by and between the Agency and the City, relating to a vacant parcel of land located along Monroe Street, south of 10000 South, in Sandy City (the “**Original Agreement**” and as amended by this Addendum, and any other addenda, the “**Agreement**”). If there is a conflict between the terms of this Addendum and the terms of the Original Agreement, the terms in this Addendum will control. The Original Agreement is modified as follows:

1. The Agency has entered into a Purchase and Sale Agreement and Escrow Instructions with KC Gardner Company, L.C. (the “**Buyer**”), dated August 29, 2017, relating to the Property (the “**PSA**”). The City has reviewed and approves of the PSA, as amended from time to time by the Agency in the Agency’s discretion and in compliance with the Original Agreement.
2. The Buyer under the PSA may provide a nonrefundable deposit of \$575,000. That money, when received by the Agency, will be delivered to the City as a credit against future amounts due to the City under the Original Agreement. To be clear, the City is entitled under Section 2.b. of the Original Agreement to receive 62% of the “net sales proceeds”, and the \$575,000 received by the City will be applied as a credit against the amount otherwise due to the City under that Section 2.b.

[Remainder of Page Intentionally Blank – Signature Pages to Follow]

**~ SIGNATURES TO ADDENDUM NO. 1 TO
INTERLOCAL COOPERATION AGREEMENT ~**

REDEVELOPMENT AGENCY OF SANDY CITY

Executive Director

ATTEST:

Secretary

Attorney Review for Redevelopment Agency:

The undersigned, as counsel for the Redevelopment Agency of Sandy City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

Attorney for the Agency

[Signatures continue on next page.]

**~ ADDITIONAL SIGNATURES TO ADDENDUM NO. 1 TO
INTERLOCAL COOPERATION AGREEMENT ~**

SANDY CITY

By: _____
Mayor

ATTEST:

City Recorder

Attorney Review for City:

The undersigned, as attorney for Sandy City, has reviewed the foregoing Interlocal Cooperation Agreement and finds it to be in proper form and in compliance with applicable state law.

City Attorney



Staff Report

File #: 18-474, **Version:** 1

Date: 1/8/2019

Agenda Item Title

Council Office recommending annually required Open and Public Meeting Act training.

Presenter

Mike Applegarth

Description/Background:

Utah Code Annotated 52-4-104 requires presiding officer of the public body to ensure that the members of the public body are provided with annual training on the requirements of the Open and Public Meetings Act. The Council Office recommends the City Council listen to the brief training video developed by the State Auditor's Office on this topic. The link to the State Auditor's training site is: <http://training.auditor.utah.gov/courses/opma>, however a free account is required to view the video. The Council Office staff intends to play the video on the record for the City Council. In addition, a summary of the Act by David Church developed for the Utah League of Cities and Towns is attached to this item.

Applicable Statute/Rule/Policy/Guideline/Goal:

UCA 52-4-101 et seq.

Recommended Action and/or Suggested Motion:

No action required.

OPEN AND PUBLIC MEETINGS

By David L. Church

In order to understand the Open and Public Meetings Act it is only necessary to understand what the public policy behind the Act is. The Act specifically states that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business. It is the intent of the Legislature that the state, its agencies and political subdivisions take their actions and conduct their deliberation openly.¹

It is clear from this statement of policy that all meetings of official bodies of cities and towns, with very limited exceptions, are to be open to the public. It is not just having the meeting open to the public that is the policy of the State of Utah. It is also that deliberations be conducted openly. If you keep these two policies in mind it is easy to comply with the Open and Public Meetings Act.

For purposes of the Act it is first necessary to understand what a meeting is. The Act defines a meeting as being a convening of a public body when a quorum is present. Meetings include workshops, executive sessions and it does not matter if the meeting is held in person or by means of electronic communications. Convening is also defined to mean any meeting called by a person authorized to do so for the purpose of either discussing or acting upon a matter on a subject matter over which the body has jurisdiction or advisory power.² These very broad definitions are intended to include almost all gatherings of the city council or other committees of a municipality.

The exceptions to what a meeting is are very narrow. They include a chance meeting, a social meeting; a convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated and where the meeting is convened just to implement administrative matters.³

The Open and Public Meetings Act applies to more than just the governing body of a city. It also applies to Planning Commissions and the Boards of Adjustment and other advisory committees of the city or town. As long as this group consists of two or more persons, has the power to expend, disburse, or is supported in whole or part by tax revenue and has authority to do the public's business it is governed by the Act. The intent of this is to include all committees, commissions, or other groups that may be carrying out anything that looks like the public's business if they are supported by public funds.

It is important to remember, however, that a quorum of the body is necessary for it to be a meeting subject to the Act. For example, any two council members of a third, fourth, and fifth class city could get together to discuss any matter without it being a meeting but

¹ Utah code 52-4-101.

² Utah code 52-4-103(2)

³ This could apply to smaller cities and the towns where individual council members have administrative departments but should only be used in very few circumstances.

three council members could not get together to discuss a public matter without it constituting a meeting. It is now clear in the law that in cities operating under the six-member council form of government that two council members and the mayor do not constitute a quorum. If a mayor is meeting with only two of his council members for purposes of avoiding the public scrutiny it will appear to the press and public that at the very least he or she is violating the spirit of the open meetings act and this should be avoided.

All meetings are to be open to the public with limited exceptions. In addition any special meeting such as a workshop or executive session that is held the same day as a regular meeting of the city or town must be held at the same location where the regularly scheduled meeting is being held. The purpose of this is to keep a city council from holding work meeting at a place like a mayor's home or a café prior to the regularly scheduled council meeting.

The exceptions to having a meeting open to the public are meetings for:

- (a) discussion of the character, professional competence, or physical or mental health of an individual;
- (b) strategy sessions to discuss collective bargaining;
- (c) strategy sessions to discuss pending or reasonably imminent litigation;
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct; and
- (h) discussion by a county legislative body of commercial information as defined in Utah code Section **59-1-404**.

Before a meeting may be closed for one of these valid reasons, the public body must be called together in an open meeting. At least two-thirds of the members of the public body present must vote to close the meeting before it can be closed. No closed meeting is allowed except for the reasons mentioned above. The reasons for holding the closed

meeting and the vote either for or against the proposition to hold the meeting are to be entered into the minutes of the public portion of the meeting.

The law requires that written minutes and a recording are to be taken and kept of all public meetings. Both the minutes and tapes are public records and must be made available to the public within a reasonable time following the meeting. The recording must be available within 3 days following the meeting. Each City and Town is required to establish a policy about how minutes are to be approved. Once a City Recorder, Town Clerk, or Clerk of a meeting get the minutes written and they are given to the members of the public body for their review, they must also be given to the public. They can be labeled as draft minutes subject to change or something like that.

The minutes of open meetings must include certain minimal detail. Including the date, time, and place of the meeting; the names of members present and absent; the substance of all matters proposed, discussed, or decided; a record, by individual member, of votes taken; the name of each person who provided testimony and the substance in brief of their testimony; and any other information that any member requests be entered in the minutes or recording that is a record of what went on in the meeting.

Written minutes may be kept and a digital or tape recording must also be kept of closed meetings. The open portion of the meeting minutes when the closed meetings is voted for must include the date, time, and place of the meeting, the names of the members present and absent and the names of other persons present except where disclosure would infringe on the confidence necessary to fulfill the purpose of closing the meeting. These minutes are public records and are available to the public as set forth above.

The Act also gives the public the right to record any open meeting. This recording could include either audio recording or video recording of the meeting. You do not, however, have to let this recording interfere with the conduct of the meeting.

The closed portion of the meeting must be tape recorded. These tape recordings and minutes (if any) are protected records under the Government Records Access and Management Act and, therefore, should not become public except under the provisions of that Act. The exception to this is meetings in which the competence or physical or mental health of an individual is discussed or the deployment of security devices is discussed. The public body holding the meeting can then choose to have the Chair or presiding officer sign a sworn affidavit affirming that the sole purpose for closing the meeting was to discuss only those issues. The purpose for this exception is that when discussing an individual, frank and open discussions are important and the presence of a tape recording device or minutes may impede this open and frank exchange of ideas. If individuals are meeting to discuss deployment of security personnel or devices, it may very well compromise the security of these devices to have a tape recording or detailed minutes available.

The purpose of requiring the tape recording of the other types of closed meetings is also twofold. Protected records under the Government Records Access and Management Act

will eventually become public records when the reason for the protection is removed. Also, any person who feels like there has been a violation of the law regarding the closed meeting has a right to take this tape recording or the detailed minutes and have a Judge review what went on. If the Judge determines that the public body discussed matters in the closed session that were inappropriate, he will then make these matters public.

The Attorney General and the county attorneys of the State are charged with enforcing the Open and Public Meetings Act. Private individuals, however, can enforce these acts by bringing suit. They may bring suit to enjoin or force compliance with provisions of the Act. If the private individuals prevail, the court may award reasonable attorneys fees and court costs to the successful plaintiffs. If any person intentionally violates any provision of the Act regarding closed meetings that person can be found guilty of a class B misdemeanor.

The Utah Open and Public Meetings Act also provide the minimum notice for a public meeting. A public body shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time, and place. In addition to these requirements a public body which holds regular meetings that are scheduled in advance over the course of a year must give public notice at least once each year of its annual meeting schedule by giving notice of the date, time, and place of the scheduled meetings. This notice is satisfied by posting written notice at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; on the Utah Public Notice Website created under Section 63F-1-701 of the Utah Code; providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body; or a local media correspondent. A public body is encouraged to develop and use electronic means to provide notice of its meetings. The public body must also provide public notice to all other media agencies that make a periodic written request to receive them; and post public notice of its meetings on the Internet.

The notice requirements may be disregarded if because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given. An emergency meeting of a public body may not be held unless an attempt has been made to notify all of its members; and a majority of its members approves holding the meeting.

A public notice that is required to include an agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda. A public body may not consider a topic in an open meeting that is not listed under an agenda item included with the advanced public notice. However a topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.

The best way to avoid problems with the Open and Public Meetings Act is to err on the side of public openness. When in doubt, the meeting should be open. City councils and other committees or commissions of cities should not attempt to violate even the spirit of

the Act. It is important that the meeting not only is conducted in public, but the deliberations be conducted openly. It is not appropriate for members of public bodies such as city councils and planning commissions to conduct their deliberations privately and then in the public meeting just perfunctorily hold the vote.

A copy of the Act is attached.



Staff Report

File #: 18-465, **Version:** 1

Date: 1/8/2019

Agenda Item Title:

Council Member Fairbanks proposing a change to the Sandy Legislative Code

Presenter: Steve Fairbanks

Description/Background:

Utah Code 10-3-502 requires that "The council of each municipality shall: hold a regular meeting at least once each month."

Sandy Code 22-1-3 requires that the council "meet not less than twice monthly."

Council Member Fairbanks proposes that the current requirement in Sandy Code 22-1-3 be altered to align with Utah Code 10-3-502. Doing so will not change the current meeting schedule of the Council, nor will it prevent meeting each Tuesday as is the standard practice within the City. It will allow the Council to cancel meetings in the rare situation when there is no business to be discussed but a meeting must be held regardless, in order to adhere to our local code. An example of this occurred this past December 11, 2018 when the Council was required to use valuable City resources and staff time to hold a Council meeting with no business on the agenda.

Recommended Action and/or Suggested Motion:

Motion to Direct staff to bring back an ordinance adopting the changes recommended by Council Member Fairbanks.

10-3-502 Regular and special council meetings.

- (1) The council of each municipality shall:
 - (a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and
 - (b) hold a regular meeting at least once each month.
- (2)
 - (a) The mayor of a municipality or two council members may order the convening of a special meeting of the council.
 - (b) Each order convening a special meeting of the council shall:
 - (i) be entered in the minutes of the council; and
 - (ii) provide at least three hours' notice of the special meeting.
 - (c) The municipal recorder or clerk shall serve notice of the special meeting on each council member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode.
 - (d) The personal appearance by a council member at a special meeting of the council constitutes a waiver of the notice required under Subsection (2)(c).

Amended by Chapter 19, 2008 General Session

TITLE 22

LEGISLATIVE CODE

Chapter 1 CITY COUNCIL

22-1-1. Council Terms and Districts.

- (a) The Sandy City Council shall be composed of seven (7) members, four (4) of whom shall be elected from Council districts and three (3) of whom shall be elected at large. The Council districts shall be adjusted from time to time in accordance with the laws of the State of Utah and in such manner as may be necessary to assure substantially equal population within each district. One nonpartisan candidate shall be elected to fill each of the seven (7) positions on the Sandy City Council. Council members elected shall initially serve, under the provisions of the Council/Mayor form of government, as follows:
- (1) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as an at-large member of the Council.
 - (2) Two (2) members of the Council shall be elected at-large for four year terms.
 - (3) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as a representative of Council District #1.
 - (4) One Council member shall be elected from Council District #3 to serve a two-year term.
 - (5) One Council member shall be elected from Council Districts #2 and #4 to serve four year terms. However, after the initial terms shall have been completed, all subsequent terms shall be for four years. The seven (7) member Council shall exercise the legislative powers within Sandy City.
- (b) The legislative or Council districts of Sandy City shall be set forth upon a map retained in the possession of the City Recorder, which map is specifically made a part of this ordinance. The said map indicating Council districts may be amended from time to time in accordance with the laws of the State of Utah by resolution of the City Council in order to maintain districts of substantially equal population.

22-1-2. Council Powers.

The Council shall exercise the legislative powers of City government, including the adoption of ordinances, setting appropriate tax levies, adopting the City budget, and establishing water and garbage service rates, and other general tax and service rates. It may also review and monitor the municipal administration, conduct public hearings and perform all other duties and responsibilities authorized or required by State law. The Council shall give the Mayor its advice and consent in appointments to the Planning Commission and Board of Adjustment. The Council hereby grants to the Mayor its advice and consent to all removals, firings, discharges and other disciplinary actions he may undertake regarding executive branch personnel, including department heads. Said mayoral actions regarding supervisory actions or discharging executive department personnel shall be done consistently with due process and other applicable constitutional and statutory principles but need not include additional or separate advice and consent of the Council.

22-1-3. Meetings of Council.

- (a) ~~The Council shall meet not less than required under U.C.A. 1953, § 10-3-502. The Council is a part time legislative body but shall meet not less than twice monthly.~~ The Council shall by ordinance establish a regular meeting schedule.
- (b) Special meetings may be called either by order of the chairperson of the Council, by a majority of the Council members or by the Mayor. The order signed by the party calling the meeting shall be filed with the City Recorder and entered in the minutes of the Council. Notice of said special meeting shall be given to all Council members and the Mayor, who have not joined in said order, not less than 48 hours before said special meeting. Said notice shall be served personally or a copy thereof deposited at the said Council member's or Mayor's place of abode, either by leaving it with a person of suitable age and discretion or affixing a copy thereof to the front door, such action to be by the City Recorder or his or her designee.
- (c) Emergency meetings of the Council may be called by order of the Mayor or a majority of the Council members to consider unforeseen matters of an emergency or urgent nature. Such meetings may be held without any specific advance notice, but shall be had at a time so as to give the Mayor and all Council members the most opportunity to be present, considering the circumstances requiring the emergency meeting. Notice of said meeting shall be attempted to be given the Mayor and each Council member not joining in the said order by the best practical means under the circumstances.
- (d) All official meetings of the Council shall be open to the public as required by the Utah Open and Public Meetings Act or its successor, provided however, that executive sessions may be closed by a 2/3 majority vote of the Council members present at an open meeting, for discussions of appropriate matters, under the Utah Open and Public Meetings Act or its successor. No final decisions shall be made in closed meetings, except as allowed by State law.

22-1-4. Meeting Schedules, Agendas and Minutes.

- (a) The City Recorder shall give public notice of at least once each year of the annual meetings schedule of the City Council in a manner as provided by the

Utah Open Public Meetings Act or its successor.

- (b) In addition to the foregoing notice, the Recorder or Council staff shall prepare an agenda for each regular meeting of the Council, which is reasonably specific so as to identify the matters to be considered by the Council and which states the date, time and place of the meeting. Such agenda shall be posted not less than 24 hours before the scheduled regular or special meeting. Such posting shall be done by placing a copy of said agenda at the principal office of the City Council and a copy of such agenda given to a local media of general circulation in the geographic area of Sandy City. Notices of emergency meetings shall be given in the best practicable manner, under the circumstances.
- (c) Minutes shall be kept of all open or closed meetings, and shall contain the information required by the Utah Open and Public Meetings Act or its successor. All such minutes shall be public records, filed with the City Recorder and available for public inspection, within a reasonable time after the conclusion of said meeting(s).

22-1-5. Council Organization and Rules.

The Council shall elect a chairperson from its number and shall determine its order, rules, procedure and organization from time to time as it deems prudent and appropriate.

22-1-6. Council Vacancies.

In the event of a vacancy in the Council, the Council shall, within 30 days of the occurrence and declaration of such vacancy, by majority vote of the remaining Council members, appoint a qualified elector of the City to fill the unexpired term as created by the occurrence of such vacancy. The Council member who shall be appointed to fill such vacancy shall serve with all of the rights and powers of a duly elected Council member. A vacancy shall be declared by the Council if a Council member shall die, resign, terminate legal domicile within the corporate limits of Sandy City or, if chosen from a Council district, within the appropriate Council district boundaries or be judicially removed from office.

22-1-7. Staff and Support Personnel.

Subject to the limitations and requirements of applicable budget appropriations, the City Council may appoint and remove such assistants and support staff as may be necessary to perform such functions and duties as may be assigned to them by the City Council.



Staff Report

File #:
CODE-11-18-5564_CC,
Version: 1

Date: 1/8/2019

Agenda Item Title:

Architectural Review Committees - Amending a portion of Title 15A, Chapter 23-21(A) & (B), Central Business District & Automall, Land Development Code, Revised Ordinances of Sandy City, 2008

Presenter:
Mike Wilcox

Description/Background:

The purpose of the Code Amendment is to amend the process of architectural review committees and remove regulations regarding the membership and other details of the architectural review bodies from these zone districts. See staff report for further details.

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance #19-01, which is an amendment to the Land Development Code and shown in Exhibit "A", for the following reasons:

1. Compliance with the Purpose of the Land Development Code by being effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate timely citizen involvement in land use decision making.



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 29, 2018

To: City Council via Planning Commission
From: Community Development Department
Subject: Architectural Review Committees
Amending a portion of Title 15A, Chapter 23-21(A) & (B),
Central Business District & Automall, Land Development
Code, Revised Ordinances of Sandy City, 2008

CODE-11-18-5564

HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
CODE-12-10-1621	Adopted changes to section 15A-23-21(A)(3), Central Business District on March 21, 2011 through ordinance #11-04. The changes addressed the membership of the Architectural Review Committee.
CODE-03-15-4227	Adopted changes to section 15A-23-21(B), Automall District on June 22, 2015 through ordinance #15-19. The changes updated various regulations related to the Automall Dealership Sub District.

REQUEST

The Community Development Department has filed a request to amend Title 15A, Chapter 23-21(A) & (B), Central Business District & Automall, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to amend the process of architectural review committees and remove regulations regarding the membership and other details of the architectural review bodies from these zone districts.

BACKGROUND

Earlier this year, the City made comprehensive changes to the Citizen Committees in an effort to uniformly amend, revise, and replace all previous regulations through various ordinances, resolutions, etc. that have been adopted over the course of several years. The Council and Mayor adopted changes to Title 22, Chapter 1, Section 8, "Special Committees", which updated the regulations for the creation and guidance for these Special Committees. A subsequent resolution,

#18-40C, adopted the "Policy and Procedural Guide for the Appointment of Citizens, Staff, and Elected Officials to Serve on Special Committees". The adoption of these ordinances and resolutions created conflicts in our Land Development Code that contain regulations for the formation of certain Architectural Review Committees. Staff is proposing to remove all regulations from the Land Development Code relating to the formation and guidance for the committees. All future updates to the committees will occur by amending the Policy Guide by resolution of the City Council and Mayor.

ANALYSIS

The proposed amendment would remove any reference to the makeup of the architectural review committee for the Central Business District. It will simply state the role that the committee will have in the Land Development process. They will continue to provide recommendations to the Planning Commission on the compliance of the proposals to the City's Architectural Design Standards.

For the Automall District, the proposed code amendment removes the requirement for an architectural review committee all together. This role would be filled by staff to provide recommendations to the Planning Commission on proposed projects to help ensure compliance with the City's Architectural Design Standards and the Automall Master Plan.

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.

One of the stated purposes of the City's land use ordinances is to be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective.

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 being effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate timely citizen involvement in land use decision making.

Planner:

Reviewed by:



Mike Wilcox
Zoning Administrator



File Name: S:\USERS\PLN\STAFFRPT\2018\CODE-11-18-5564_COMMITTEE\STAFF REPORT.DOCX

Exhibit “A”

15A-23-21 Additional Specific Non-Residential Development Standards (Standards Unique to Each individual District)

A. Central Business District (CBD)

3. **Architectural Review.** An architectural review committee, as established by joint resolution of the City Council and Mayor, shall review all buildings to be erected in the Central Business District and its subdistricts prior to its submission to the Planning Commission. The committee, in accordance with the Sandy City’s Architectural Design Standards, shall review each proposed building’s architectural design, colors, and materials. After reviewing the application, the Committee will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to the Development Code for the District to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the CBD District area.

B. Automall (AM) - Dealership Subdistrict & Commercial Area Subdistrict

1. **Automall Architectural Review.** Each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission, shall be reviewed by staff for compliance with the Automall Master Plan and in accordance with the Sandy City’s Architectural Design Standards.

Exhibit "B"

15A-23-21 Additional Specific Non-Residential Development Standards (Standards Unique to Each individual District)

A. Central Business District (CBD)

3. **Architectural Review.** ~~An architectural review committee, as established by joint resolution of the City Council and Mayor, shall review~~ In order to receive additional professional review and comment concerning all buildings to be erected in the Central Business District and its subdistricts, prior to its submission to the Planning Commission. ~~The committee, in accordance with the Sandy City's Architectural Design Standards, shall review each proposed building's architectural design, colors, and materials. each proposed building shall be reviewed for its architectural design, colors, and materials by individuals including a member of the Planning Commission, a member of the City Council, a member of the Planning Staff, two architects, a local resident, and one person from the Sandy business community. After reviewing the application, the Committee~~ These individuals, who generally will meet together, will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to the Development Code for the District to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the CBD District area.
- ~~a. The Planning Commission, City Council and Director will select their representative from their members. The architects and Sandy business member will be selected by the Mayor.~~
- ~~b. There will be no regular meeting times, meetings will be arranged on an "as needed" basis. The Planning staff member will attempt to arrange a meeting within seven days after submission of plans and request from an applicant.~~

B. Automall (AM) - Dealership Subdistrict & Commercial Area Subdistrict

1. **Automall Architectural Review.** ~~In order to receive additional professional review and comment concerning e~~ Each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission, each site development plan shall be reviewed by staff for compliance with the Automall Master Plan and in accordance with the Sandy City's Architectural Design Standards. ~~by several individuals, including a member of the Planning Commission, a member of the City Council, a member of the Planning staff, three representatives of the owners of land in the Automall District or members of the Auto Dealers Association, and a resident of the City who is selected by the Mayor. These individuals, who generally will meet together, will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to the Master Plan to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the Automall area.~~

- a. ~~Membership. The Automall owners and Dealers, Planning Commission, City Council and Director will select their representatives from their members.~~
- b. ~~Meetings. There will be no regular meeting times, meeting will be arranged on an "as needed" basis. The Planning staff member will attempt to arrange a meeting within seven days after submission of plans and request from the applicant.~~

ORDINANCE 19-01

AN ORDINANCE AMENDING TITLE 15A OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE), 2008, CHAPTER 23-21(A) & (B), “CENTRAL BUSINESS DISTRICT & AUTOMALL” TO AMEND THE PROCESS OF ARCHITECTURAL REVIEW AND REMOVE REGULATIONS REGARDING THE MEMBERSHIP AND OTHER DETAILS OF THE ARCHITECTURAL REVIEW BODIES FROM THESE ZONE DISTRICTS; 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, Chapter 23-21(A) & (B), “Central Business District & Automall” by amending the process of architectural review and removing regulations regarding the membership and other details of the architectural review bodies from the zone districts; and

WHEREAS, the Planning Commission held a public hearing on December 6, 2018 which meeting was preceded by notice by publication in the Salt Lake Tribune on November 22, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, and the Utah Public Notice Website - <http://pmn.utah.gov> on November 16, 2018; 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 8, 2019 to consider adoption of the proposed amendment, which meeting was preceded by publication in the Salt Lake Tribune, on November 22, 2018, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library-Sandy, on the Sandy City Website - <http://www.sandy.utah.gov>, and the Utah Public Notice Website - <http://pmn.utah.gov>, on November 16, 2018; 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 _____, 2019.

Kristin Coleman-Nicholl
Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2019.

APPROVED this _____ day of _____, 2019.

Kurt Bradburn
Mayor

ATTEST:

City Recorder

PUBLISHED this _____ day of _____, 2019.

Exhibit “A”

15A-23-21 Additional Specific Non-Residential Development Standards (Standards Unique to Each individual District)

A. Central Business District (CBD)

3. **Architectural Review.** An architectural review committee, as established by joint resolution of the City Council and Mayor, shall review all buildings to be erected in the Central Business District and its subdistricts prior to its submission to the Planning Commission. The committee, in accordance with the Sandy City’s Architectural Design Standards, shall review each proposed building’s architectural design, colors, and materials. After reviewing the application, the Committee will forward their comments to the Planning Commission. They may also recommend amendments and/or changes to the Development Code for the District to the Planning Commission and City Council and any other design criteria, standards, and guidelines relating to the development of lots within the CBD District area.

B. Automall (AM) - Dealership Subdistrict & Commercial Area Subdistrict

1. **Automall Architectural Review.** Each site development plan proposed in the Automall District and its subdistricts, prior to its submission to the Planning Commission, shall be reviewed by staff for compliance with the Automall Master Plan and in accordance with the Sandy City’s Architectural Design Standards.