



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, March 12, 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

Prayer / Pledge of Allegiance

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. [19-078](#) Administrative Services Department recommending the Council receive a presentation from the City's contracted Financial Advisor, Lewis Young Robertson & Burningham Inc.

Attachments: [General Fund CFSP Worksession Presentation \(March 2019\)](#)

2. [19-073](#) Parks and Recreation Department recommending the Council receive a Spring update

Voting Items

Consent Calendar

3. [19-075](#) Approval of the February 5, 2019 City Council Meeting Minutes.

Attachments: [February 5, 2019 Minutes.pdf](#)

4. [19-076](#) Approval of the February 12, 2019 City Council Meeting Minutes.

Attachments: [February 12, 2019 Minutes.pdf](#)

5. [19-079](#) Approval of the February 19, 2019 City Council Meeting minutes.

Attachments: [February 19, 2019 Minutes..pdf](#)

6. [19-077](#) Approval of the February 24, 2019 City Council Meeting Minutes.

Attachments: [February 24, 2019 Minutes.pdf](#)

7. [19-069](#) City Recorder's Office recommending the City Council adopt Resolution 19-05 to approve the Interlocal Agreement with Salt Lake County and Sandy City for the 2019 Election Services.

Attachments: [2019 Muni InterlocalAgmt.pdf](#)
[RESOLUTION 19-05.pdf](#)

Council Items

8. [19-071](#) Mr. Jason Farrell requesting discussion of an ordinance amendment to allow alcohol sales for special events at the Sandy Amphitheater.

Attachments: [City Park Ordinance](#)

9. [19-070](#) Council Member Nicholl recommending the Council consider issuing a second RFP for "Water event technical investigative services for the Sandy City Council"

Attachments: [Second RFP_Draft](#)

10. [19-074](#) Council Office recommending adoption of amendment to the Role of the Chair policy.

Attachments: [Role of Chair \(Attorney Liaison Amendment\).pdf](#)

Adjournment



Staff Report

File #: 19-078, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

Administrative Services Department recommending the Council receive a presentation from the City's contracted Financial Advisor, Lewis Young Robertson & Burningham Inc.

Presenter: Jason Burningham and Fred Philpot

Description/Background: Comprehensive Financial Sustainability Plan



GENERAL FUND FINANCIAL PLAN

MARCH 2019



AGENDA

- Sandy City Goals and Financial Objectives
- Summary of Historic Prioritization and Efficiency Measures
- Review Modeling Assumptions
- Scenario Analysis
- Property Tax Impact Summary

CITY GOALS

- ❑ Maintain and improve basic core municipal services
- ❑ Maintain integrity of residential neighborhoods and preserve property values
- ❑ Preserve and improve public infrastructure and transportation systems
- ❑ Preserve and expand existing businesses / seek new clean commercial businesses
- ❑ Develop and improve the city's recreational trails and increase recreational opportunities
- ❑ Develop and maintain community facilities
- ❑ Strengthen communications with citizens, businesses, and other institutions
- ❑ Maintain a highly qualified employee workforce

FINANCIAL PLAN OBJECTIVES

Prioritization

- ▣ Evaluate existing services

Efficiency

- ▣ Control of prioritized services (remove low priorities, control growth, scope creep, allocation strategies etc.)

Revenue Generation

- ▣ What new revenue is needed for unfunded priorities, inflation and level of service impacts

PRIORITIZATION & EFFICIENCY

Technology Initiatives

- ❑ The City has undertaken a number of technology initiatives in recent years to streamline and improve operational efficiencies.
- ❑ As an expense saving measure during the height of the recession, City staff extended the expected useful life for much of the City's IT Capital.

Staffing Levels

- ❑ As a result of the 2008 Great Recession, the City made a number of reductions to the allocated FTE's in the City's staffing plan. In FY2008, just prior to the economic downturn, the City listed a total of 646.48 FTE's in its staffing plan. By FY2012 this figure had decreased to 574.6. As of FY2019, the number of FTE's in the City has risen to 610.78; remaining below the pre-recession totals.

Budget Reductions

- ❑ At the outset of FY2019, the City Staff made approximately \$1.5M in reductions to the General Fund's base budget.

PRIORITIZATION & EFFICIENCY

Passports

- ❑ The City Recorder's office began assessing application and execution fees for passport services. collecting a significant amount of revenue for the General Fund.

Justice Court

- ❑ In January 2013, the court began operating with one full time judge instead of its historical 1.6 judicial FTEs.
- ❑ Since 2014, the Justice Court has made incremental adjustment to becoming a paperless court.

Fleet

- ❑ Based on an oil analysis, the City extend oil change intervals and identified corrective actions to extend useful life.
- ❑ GPS (GeoTab) installation on all City vehicles to monitor idling (fuel costs) and safety (seatbelts and hard driving/speeding).
- ❑ As another expense saving measure by the City in recent years, there has been a cap on the City's Fleet O&M Charges. Since FY2015, staff have limited O&M Charges to \$2.2M for fleet repairs. This has saved all city departments and funds from increased charges but inhibited some of the City's fleet operational needs.

PRIORITIZATION & EFFICIENCY

Parks and Recreation

- ❑ The Parks and Recreation Department has completed several initiatives that have reduces costs through the development of alternative energy sources (solar power), reduced water utilization, online registrations, green waste recycling, and technology upgrades (motion sensors, electric golf carts, computerized irrigation systems, etc.).

Public Safety

- ❑ In order to provide better coverage and maximize the number of on duty officers at any given point, City Police recently switched to a new staffing schedule. Officers now have the option of working four 10-hour shifts or three 13-hour shifts.
- ❑ In FY2017 Sandy City began to contract with Gold Cross to collect ambulance fees. Previously the City had handled ambulance billing services in house via an ambulance billing clerk. The new contract with Gold Cross has improved collection rates by 15%.
- ❑ Switched dispatch services from VECC to Salt Lake City producing cost savings.

FINANCIAL PLAN OBJECTIVES

❑ REVENUE GENERATION

- ▣ **Property Tax** – Most stable source, rate controlled by City Council
- ▣ **Sales Tax** – Fluctuates with economy, State Legislature controls the distribution formula
- ▣ **Franchise Fees** – More stable than sales tax but not as stable as property tax. Limited to maximum of 6% on gas and electric, 3.5% on telecommunications (the City's franchise tax revenue is declining)
- ▣ **Building and Development Fees** – Unpredictable and decrease near buildout, usually cover reimbursement of actual staff time and processing expense

FINANCIAL PLAN OBJECTIVES

- **Challenges Affecting the General Fund:**
 - Loss of Buying Power
 - Level of Service/Growth Issues

- **Is the General Fund able to keep up with both inflation and growth?**
 - Understanding the Certified Tax Rate Formula and Truth in Taxation

FINANCIAL PLAN OBJECTIVES

Certified Tax Rate

- Based on Assessed Value of Real, Personal and Centrally Assessed Property in the City
- Less Redevelopment Areas, Board of Equalization Adjustments and adjusted for Five-year average Collection Rate
- Certified Tax Rate = Revenue Neutrality plus **New Growth**

PROPERTY TAXES 101

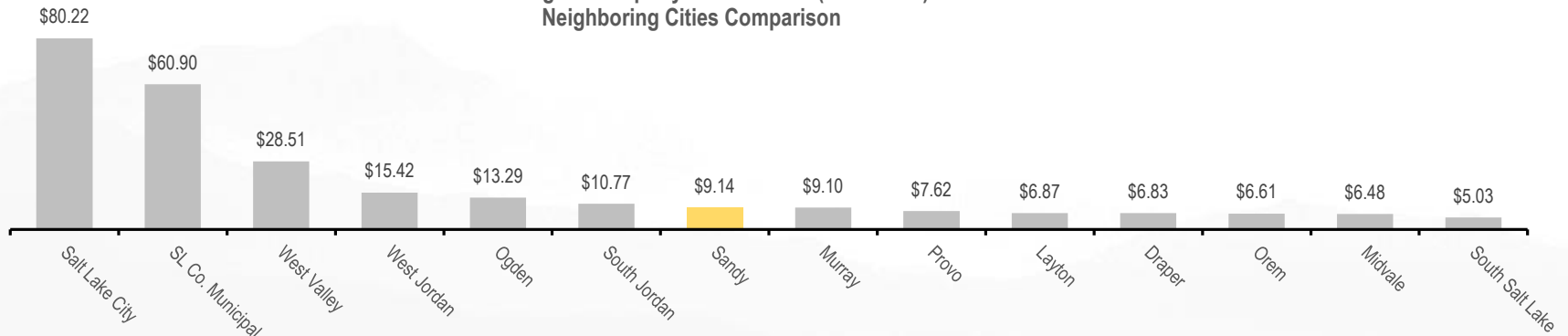
Property Tax Demonstration
Year 1

<div>House 1 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 2 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 3 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 4 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 5 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>														
<div>House 6 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 7 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 8 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 9 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>	<div>House 10 Mkt Value 181,818 Tax Value 100,000 Tax Bill 1,000</div>														
<table><tr><th colspan="2">Entity</th></tr><tr><td>Total Base Mkt Value</td><td>1,818,182</td></tr><tr><td>Total Base Tax Value</td><td>1,000,000</td></tr><tr><td>Tax Revenue Base</td><td>10,000</td></tr><tr><td>Tax Revenue New Grow</td><td>-</td></tr><tr><td>Total Tax Revenue</td><td>10,000</td></tr><tr><td>Tax Rate</td><td>1.00%</td></tr></table>					Entity		Total Base Mkt Value	1,818,182	Total Base Tax Value	1,000,000	Tax Revenue Base	10,000	Tax Revenue New Grow	-	Total Tax Revenue	10,000	Tax Rate	1.00%
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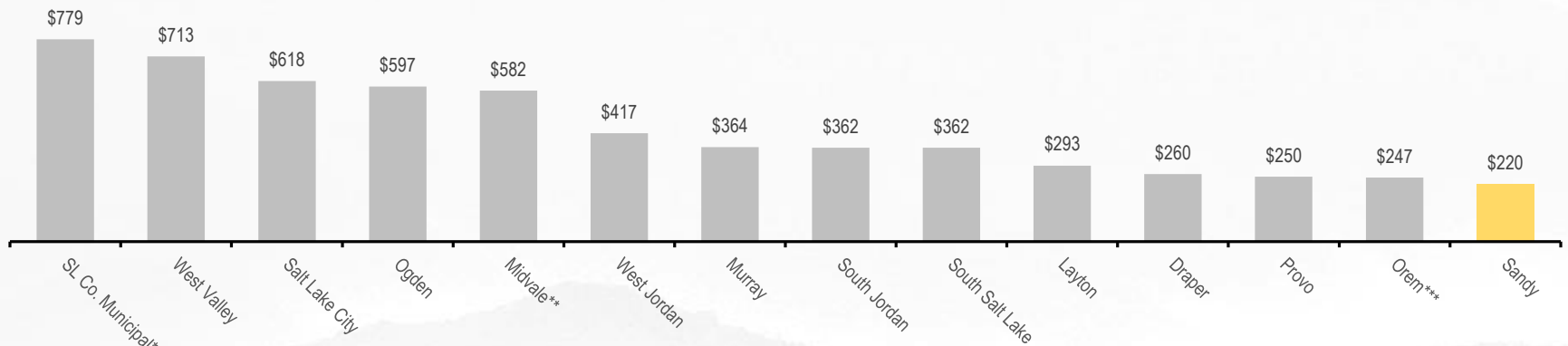


BENCHMARKING

2018 Budgeted Property Tax Revenue (in millions)
Neighboring Cities Comparison



2018 Residential Property Tax
Neighboring Cities Comparison



Includes: *UFA & UPD Rates, **UFA Rate, ***Rate for Library Services
Assumes a \$350,000 Residential Property Value
Source: taxrates.utah.gov

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MODEL ASSUMPTIONS

- ❑ MODEL ASSUMES 2019 BUDGETED REVENUES AND EXPENSES
- ❑ FUTURE ASSUMPTIONS (2020-2023) REGARDING PRIMARY REVENUES:

	FY 2020	FY 2021	FY 2022	FY 2023
Property Tax	2.00%	2.00%	1.00%	1.00%
Sales Tax	2.50%	2.50%	2.50%	2.50%
Franchise Tax	-1.0%	-1.0%	-1.0%	-1.0%
Motor Vehicle Fee	-0.65%	-0.65%	-0.65%	-0.65%
Licenses & Permits	-5.00%	1.25%	1.25%	1.25%
State Road Funds	3.50%	3.50%	3.50%	3.50%
Charges for Service	2.00%	2.00%	2.00%	2.00%

Historic (2000 – 2018)	Historic 10-Year	Historic 3-Year
3.52%	2.75%	6.12%
2.49%	1.05%	4.46%
4.33%	0.79%	-3.86%
-1.05%	-1.80%	1.73%
2.44%	1.20%	4.38%
-0.30%	-0.17%	3.12%
7.40%	5.47%	2.14%

MODEL ASSUMPTIONS

□ ASSUMPTIONS REGARDING PRIMARY EXPENDITURES:

▣ Annual Base Increase Assumptions (Due to Inflation & Natural Growth)

Base % Increase/Decrease	2020	2021	2022	2023
Personnel	3.75%	3.00%	3.00%	3.00%
Materials & Supplies	1.00%	1.00%	1.00%	1.00%
External Services	2.50%	2.50%	2.50%	2.50%
Internal Services	15.00%	8.00%	8.00%	8.00%
Equipment & Improvements	8.00%	8.00%	8.00%	8.00%
Capitalized Internal Services	7.69%	7.14%	6.67%	6.25%

Historic (2000 – 2018)	Historic 10-Year	Historic 3-Year
3.65%	2.15%	2.97%
2.76%	-0.03%	1.42%
5.54%	2.48%	8.48%
-1.68%	1.90%	0.08%
6.21%	7.88%	31.16%
0.00%	-0.62%	-4.99%

- ▣ **Personnel:** Based on 3-Year Historic Growth
- ▣ **Materials & Supplies:** Modeled Based on Slight Increase, Adds Approximately \$50K to Base
- ▣ **External Services:** Modeled Based on 10-Year Historic Growth, Adds Approximately \$40K to Base
- ▣ **Internal Services:** Increase Needed to Catch Up with Operational Costs Related to Fleet (parts and fuel) and IT
- ▣ **Equipment & Improvements:** Modeled Based on 10-Year Historic Growth, Adds Approximately \$10K to Base
- ▣ **Capitalized Internal Services:** Based on Adding \$100K to Base Expense to Catch up to Rising Fleet Replacement Costs.

MODEL ASSUMPTIONS

- ❑ ASSUMPTIONS REGARDING ADDITIONAL O&M EXPENDITURES:
 - ▣ New O&M Expenditures are Based on Preliminary Estimates from Fall
 - ▣ Inflationary Increase: 3%
 - ▣ Ongoing O&M Increases for 2020:
 - ▣ Personnel: \$492K
 - ▣ External Services: \$82K
 - ▣ Internal Services: \$6K
 - ▣ Model Includes Other One-Time O&M Expense Increases in 2021-2023

MODEL ASSUMPTIONS

❑ ASSUMPTIONS REGARDING CAPITAL IMPROVEMENT PLAN (CIP):

Revenues	2020	2021	2022	2023
CIP Expense	50,226,399	29,052,931	11,512,069	31,794,357
Other Funding Sources (Grants, Impact Fees, Road Funds, Etc.)	25,828,974	12,398,923	5,034,383	5,708,777
General Fund Need	\$24,397,425	\$16,654,008	\$6,477,686	\$26,085,580

■ Major CIP Impacts on General Fund Include:

- Parks and Recreation Building, Alta Recreation Center
- Phase II Public Works Facility
- Monroe Street Extension and Improvements
- Fire Station #31 Relocation/Expansion
- Various Bridge Projects
- Wasatch Blvd Overlay
- Other City-Wide Road Projects
- Gateway Beautification Projects
- Other Parks and Recreation Improvements

SCENARIO ANALYSIS

■ Scenario 1: Baseline Analysis

- No Property Tax Increase
- Inclusion of New O&M and CIP
- No New Debt

Comparison of Revenues and Expenses

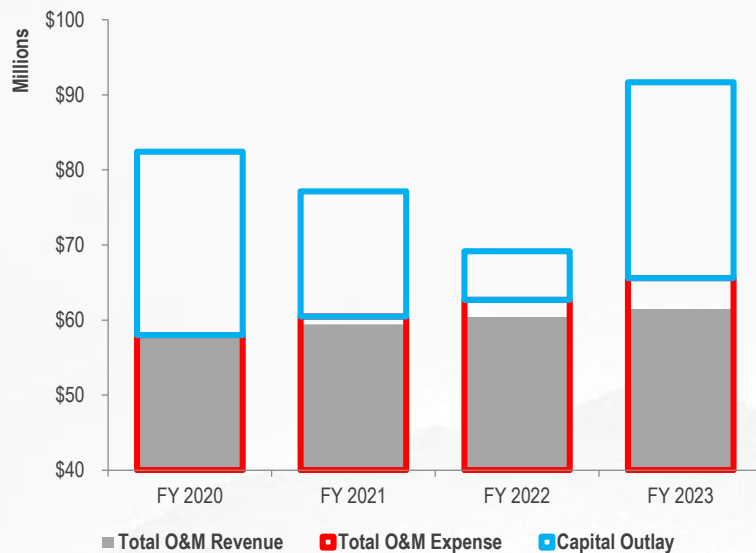
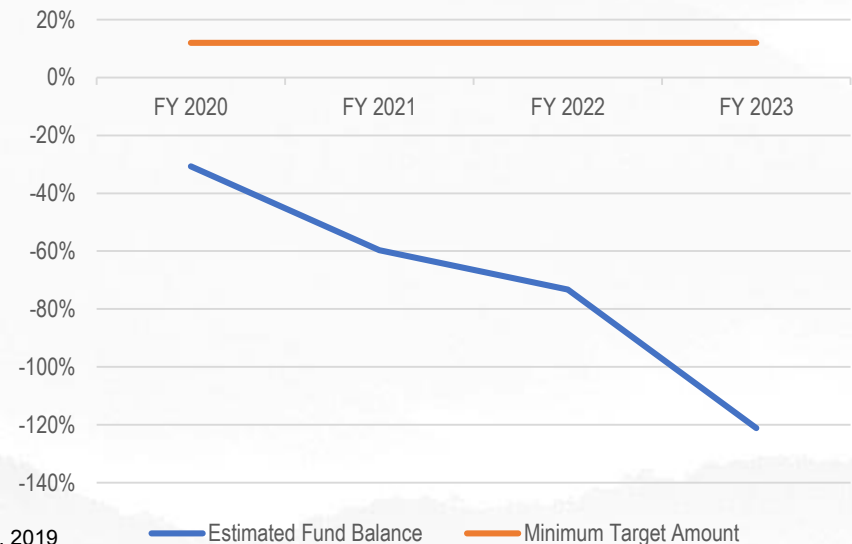


Illustration of Fund Balance as % of O&M Revenue



SCENARIO ANALYSIS

■ Scenario 2: Pay-as-You-Go

- 314% Property Tax Increase Needed to Mitigate Funding Gap in 2020
- Inclusion of New O&M and CIP
- No New Debt

Comparison of Revenues and Expenses

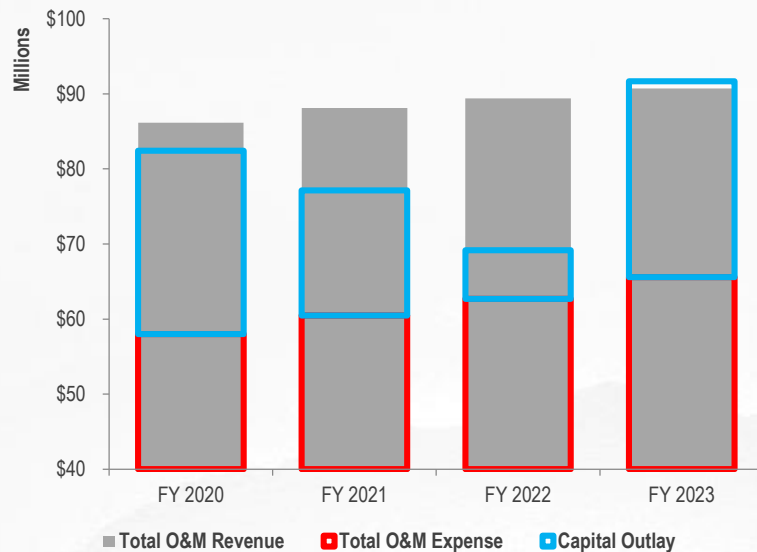
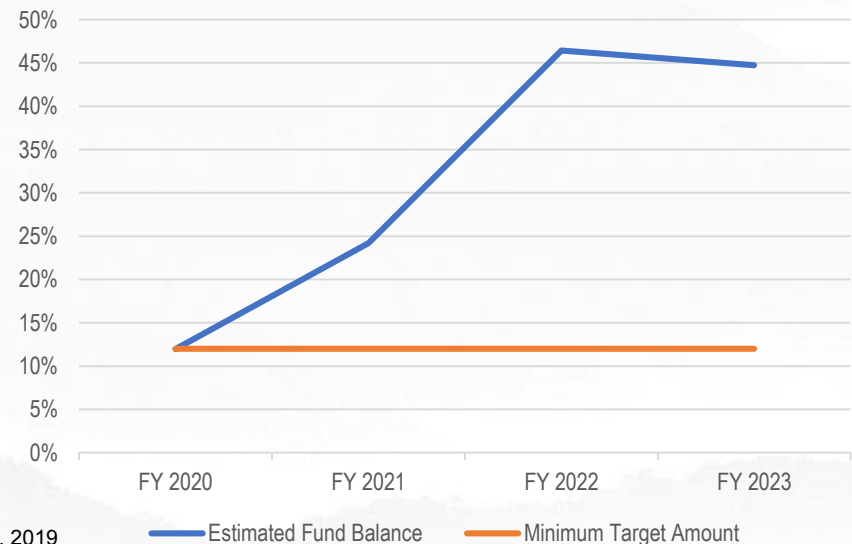


Illustration of Fund Balance as % of O&M Revenue



SCENARIO ANALYSIS

■ Scenario 3: Pay-as-You-Go & Debt Financing

- Property Tax Increases Needed to Mitigate Funding Gap, Assuming New Debt

	2020	2021	2022	2023
Property Tax Increase Needed	38%	12%	15%	12%

- Inclusion of New O&M and CIP
- Including New Debt in 2020 and 2023

Comparison of Revenues and Expenses

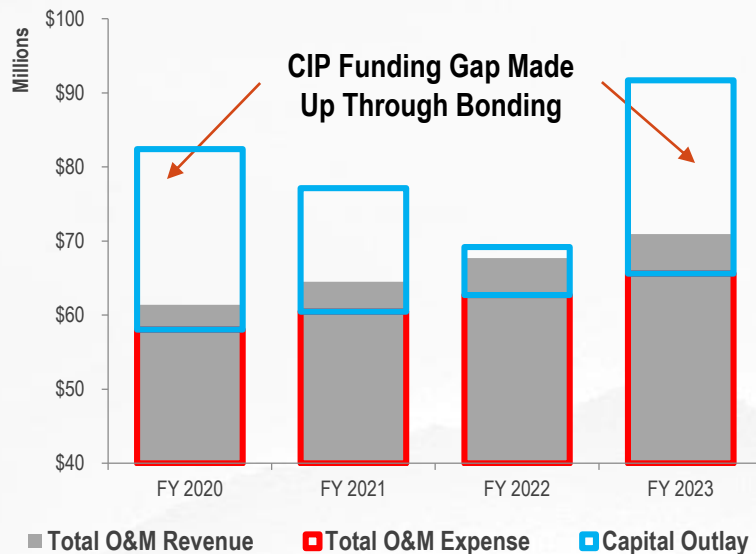
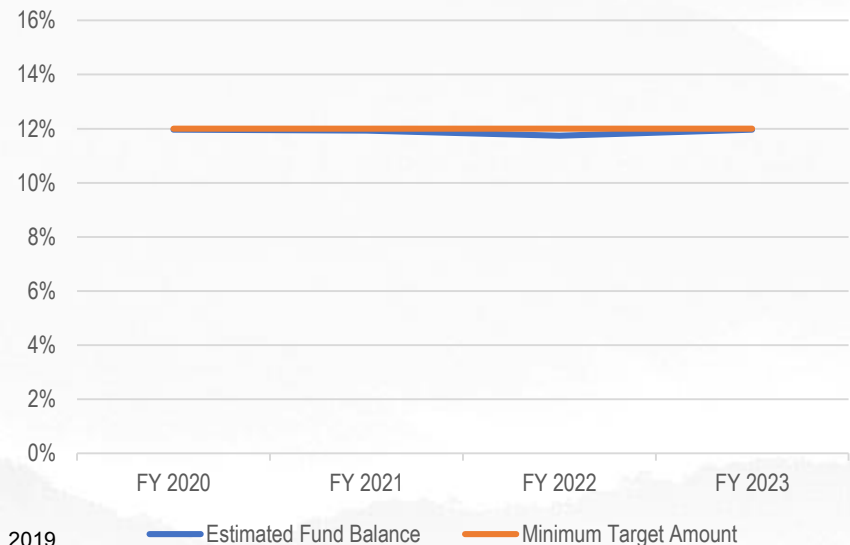


Illustration of Fund Balance as % of O&M Revenue



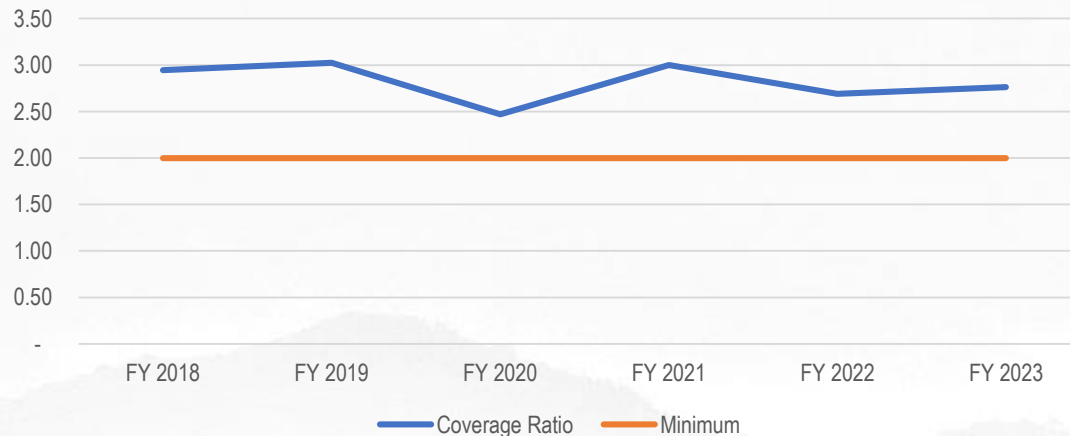
SCENARIO ANALYSIS

■ Scenario 3: Pay-as-You-Go & Debt Financing

■ Bonding Assumptions

Potential Bonds	2020	2021	2022	2023
Rate	4.0%	4.0%	4.0%	4.0%
Years	25	25	25	25
PAR Amount of Bonds	\$40,800,000	-	\$33,150,000	-
Cost of Issuance	2%	2%	2%	2%

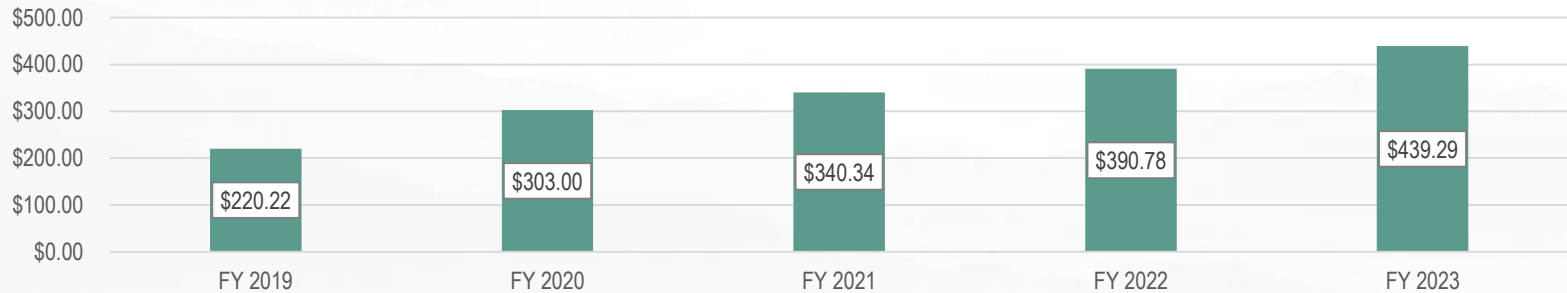
Sales Tax Coverage Ratio



SCENARIO ANALYSIS

Scenario 3: Pay-as-You-Go & Debt Financing

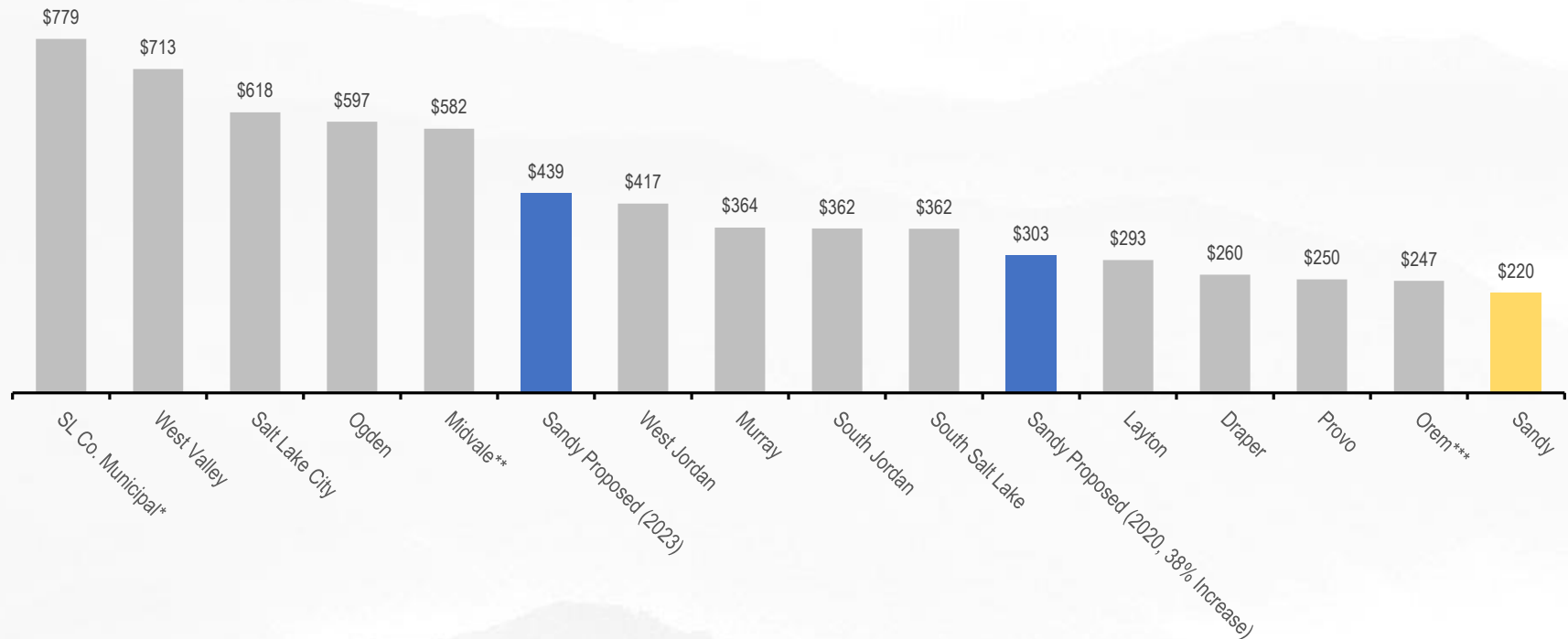
Estimate of Annual Impact (Avg. Home of \$350K)



	2019	2020	2021	2022	2023
Needed General Fund Property Tax Revenues	-	\$3,371,393	\$1,602,108	\$2,184,053	\$2,122,435
Average Home Value	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
Taxable Value	\$192,500	\$192,500	\$192,500	\$192,500	\$192,500
Certified Tax Rate (General Operations)	0.001144	0.001144	0.001574	0.001768	0.002030
General Tax Levy Increase	-	0.000430	0.000194	0.000262	0.000252
Combined Levy	0.001144	0.001574	0.001768	0.002030	0.002282
Combined Tax Bill	\$220.22	\$303.00	\$340.34	\$390.78	\$439.29
Annual Increase		\$82.78	\$37.34	\$50.44	\$48.51
Monthly Increase		\$6.90	\$3.11	\$4.20	\$4.04
Percent Increase		38%	12%	15%	12%

BENCHMARKING

2018 Residential Property Tax
Neighboring Cities Comparison (with Scenario 3 Increases)*



Includes: *UFA & UPD Rates, **UFA Rate, ***Rate for Library Services
Assumes a \$350,000 Residential Property Value
Source: taxrates.utah.gov

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*Assumes other Taxing Entities Remain Constant

CONCLUSION

▣ Next Steps

- ▣ Prioritization of Operational and Capital Needs
- ▣ Identify Additional Funding Needs
- ▣ Evaluate Funding Options
- ▣ Refine Scenarios
- ▣ Establish Action Plan

CONTACT INFORMATION

Jason Burningham

PRINCIPAL | **LEWIS YOUNG ROBERTSON &
BURNINGHAM INC.**

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UT 84101

OFFICE 801.596.0700

CELL 801.201.6839

Fred Philpot IV

VICE PRESIDENT | **LEWIS YOUNG ROBERTSON &
BURNINGHAM INC.**

41 NORTH RIO GRANDE, SUITE 101, SALT LAKE
CITY, UT 84101

OFFICE 801.596.0700

CELL 801.243.0293



Staff Report

File #: 19-073, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

Parks and Recreation Department recommending the Council receive a Spring update

Presenter: Scott Earl



Sandy City, Utah

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

Staff Report

File #: 19-075, **Version:** 1

Date: 3/12/2019

Approval of the February 5, 2019 City Council Meeting Minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

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

Meeting Minutes

City Council

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

Tuesday, February 5, 2019

7:00 PM

Council Chambers

7:00 Council Meeting

Chairwoman Kris Coleman Nicholl welcomed all those in attendance. She conducted a roll call vote which constituted a quorum.

Roll Call

Present: 4 - Council Member Brooke Christensen
Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Zach Robinson

Absent: 3 - Council Member Maren Barker
Council Member Steve Fairbanks
Council Member Linda Martinez Saville

Citizen Comments

There was no public comment.

Public Hearing(s)

[ZONE-10-18-5552\(CC\)](#) *The presentation of a rezone application to the City Council in a public meeting will not occur as previously scheduled. A zone change application, submitted by RWK Cottonwood Heights LLC (Applicant) was scheduled to be presented to the City Council on February 5, 2019. The Applicant requests a zone change from R-1-20A to R-1-12 for two properties located at 590 E. and 606 E. 10600 S. (Application). At the request of the Applicant, the Application will not be presented to the City Council on February 5, 2019.*

RWK Rezone - Bob Kelez, on behalf of RWK Cottonwood Heights, has submitted an application requesting a zone change of two parcels located at 590 E. and 606 E. 10600 S., approximately 2.0 acres, from R-1-20A to R-1-12, both "Single Family Residential Districts." File

#ZONE-10-18-5552.

Attachments: [Public Hearing Cancellation Notice](#)

[PC Staff Report](#)

[Neighborhood Meeting Summary](#)

[PC Minutes \(draft\)](#)

[RWK-Parcel Size Map](#)

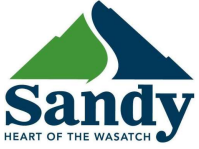
[Concept Plan 2 \(12.11.18\)](#)

Adjournment

The meeting adjourned at approximately 7:00 p.m. by Chris McCandless seconded by Brooke Christensen. The next scheduled meeting of the City Council is Tuesday, February 12, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Michael Applegarth
Meeting Clerk



Sandy City, Utah

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

Staff Report

File #: 19-076, **Version:** 1

Date: 3/12/2019

Approval of the February 12, 2019 City Council Meeting Minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

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Meeting Minutes

City Council

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

Tuesday, February 12, 2019

5:15 PM

Council Chambers

5:15 Council Meeting

Chair Kris Coleman Nicholl welcomed all in attendance at the Tuesday, February 12, 2019 City Council Meeting then proceeded with a Roll Call vote from the City Council.

Rollcall

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy to the Mayor Evelyn Everton
Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Community Development Director James Sorensen
Administrative Services Director Brian Kelley
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.

Council Member Business

Brooke Christensen reported on the weekly Legislative Policy Committee Meeting sponsored by the Utah League of Cities and Towns.

Zach Robinson asked the Administration why the grant opportunity fell through with Utah Clean Cities for electric vehicle stations, and would like to discuss with the Administration how this can be prevented in the future. He asked Evelyn Everton to keep the Council informed on House Bill 288.

Kris Nicholl gave a "shout out", to the Public Works Department on behalf of a Sandy resident for snow removal on Alvey Drive. Ms. Nicholl received feedback from a gentleman regarding citizen surveys. This individual felt the surveys were being sent to often and that 15 questions was not a "quick" survey. She asked the Administration to consider working on a better balance between questions and time intervals for survey's.

Matt Huish mentioned some of the guidelines followed by Qualtrix and said he would check into her concerns.

Mayor's Report

Mayor Bradburn referenced an e-mail sent by Mike Applegarth over the weekend expressing concerns with delayed responses from the Administration. The Mayor apologized for the delay. He presented an update on the structure of the Mayor's office and asked of the CAO Staff Organization could be removed from the February 19th agenda. He thought this had been put to rest.

Kris Nicholl would discuss this during Agenda Planning Meeting tomorrow to determine if all question had been addressed.

Mike Applegarth stated that he identified concerns that warrant further conversation with the Council.

Mayor Bradburn started to bring up another concern that was expressed by Mr. Applegarth "on behalf of all the Council".

Mike Applegarth clarified to the Mayor that he and James Sorensen had a good conversation yesterday, and at no point did he speak on behalf of the entire Council.

Mayor Bradburn explained his policy as it relates to the Planning Commission and Staff recommendations.

Kris Nicholl informed the Mayor that the Council would be meeting with their legal staff for clarification on a question.

Maren Barker asked what the question was. She thought a majority vote was required by the Council to engage legal counsel.

Mike Applegarth noted the Chair has been able to determine if a question is worthy of contacting legal counsel.

Kris Nicholl stated that a comment was made on facebook by the Mayor that possibly could be misconstrued and that the Council would like further clarification.

Mayor Bradburn explained that he made a comment regarding a public document on the access into the project.

Brooke Christensen attended Planning Commission and noted that Staff made it very clear that site planning was not part of the discussion.

Maren Barker believed the Council should vote on and determine if legal counsel should be engaged.

Kris Nicholl stated that Ms. Barker could bring a policy change forward on a future agenda calendar.

Chris McCandless felt the Council should be able to speak with our City Attorney to discuss specific issues for ideas and direction.

Mike Applegarth stated that it was clear that all seven council members were on different sides. He would be having a simple conversation with the Council's Attorney to obtain more information.

CAO Report

Matt Huish noted that Evelyn Everton was on her way to the Council meeting. Mr. Huish apologized for the misunderstanding on grant monies for electric stations in the city.

Mr Huish invited Tom Ward and Mike Gladbach to present updates.

Public Utilities Director Tom Ward updated the City Council on a power outage that occurred last week related to the snow fall and sent fluoride in the water system. He reported on the measures the Public Utilities Department took to isolate the source, communicate with the affected residents, and correct the problem. Flyers were sent out to residents in the affected area. He would present a final report to the Council.

Mr. Ward reported that a new water tank is being build at Flat Iron. They are in the drilling phase which is very noisy, and a 24-7 operation. The neighbors have been patient in enduring the noise.

Public Works Director Mike Gladbach reported on being upside down on the salt supply. They are working on a solution for funding.

Council comments followed.

Legislative Report

Evelyn Everton presented a legislative report to the Council. She would appreciate a letter of support from the City Council to Representative Spendlove and Senator Fillmore, key people looking for change on sales tax distribution. She would be happy to draft a letter expressing concerns and how it could impact budgets.

Brooke Christensen also asked for a written response on House Bill 64, Affordable Housing.

Council discussion and questions followed.

Citizen Comments

Jodi Monaco, expressed frustration on the water event and fluoride in the water, the transparency, lack of representation, notification, and communication, unhappy residents with the way it was handled. She did not feel that the presentation given this evening was accurate, and the effects this may have on the residents in the affected neighborhoods, and lack of questions regarding the toxicity of the fluoride. She asked for answers to questions and more information to be given to the residents.

Chris McCandless apologized. The Council would not hear about this. This is an Administrative issue. He asked Jodi to take her suggestions and meet with Mr. Ward.

Steve Van Maren did not see the water contamination listed on Nextdoor. He submitted a request for a pot hole on Cityserve, but it got to the point where he had to call Public Works. This may not be fully implemented. He noticed that there are a lot of ads on Nextdoor.

Information Items

1. [19-035](#) City Council Budget Workshop

Attachments: [Council Budget Presentation Feb 12 2019](#)

Brian Kelley led the discussion on the Council budget workshop discussing the budget calendar, five year history and outlook, key compensation issues, and council member priorities.

Katrina Fredrick presented the Compensation Plan and key issues.

Council questions and discussion followed.

A motion was made by Zach Robinson, seconded by Brooke Christensen, to reconvene the City Council Budget Workshop to the March 5, 2019 City Council Meeting The motion carried by the following vote:

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

7:00 Time Certain Items and Public Hearings

Prayer / Pledge of Allegiance

Steve Van Maren offered the opening prayer.

Brooke D'Sousa led the audience in the pledge.

Citizen Comments

No Comments.

Adjournment

The meeting adjourned at approximately 7:15 p.m. by Chris McCandless seconded by Kris Nicholl. The next scheduled meeting of the City Council is Tuesday, February 19, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Sandy City, Utah

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

Staff Report

File #: 19-079, **Version:** 1

Date: 3/12/2019

Approval of the February 19, 2019 City Council Meeting minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

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

Meeting Minutes

City Council

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

Tuesday, February 19, 2019

5:15 PM

Council Chambers

AMENDED AGENDA

5:15 Council Meeting

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy to the Mayor Evelyn Everton
Deputy Chief Administrative Officer Kim Bell
Economic Development Director Nick Duerksen
City Attorney Bob Thompson
Community Development Director James Sorensen
Assistant Director Community Development Jared Gerber
Planning Director Community Development Brian McCuiston
Administrative Services Director Brian Kelley
Finance and IT Deputy Director Glade Jardine
Budget & Billing Manager Brett Neumann
Planner Wade Sanner
Parks & Recreation Director Scott Earl
Public Utilities Director Tom Ward
Assistant Director Public Utilities Scott Ellis
Public Works Director Mike Gladbach
Fire Chief Bruce Cline
Police Chief William O'Neal

Roll Call

Chair Kris Coleman Nicholl took a roll call vote confirming that a quorum was present.

Mike Applegarth noted that Council Member Steve Fairbanks and Council Member Maren Barker would be joining the meeting later.

Steve Fairbanks arrived at the City Council Meeting at approximately 5:20 p.m. Maren Barker arrived at the City Council Meeting at approximately

5:35 p.m.

Present: 5 - Council Member Brooke Christensen
Council Member Kristin Coleman-Nicholl
Council Member Chris McCandless
Council Member Zach Robinson
Council Member Linda Martinez Saville

Absent: 2 - Council Member Maren Barker
Council Member Steve Fairbanks

Voting Items

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

1. [19-051](#) Council Chair Nicholl recommends that the Council take public comment on the Sandy Water Quality Incident, and seek direction from the public specifically on two policy questions:

1. Should the City Council convene an investigation into the incident?

2. If so, how shall the committee be structured? For example, should the committee consist of Council Members, citizens, or a combination? What should the scope of the investigation include or not include (i.e. the specific chain of events, the City's management of the incident, public communications, the overall safety of the water quality system, etc.), what type of expertise should be represented on the committee?

Attachments: [UCA 10-3-610.pdf](#)
[UCA 10-3b-203.pdf](#)

Chair Kris Coleman Nicholl presented opening statements regarding the Sandy Water Quality Incident and the responsibility and duty of the City Council: The safety of the City's water quality system, the sequence of events that caused the current emergency, the way the City managed the emergency including the public communications best practices, and to insure, with the upmost of their ability, that the residents are not put in this situation again.

The Council presented a policy question asking the residents if they wanted the Council to do an investigation, and the scope of an investigation.

She asked the residents to comment either yes or no if they are in favor of an investigation. Salt Lake County Health Department representatives were present for residents with specific questions.

Mayor Bradburn invited employees who assisted with the water issue over the past weekend to attend the Council meeting so he could personally thank them for their service.

Kris Nicholl also expressed appreciation on behalf of the Council for the employee's

service to the residents and community.

Citizen Comments:

Tammy McDonald - why were the citizen who were affected by this not notified until February 15th.

Jody Sybrowsky- she was not notified. She became ill after working out and drinking a copious amount of water on Saturday. It came on quickly and lasted three days. She was notified by her next door neighbor who just found a flyer taped to her door. She experienced mild gastric problems for three days. She suggested that the City needs to make certain there is a protocol in place emergencies like this. If there is not, there needs to be a very formal algorithm that addresses each item as they become worse. Every person involved in Sandy City Government should have a roll in that protocol. There needs to be a committee of citizens involved. She would be happy to take part in a committee with a combination of citizens and council members. The public needs to understand the protocols. Citizens have a roll to look out for each other.

Robert Nehron- fully supports the Council convening an investigation. Those items should include the chain of events, root cause, lack of alert notification systems that involve public health, and future mitigation efforts to correct this. He feels the committee should involve citizens, council members, but most importantly, people with expertise on health effects, even on-going.

Kim Machara- was not aware of the problem until a friend contacted her who saw it on the internet February 15th. Her concern is the on-going health effects. She became violently ill on Feb. 7th and had severe abdominal pain, dry heaving, diarrhea. She decided she probably had food poisoning. The symptoms lasted for several hours into the evening, then she began feeling better the next day. She had no idea this was possible contaminated water issues. Is there any follow-up testing that needs to be done? What are the health effects of that? Going forward, what do we need to do to make sure we are safe physically? What is it going to do to our property?

Kris Nicholl noted that it sounded like she has an immediate question that she could ask the doctor to answer for her.

Kim Machara spoke with the neighbors on both sides of her to see if any of their family members had been affected. They had family members who experienced the same type symptoms that came on rapidly and went away quickly. One had a cat that had been vomiting.

Brooke D'Sousa- voiced her support for an investigation and audit to understand the initial cause of the water issue, the full breath and scope of the affected areas, the potential on-going damage, the solution that was put into place to correct the issue and if it was sufficient, ideas to make sure we don't have holes and gaps on-going with water and other areas and services with similar impacts. She learned of the contamination while attending last week's Council meeting during Tom Ward's update. She voiced her disappointment in the way it was handled from a communication stand point, and difficult for residents to trust the information due to inconsistencies. She also experienced some gastrointestinal-intestinal issues and questions the origin. She supports an investigation, with City and Citizen involvement. The investigation needs to be transparent and independent.

Nick Mutlovich- fully supports an investigation. He attended the Town Hall meeting last

night. His biggest concern was the initial assessment of the situation. It is winter and had he gotten sick, not knowing anything else, he would have thought he had the flu. If anyone is to be investigated, he felt Mr. Ward should be investigated for under estimating the problem, the issue with communication, and not communicating with the Mayor in an appropriate manner. He could not understand the lack of communication since this is 2019. There is no way that communication should be done by going door to door and putting flyers to inform residents of a problem. Fluoride is a highly toxic substance.

Steve Van Maren- conduct an investigation but limit it to the response and policies in place to deal with these situations. He does not believe getting technical is appropriate. Staff and Administration can do that. How they responded and what they are going to do in the future, with whatever other responses they are going to deal with, are appropriate in the investigation.

Sharon Shore- look into the safety of putting fluoride into the water, it's impacts and why it was put in our water in the first place. She requested that the City look into the safety of fluoride, and the legality of taking Sandy out of the law that was passed years ago allowing fluoride in water. She would like to make Sandy's water safer.

Monica Zoltanski- spoke regarding communications and no urgency on notifying residents, no cell phone alerts, signs on reader boards similar to ones used for Fireworks. She felt the City is lacking in response to the residents. She attended the meeting last evening and shares the frustrations. How we move forward is important. She is looking to the Council and City Administration to work together. She mentioned the distribution of water and participation in distributing water bottles for samples. She does not want or need to see our leaders bashed. We need to pull together. She asked what the noticing requirements were. This is an isolated incident. Keep it in perspective and have respect and work together to get the best results. She is for an investigation for critical response times and how we escalate the notice to residents.

Suzanne Harrison- State Representative for the area impacted, echoed what had been shared. An independent investigation is important to determine what can be done better and what needs to happen at the City level to make sure that the health and safety of residents are top priority.

Jodi Monaco- repeated the following questions for the record: how communication was handled, the protocol, transparency, level of urgency, whether or not we have the right people doing the right things at the right time, the issues management response was weak, it was assuming that people were going to be at their front doors picking up flyers that absolutely communicate a sense of urgency. This entire issue was handled very irresponsibly. Her concerns are the short and long term affects with her health, her pets health, her home structure, pipes, water heaters, structure, etc, homes values and unable to sell her home at a decreased value. How is Sandy City looking to protect their residents in the future, leaky pipes lower home evaluation. She supports an investigation with the questions raised earlier. She would like a wide but appropriate scope and needs assessment to include the rolls and responsibilities and protocols in place to prevent future incidents, and assessing the gaps. She would like to be a part of this process. She referenced House Bill 72 Safe Drinking Water as a means to temporally shut off the fluoride in the water system. She asked the Mayor to stop the flow of fluoride to protect the residents. She handed out a copy of the House Bill. She wants people to look at Salt Lake County's Health regulation #33 fluoridation in public water supply in order to be more informed.

Public Comments were closed.

Mike Applegarth noted that the Agenda Management System was running, however, it was brought to his attention that the broadcast was interrupted at some point. He wanted this to be stated on the record.

Maren Barker thanked all residents for coming out. The Council takes this very serious. She believes there needs to be an avenue for public participation.

Kris Nicholl suggested forming a citizen committee from the list of residents who expressed interest at last evenings meeting and at today's Council meeting.

Steve Fairbanks noted that this has broad ramifications and the Council needs to figure how to get representation from all quadrants of the city.

Maren Barker noted that coming up with a citizen group cannot be based only on emotion but focused on the facts of what happened.

Brooke Christensen asked if the committee would be set-up by the Administration.

Tracy Cowdell clarified the powers of the Council and Administration. This investigation is an over site of the Council who can create a committee. The committee needs to present legislative advice since the City Council acts as the Legislative Branch. He suggested working with the Administration in order to broaden the scope of the committee.

Steve Fairbanks recommended that the formation of a citizen committee be scheduled for discussion in an upcoming worksession.

Chris McCandless felt that employees who have worked on these issues should also be included.

Zach Robinson suggested engaging members outside of the community with experience as a technical component.

Linda Saville stated this could be addressed after the study.

Brooke Christensen made the motion seconded by Zach Robinson to appoint a technical investigative committee per Utah Code 103 D-203 that does not include any city personnel or elected officials and this committee would oversee an independent investigation of:

- 1. an audit of the City's current Emergency Management practices.**
- 2. SWOT analysis of this specific incident including the communication effort and execution and recommendations for future incidence that may happen.**
- 3. Compliance with relevant regulatory requirements for this specific issue.**
- 4. RFP in compliance with our purchase code to be sent out by the Council Office as quickly as possible pursuant to the City's purchasing code.**
- 5. Council Staff will bring back no less than three technical investigative committee options for the Council to vote on at the February 26th meeting.**
- 6. To use Council Contingency to fund the investigation.**

Discussion on the motion followed from the Council and Council Attorney.

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

Motion - Citizen Water Issue Committee

Kris Coleman Nicholl made a motion to table the establishment of an investigative citizen committee and moving it to discussion and get citizen input going in some fashion ... the motion was approved by a unanimous all in favor voice vote.

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

There was no report.

Council Member Business

Chris McCandless asked for further discussion on Item #2 on the Agenda, Mike Applegarth's report.

Kris Nicholl stated that that item would be moved to a future agenda.

Mayor's Report

Mayor Bradburn updated the Council on the recent water samples and procedures.

Tim Herzog felt the Administration should not only notify residents to flush their water systems, but also include flushing hot water heaters.

Richard Benhan noted that the instructions are on the website for the proper way to flush the system.

Steve Fairbanks asked if residents need to flush their systems prior to water samples.

Mayor Bradburn stated that the lab is requesting a flush so we can get an accurate sample.

Linda Saville asked what the reimbursement was.

Mayor Bradburn stated \$25.00 which went out on the bill as a credit today.

Maren Barker asked if there would be credit for those outside of the zones for flushing their systems.

Mayor Bradburn stated that he would like to look into this and work through that point.

CAO Report

Matt Huish addressed items that were brought up at the Town Hall Meeting and the follow through that is taking place. Bottled Water continues to be at all the fire stations until people feel comfortable drinking the water. They have been working with all joint agencies. Many of the items from last evening's town hall meeting have been addressed. Jared Gerber reported that all commercial businesses and daycare were contacted regarding flushing of water systems and testing. The three schools in the area also were tested and were clear even without flushing. Public Utilities is working to make certain all lab results are searchable on the City's website. He is working with the Emergency Management Specialist Jeff Mulcahy and Risk Management for claims.

Legislative Report

Evelyn Everton presented an update on the sales tax distribution, upgrade from analog to digital on all radios, and a bill for state funding to go towards reimbursements.

This was adopted.

Citizen Comments

Tim Herzog- the water issue began with a power outage. Whatever piece of equipment failed, it lost power. If an Uninterrupted Power Source (UPS) is put on that piece of equipment, it would not fail again. He is in favor of an investigation to include the Council and Administration, for them to work together on a solution. He would also like a citizen committee established to listen to what people have to say. He expressed concern on the response time when information was presented to the residents. The Council needs to create a priority system and response time, then let the residents know about it.

Steve Van Maren commented on Item #2 on the Agenda. He felt the report that was written by Mike Applegarth was well written, very comprehensive. He did not like some of his interpretations in the memo and what they meant to him. Nothing against Mr. Applegarth. It raises a concern that he hopes the Council can get figured out. He questioned where the process was on the municipal code.

Kris Nicholl noted that the municipal code is on line. As the Chair, she will schedule time for the Council to begin review and fine tune the code.

Dea Theodore- supported an investigation into the water crisis, what happened, and what will be done to fix the problem. She thought the establishment of a citizen committee was an excellent idea. She helped take water samples in the community. People were not angry. They were sad with this unfortunate event. They were pleased that the Mayor committed to the water samples and testing to make sure their water is safe.

Kerry Wright, 10657 Willowway Lane, quoted a saying that they use at his work "fix the problem then the system never the blame". He hopes that is the spirit the Council and Administration will take as they work together. He is confident the Administration and Council serve the citizenry and have the best interest at heart. He is in favor of an investigation to be able to see clearly what the problem really was.

Tammy McDonald, 11040 South 2125 East, asked if the residents would receive a credit for the gallons of water flushed in the system. She was told someone would come by yesterday to get a sample of her water. That never happened. She asked if the water is safe to drink.

Kris Nicholl stated "yes". She believed it was a \$25.00 credit. There is also an emergency call center tracking residents who would like their water tested. The form is

on the website.

Mayor Bradburn was happy to answer her questions. Everyone in the impacted Zones 1,2,and 3 will receive a \$25.00 credit on this month's bill. It is his committment to test all homes in the affected zones. Based on Ms. McDonald's address, she is not in the affected zones. The City will come out and test the water whether or not you are in the impacted zones.

---- Bryan, lives across from the pump house,expressed lose on the value of homes and property and that they also would like testing.

Comments Closed.

Information Items

2. [19-049](#) City Council Office reporting on the organization of the Administration.

Attachments: [Executive Director Memo.pdf](#)

Zach Robinson made a motion seconded by Brooke Christensen to reschedule Agenda Item #2 as a future agenda item and approve Items #3-10 on the Consent Calendar.....the motion carried with a unanimous voice vote all in favor.

Voting Items

Consent Calendar

A motion was made that this be approved. The motion carried unanimously.

3. [19-046](#) Approval of the January 8, 2019 Minutes.

Attachments: [January 8, 2019 Minutes.pdf](#)

4. [19-047](#) Approval of the January 15, 2019 Minutes.

Attachments: [January 15, 2019 Minutes.pdf](#)

5. [19-048](#) Approval of the January 22, 2019 Minutes.

Attachments: [January 22, 2019 Minutes.pdf](#)

6. [19-022](#) Council Member Fairbanks proposing a change to the Sandy Legislative Code

Attachments: [Utah Code 10-3-502](#)

[Ordinance 19-02](#)

[Executed Copy Ordinance 19-02lative Code.pdf](#)

Motion to adopt the attached ordinance.

7. [19-033](#) Council Member McCandless Proposing a possible amendment to Title 15A-11-02 "Accessory Structures"

Attachments: [Exhibit A Proposal Clean](#)
[Exhibit B Proposal Redline](#)

Motion to approve the proposal and request staff to notice a public hearing and bring the item back for Council adoption at the earliest date possible.

8. [19-031](#) Public Works recommending adoption of amendments to the Interlocal Cooperation Agreement between Sandy City and the Utah Department of Transportation relating to corridor preservation on State Route 209 (9000 South) between 700 West and Wasatch Boulevard.

Attachments: [SR-209 signed agreement 20070718.pdf](#)
[19-03c \(002\).docx](#)
[Sandy City Cooridor Preservation on SR-209 Amendment No. 01 \(002\).docx](#)

Motion to adopt Resolution 19-03c amending the Cooperative Interlocal Agreement between Sandy City and UDOT relating to corridor preservation on State Route 209 between 700 West and Wasatch Boulevard.

9. [19-043](#) City Attorney's Office recommending the City Council adopt Ordinance 19-05 repealing inoperative and conflicting chapters of Title 16 of the Sandy City Municipal Code related to cable communications.

Attachments: [Comcast Franchise Memo from City Attorney's Office.pdf](#)
[Ordinance 19-05 \(PDF\).pdf](#)
[Executed Ordinance 19-05 repeal .pdf](#)

Motion to adopt Ordinance 19-5 as presented.

10. [19-044](#) City Attorney's Office recommending the City Council adopt Ordinance 19-06 amending Title 16 of the Sandy City Municipal Code related to cable communications.

Attachments: [Comcast Franchise Memo from City Attorney's Office.pdf](#)
[Ordinance 19-06 \(PDF\).pdf](#)
[Executed Ordinance 19-06 Cable Communications.pdf](#)

Motion to adopt Ordinance 19-06 as presented.

Council Items

11. [19-042](#) City Attorney's Office recommending adoption of Ordinance 19-04 authorizing the execution of a franchise agreement between Comcast and Sandy City.

Attachments: [Comcast Franchise Memo from City Attorney's Office.pdf](#)
[Ordinance 19-04 with Franchise Agreement \(PDF\).pdf](#)
[Executed Copy Ordinance 19-04 Comcast Franchise-.pdf](#)

Bob Thompson explained the recommendation from the Attorney's Office to adopt Ordinance 19-04 authorizing the execution of a franchise agreement between Comcast and Sandy City.

Comcast Representative explained the franchise agreement and the negotiating of the agreement with the City Attorney and Staff.

There were no comments.

Chris McCandless made the motion seconded by Linda Martinez Saville to adopt Ordinance 19-04 granting a franchise and authorizing the execution of a franchise agreement between Comcast of California/Massachusetts/Michigan/Utah LLC and Comcast of Utah, II, Inc. and Sandy City as presented relating to cable communications.....the motion carried by the following vote:

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

12. [19-045](#) Council Member Nicholl recommending the Council adopt Resolution #19-04C, creating a policy requesting a quarterly report from the Administration regarding public safety staffing.

Attachments: [Policy Redline](#)
[Resolution Final](#)

Kris Coleman Nicholl asked the Council if they had any questions regarding the adoption of Resolution #19-04C, creating a policy requesting a quarterly report from the Administration regarding public safety staffing.

There were no questions.

A motion was made by Zach Robinson, seconded by Kristin Coleman-Nicholl, to adopt Resolution #19-04C a resolution approving the Sandy City Council Policy requiring quarterly reporting on Public Safety Personnel and Staffing.. The motion carried by an all in favor voice vote.

13. [19-041](#) Council Member Christensen recommending adoption of amendments to the City Council Rules of Procedure.

Attachments: [\(Clean\) 2-19 Proposed Rules of Procedure.pdf](#)
[\(Red-lined\) 2-19 Proposed Rules of Procedure](#)

Brooke Christensen recommended adoption of amendments to the City Council Rules of Procedure.

Council comments followed.

A motion was made by Brooke Christensen, seconded by Linda Martinez Saville, to adopt amendments in the Council's Rules of Procedures as listed ... The

motion carried by the following vote:

Yes: 4 - Brooke Christensen
Maren Barker
Kristin Coleman-Nicholl
Linda Martinez Saville

No: 3 - Chris McCandless
Steve Fairbanks
Zach Robinson

7:00 Time Certain Items and Public Hearings

Prayer / Pledge of Allegiance

Council Attorney Tracy Cowdell offered the opening prayer.

Linda Martinez Saville led the audience in the pledge.

Citizen Comments

There were no comments.

Public Hearing(s)

14. [MISC-01-19-5595\(CC\)](#) The Sandy City Public Works Department is requesting that the City Council review and approve the updates to the 2019 Standard Specifications and Details for Municipal Construction.

Attachments: [Standard Specifications PC Memo](#)

[Redlined Standard Specifications](#)

[PB-01](#)

[RC-02 Street Trench Repair Details](#)

[SW-01 Standard Access Ramp](#)

[Ordinance 19-07 for CC](#)

[Executed Copy Ordinance 19-07 standards specifications and details.pdf](#)

Ryan Cump presented the update for the 2019 standard specifications and details for municipal construction.

Public Hearing opened.

Steve Van Maren attended the Planning Commission meeting. He saw that a comment that was made had been corrected in the documents. He could attest that everything is perfect.

Public Hearing closed.

Council questions followed.

A motion was made by Chris McCandless seconded by Steve Fairbanks to adopt Ordinance 19-07 adopting the City's Standards Specifications and details as

required by the Utah Code...the motion carried by the following vote:

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

Adjournment

The meeting adjourned at approximately 7:25 p.m. by Zach Robinson seconded by Steve Fairbanks. The next scheduled meeting of the City Council is Tuesday, February 26, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Staff Report

File #: 19-077, **Version:** 1

Date: 3/12/2019

Approval of the February 24, 2019 City Council Meeting Minutes.

Motion to approve the minutes as presented.



Sandy City, Utah

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

Meeting Minutes

City Council

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

Sunday, February 24, 2019

3:00 PM

Council Chambers

Special Meeting

Roll Call

Council Office Director Michael Applegarth
Attorney Tracy Scott Cowdell

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
Deputy to the Mayor Evelyn Everton
City Attorney Bob Thompson
Economic Development Director Nick Duerksen
Community Development Director James Sorensen
Parks & Recreation Director Scott Earl
Fire Chief Bruce Cline
Police Chief William O'Neal
Assistant Director Public Utilities Scott Ellis
Assistant Director Paul Browning

Present: 5 - Council Member Brooke Christensen
Council Member Kristin Coleman-Nicholl
Council Member Steve Fairbanks
Council Member Zach Robinson
Council Member Linda Martinez Saville

Absent: 2 - Council Member Maren Barker
Council Member Chris McCandless

1. [19-058](#) City Council Office recommending training and discussion of the Government Records Access and Management Act (GRAMA).

Attachments: [Government Records Access and Management Act.pdf](#)
[AN INTRODUCTION TO GRAMA by CW](#)

Kris Coleman Nicholl opened the Special Meeting taking a roll call of Council Members present to constitute a quorum.

Tracy Cowdell gave a PowerPoint presentation on the Government Records Access and Management Act.

2. [19-059](#) Possible Closed Session to discuss pending or reasonably imminent litigation.

Meeting went into Recess

Meeting Reconvened

A motion was made by Kristin Coleman-Nicholl, seconded by Steve Fairbanks, to adjourn the Special Meeting and convene into a Closed Session to discuss pending or reasonably imminent litigation... The motion carried by the following vote:

Yes: 4 - Kristin Coleman-Nicholl
 Steve Fairbanks
 Zach Robinson
 Linda Martinez Saville

No: 1 - Brooke Christensen

Absent: 2 - Maren Barker
 Chris McCandless

Adjournment

The meeting adjourned at approximately 4:07 p.m. by Kris Coleman Nicholl. The next scheduled meeting of the City Council is Tuesday, February 26, 2019.

Kris Coleman Nicholl, Chair
Sandy City Council

Michael Applegarth
Meeting Clerk



Staff Report

File #: 19-069, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

City Recorder's Office recommending the City Council adopt Resolution 19-05 to approve the Interlocal Agreement with Salt Lake County and Sandy City for the 2019 Election Services.

INTERLOCAL COOPERATION AGREEMENT

between

Sandy City

(Name of Municipality)

and

**SALT LAKE COUNTY on behalf of the
COUNTY CLERK'S ELECTION'S DIVISION**

FOR MUNICIPAL ELECTION

THIS AGREEMENT is made and entered into the ____ day of _____, 2019, by and between SALT LAKE COUNTY (the "County"), a body corporate and politic of the State of Utah, on behalf of the Salt Lake County Clerk's Office, Elections Division; and **Sandy City** (the "City") a municipal corporation created under the laws of the State of Utah.

R E C I T A L S:

WHEREAS, the County desires to provide the services of its clerk's office, elections division, to the City for the purpose of assisting the City in conducting the City's 2019 primary and general municipal elections; and

WHEREAS, the City desires to engage the County for such services; and

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 to -608 (2018), to enter into agreements to cooperate with each other in a manner which will enable them to make the most efficient use of their resources and powers.

A G R E E M E N T:

NOW THEREFORE, in exchange for valuable consideration, including the mutual covenants contained in this Agreement, the parties covenant and agree as follows:

1. **Term.** The County shall provide election services described below to the City commencing on the date this Agreement is executed and terminating on December 31, 2019.

Either party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the County shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit “A.” Generally, the County shall perform the listed election functions as set forth in Exhibit “A” and as needed to ensure implementation of the City’s 2019 primary and general municipal elections.

3. **Legal Requirements.**

a. The County and the City understand and agree that the 2019 City primary and general municipal elections are the City’s elections. The City shall be responsible for compliance with all legal requirements for these elections. The City agrees to translate ballot issues, if any, into Spanish. The County will provide the remaining Spanish translations for the ballot and other election materials as required by law. The County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City, except as provided in this Agreement and Exhibit “A.” The County agrees to disclose and maintain election results through its website merely as a courtesy and convenience to the City. The City, and not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the City’s statutory authority.

b. The County and the City understand and agree that the County does not offer the services or resources to conduct an instant runoff voting election described in sections 20A-4-603 and -604, UTAH CODE ANN. (2018). Accordingly, the County is not obligated by this Agreement to provide the services necessary for the City to participate

in the Municipal Alternative Voting Methods Pilot Project described in Chapter 20A-4, Part 6, UTAH CODE ANN. (2018).

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County an amount not to exceed the estimate attached hereto and incorporated by reference as Exhibit “B.” The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County within thirty days of receiving the invoice. The invoice shall contain a summary of the costs of the election and shall provide the formula for allocating the costs among the issues and jurisdictions participating in the elections. In the case of a vote recount, election system audit, election contest, or similar event arising out of the City’s election, the City shall pay the County’s actual costs of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, UTAH CODE ANN. §§ 63G-7-101 to –904 (2018) (the “Governmental Immunity Act”). Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Governmental Immunity Act or common law. Each party shall retain liability and responsibility for the acts and omissions of their representative officers. In no event shall this Agreement be construed to establish a partnership, joint venture or other similar relationship between the parties and nothing contained herein shall authorize either party to act as an agent for the other. Each of the parties hereto assumes full responsibility for the negligent operations, acts and omissions of its own employees, agents and contractors. It is not the intent

of the parties to incur by Agreement any liability for the negligent operations, acts, or omissions of the other party or its agents, employees, or contractors.

6. **No Obligations to Third Parties.** The parties agree that the County's obligations under this Agreement are solely to the City. This Agreement shall not confer any rights to third parties.

7. **Indemnification.** Subject to the provisions of the Act, the City agrees to indemnify and hold harmless the County, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act, error or omission of the City, its officers, agents and employees and including but not limited to claims that the County violated any state or federal law in the provision of election services under this Agreement.

8. **Election Records.** The City shall maintain and keep control of all records created pursuant to this Agreement and from the elections relevant to this Agreement. The City shall respond to all public record requests related to this Agreement and the underlying elections and shall retain all election records consistent with the Government Records Access and Management Act, UTAH CODE ANN. §§ 63G-2-101 to -901 (2018), and all other relevant local, state and federal laws.

9. **Service Cancellation.** If the Agreement is canceled by the City as provided above, the City shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement by either party, the County shall submit to the City an itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amounts for materials, equipment and services set forth herein.

10. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

11. **Agency.** No agent, employee or servant of the City or the County is or shall be deemed to be an employee, agent or servant of the other party. None of the benefits provided by either party to its employees including, but not limited to, workers' compensation insurance, health insurance and unemployment insurance, are available to the employees, agents, or servants of the other party. The City and the County shall each be solely and entirely responsible for its own acts and for the acts of its own agents, employees and servants during the performance of this Agreement.

12. **Force Majeure.** Neither party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that party, e.g., acts of God, fires, floods, strikes or unusually severe weather. If such condition continues for a period in excess of 60 days, the City or the County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other party.

13. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon personal delivery, actual receipt, or within three (3) days after such notice is deposited in the United States mail, postage prepaid, and certified and addressed to the parties as set forth below:

Salt Lake County Salt Lake County Mayor
2001 South State Street, N2-100
Salt Lake City, Utah 84190

and
Pam Tueller
Fiscal Manager
Salt Lake County Clerk's Office
2001 South State, Suite S1-200

Salt Lake City, Utah 84190-1050
email: ptueller@slco.org

City

email:_____

14. **Required Insurance Policies.** Both parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

15. **Independent Contractor.** Because the County is consolidating election functions in order to conduct multiple, simultaneous elections on August 13, 2019, and on November 5, 2019, certain decisions by the County referenced in Exhibit “A” may not be subject to review by the City. It is therefore understood by the parties that the County will act as an independent contractor with regard to its decisions regarding resources, procedures and policies based upon providing the same scope and level of service to all participating jurisdictions made for the benefit of the whole as set forth in Exhibit “A.”

16. **No Officer or Employee Interest.** It is understood and agreed that no officer or employee of the County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer or employee of the City or any member of their families shall serve on any County board or committee or hold any such position which either by rule, practice or action nominates, recommends or supervises the City’s operations or authorizes funding or payments to the City.

17. **Ethical Standards.** The City represents that it has not: (a) provided an illegal gift to any County officer or employee, or former County officer or employee, or to any relative or

business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or section 2.07, Salt Lake County Code of Ordinances; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinance.

18. **Interlocal Agreement.** In satisfaction of the requirements of the Utah Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 to -608 (2018), (the “Interlocal Act”), in connection with this Agreement, the City and the County agree as follows:

- a. This Agreement shall be approved by each party, pursuant to section 11-13-202.5 of the Interlocal Act;
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- c. Any duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to section 11-13-209 of the Interlocal Act;
- d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action performed pursuant to this Agreement, and for any financing of such costs; and
- e. No separate legal entity is created by the terms of this Agreement. No real or personal property shall be acquired jointly by the parties as a result of this Agreement.

To the extent that a party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

f. County and City Representatives.

i. The County designates the County Clerk as the County's representative to assist in the administrative management of this Agreement and to coordinate performance of the services under this Agreement.

ii. The City designates the City's _____ [title] as the City's representative in its performance of this Agreement. The City's Representative shall have the responsibility of working with the County to coordinate the performance of its obligations under this Agreement.

19. **Counterparts.** This Agreement may be executed in counterparts by the City and the County.

20. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance. All actions including but not limited to court proceedings, administrative proceedings, arbitration and mediation proceedings, shall be commenced, maintained, adjudicated and resolved within Salt Lake County.

21. **Integration.** This Agreement embodies the entire agreement between the parties relating to the subject matter of this Agreement and shall not be altered except in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

SALT LAKE COUNTY:

Mayor or Designee

Date: _____

Recommended for Approval:

Sherrie Swensen
Salt Lake County Clerk

Approved as to Form:

By: _____
Deputy District Attorney
Date: _____

CITY:

By: _____

Title: _____

Date: _____

RESOLUTION 19-05 C

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE SALT LAKE COUNTY CLERK ELECTIONS DIVISION AND THE SANDY CITY RECORDER'S OFFICE REGARDING ASSISTANCE IN CONDUCTING SANDY CITY'S 2019 PRIMARY AND GENERAL MUNICIPAL ELECTIONS.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, State of Utah, finds and determines as follows:

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, permits public agencies to enter into cooperative agreements to provide joint undertakings and services; and

WHEREAS, the attached agreement has been prepared to accomplish such purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sandy City, Utah:

1. It does approve the attached agreement described as an interlocal agreement between the Salt Lake County Clerk Election's Division and the Sandy City Recorder's Office regarding assistance in conducting Sandy City's 2019 primary and general municipal elections.
2. The Hon. Kurt Bradburn, Mayor of Sandy City, is hereby authorized to execute the agreement on behalf of Sandy City Corporation and to act in accordance with its terms.

DATED this _____ day of _____, 2019.

Kris Coleman Nicholl, Chair
Sandy City Council

ATTEST:

City Recorder

RECORDED this _____ day of _____, 2019.



Staff Report

File #: 19-071, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

Mr. Jason Farrell requesting discussion of an ordinance amendment to allow alcohol sales for special events at the Sandy Amphitheater.

Presenter:

Jason Farrell

Description/Background:

City Code does not currently allow alcohol sales at the Amphitheater. Under City Code 7-12-3(g), "possessing or drinking any alcoholic beverage," is prohibited in any City recreational facilities which include parks. Section 7-12-1 defines "park" to mean, "a specific piece of ground, either within the City or that is under the control of the City, that is operated and maintained by the City and set apart for the use of the general public..." As a specific piece of ground under control of the City that is operated and maintained by the City and set apart for the use of the general public, the Amphitheater is considered a park, and the alcohol prohibition applies.

During the September 18, 2018 workshop at the Sandy Amphitheater, questions surfaced about how other communities had permitted special event alcohol sales in their parks. It is possible to amend City Code to allow the State Department of Alcohol Beverage Control to issue special event permits for alcohol sales. As a general rule alcohol possession and consumption would remain prohibited in City parks. The Council could qualify that prohibition by adding the phrase, "unless authorized in writing by the Utah Department of Alcohol Beverage Control," through their special event permitting process.

Mr. Farrell is the concert promoter for the Norah Jones shows at the Sandy Amphitheater. He contacted the City Council Office and requested an Council agenda discussion about how alcoholic beverage sales for permitted special events would impact Amphitheater revenue and show booking opportunities.

Recommended Action and/or Suggested Motion:

Direct staff appropriately depending on the outcome of the Council's discussion.

City Park Ordinance

#04-29

CHAPTER TWELVE - CITY PARK

7-12-1. Definitions

As used in this chapter:

- a. "Recreation center" means those buildings and surrounding areas owned by Sandy City (the City) where recreation activities, day care, health services and other beneficial services and activities are provided by the City, that are designated by the City Council as recreation centers or senior citizen centers.
- b. "Park" means a specific piece of ground, either within the City or that is under the control of the City, that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming, or a park may be planned for any beneficial used by the citizenry. A park may have numerous facilities or consist of only a single facility.
- c. "Recreation" means a leisure activity or diversion which restores one's strength, spirit or vitality and which refreshes the mind and/or body.
- d. "Recreation facilities" (facilities) means parks, recreation areas and recreation centers which are owned or operated by the City, or for which the City has enforcement and/or maintenance responsibilities.

7-12-2. Authority to Make Rules

The Director of Parks and Recreation Department (the Director) of the City may adopt or recommend the adopting of rules for the use and care of City recreational facilities consistent with this chapter and other City ordinances, as provided by the City's ordinances on rulemaking. The Director may coordinate rulemaking and enforcement with the Sandy Police Department which has enforcement authority in all City recreational facilities.

7-12-3. Prohibited Activities

The following activities are prohibited in or on City recreational facilities:

- a. Entering into a flood detention pond where there is water present in it;
- b. Expectorating, urinating or littering in violation of 7-1-11, R.O.S.C., or defecating except into a toilet for that purpose;

- c. Bringing into a City recreational facility an animal other than a dog, cat, horse, donkey, burro, mule or llama unless a special permit has been obtained from Salt Lake County ("County");
- d. Allowing any dog or cat to be off of a leash, or allowing such animal not to be secured to a person;
- e. Allowing a donkey, horse, burro, mule or llama to be in a facility when not being led by a halter or ridden;
- f. Allowing an animal, other than a horse, donkey, burro, mule or llama, under one's ownership, care, custody or control to defecate in a recreational facility without removing the defecation to a proper trash receptacle as provided in Section 3-1-16, R.O.S.C.;
- g. Possessing or drinking any alcoholic beverage;
- h. Hitting or throwing balls or other hard objects against fences, or against baseball, soccer or other backstops;
- i. Shooting any projectile, paint ball or golfing;
- j. Adjusting or tampering with sprinklers, sprinkling valves, or sprinkling or irrigation systems;
- k. Making excessive, unnecessary or unusually loud noises in violation of Title 7, Chapter 2, R.O.S.C.;
- l. Making or continuing to burn an open fire except in barbecue or grill areas provided by the City or County;
- m. Skiing, snowboarding, sledding, tobogganning or riding inner tubes or similar means of descending a hill on snow or ice in areas where such uses are prohibited by posted signs;
- n. Putting any object which is not normally used in those receptacles in sinks, toilets or drinking fountains which is reasonably likely to clog or plug the plumbing;
- o. Parking a motor vehicle or trailer overnight in a facility unless in an area where specifically allowed by posted signs;
- p. Riding bicycles or using skateboards, rollerblades, rollerskates or the like on any surface other than a sidewalk, parking lot or designated trail, or using any of these in a careless or reckless manner;
- q. Operating a snowmobile;
- r. Using any trail, path, walk, road, lot or area for any purpose other than that which is designated by signs or by City or County personnel;
- s. Creating or constructing any path without the express written consent of the Director or County;
- t. Tying or tethering any animal to a tree, plant or structure which is not specifically designated for that purpose;
- u. Annoying, injuring, releasing from confinement or interfering with any animal;
- v. Hunting or fishing unless there is a special facility set aside for such purpose by the City;
- w. Swimming, bathing or wading in any lake, pond, fountain or stream not specifically set aside by the City for that purpose (except that persons wearing fishing waders may wade where fishing is allowed);

- x. Operating any dispensary or concession stand without the express written consent of the Director or without first obtaining a current, valid business license from the City;
- y. Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, papers or advertising of any kind without the express written consent of the Director or County;
- z. Engaging in any activity in an area which is not specifically designated for that activity;
- aa. Camping, lodging or remaining overnight unless in an area specifically designated for that purpose;
- ab. Throwing or depositing any bottle, metal objects, glass, paper, wood, clippings, rubbish or garbage except in receptacles set out for that purpose;
- ac. Carrying or discharging any firearm or explosive of any kind, including fireworks, excepting law enforcement officers and those who have received written consent to do so from the Director;
- ad. Violating any provision or instruction on any sign, or violating any rule of the facility;
- ae. Conducting or carrying on any parade, formal celebration, service or speech-making without express written permission from the Director, the City Council or the County;
- af. Removing any plant, shrub, natural plant, rock, etc., from the recreational facility, excepting parks and recreation personnel in furtherance of their duties;
- ag. Entering any area designated by signs as a rehabilitation or restoration area, excepting parks and recreation personnel in furtherance of their duties.

7-12-4. Opening and Closing Times for City Recreational Facilities.

- a. Except for unusual or unforeseen events, City recreational facilities shall be open to the public every day of the year during designated hours. Unless otherwise noticed by sign or other communication, facilities shall open each day at 6:00 a.m. Facilities without lighted playing fields shall be closed at 10:00 p.m. and those with lighted playing fields shall be closed at 10:30 p.m. Closing hours for facilities shall be posted in each for public information and those posted hours shall be the actual closing time for that facility. With the exception of police, fire, and parks and recreation personnel, no one may enter a recreational facility during the hours it is closed.
- b. Individuals or groups may receive express written permission from the Director, the Director's assistant or the County to be in a facility during the hours it is closed. The written permission shall designate specific hours within which the exemption is granted. The exemption from closing hours shall be in effect only for those hours exempted. Such written permission must be presented to any police officer or City official or employee upon demand. Written exemption from closing hour prohibitions shall not void any other penalties or violations of this chapter or other Sandy City ordinances.

7-12-5. Motor Vehicle Restrictions.

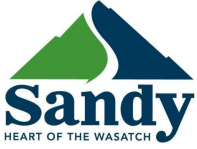
- a. Speeding. It is unlawful to operate or drive a motor vehicle within any recreational facility at a speed in excess of that posted on the particular road, trail or pathway in the facility. If no speed is posted, then no motor vehicle shall be operated at a speed in excess of 7 miles per hour. Nothing in this subsection shall be construed to allow operation of a motor vehicle outside of parking lots and roads unless otherwise permitted by a sign posted by the City.
- b. Careless, Reckless or Hazardous Operation. No motor vehicle, even operated within the permissible speed limit or within area designated for such vehicle's use, shall be operated in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property.
- c. Drive Only Where Allowed. No motor vehicle, as defined in Section 7-2-3(k), may be driven within a facility other than those in areas specifically designated and posted by the City for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used by on-duty City or County employees or emergency personnel for transportation, maintenance or service of facilities, or in performance of their duties.
- d. Definition of Motor Vehicle. This is any vehicle within the definition of "motor vehicle" contained in 7-2-3 (k) of this ordinance.

7-12-6. Noise Restrictions.

No person may play or cause to be played amplified music or sound in a facility without the express written approval of the Director and without obtaining a license for such purpose. Such permission or license may be denied by the Director or the City where it is reasonably believed that such noise would disturb other patrons of the facility, annoy residents neighboring the facility or disturb wildlife. The written permission and license to play amplified sound must be provided to any City employee or official upon demand during the time for which it is granted. Issuance of permission and a license does not exempt the holder or permitted from all other rules, regulations, ordinances or statutes whether State, County or City.

7-12-7. Violation of Ordinance or Rule.

- a. Eviction. Any person violating any of the ordinances, rules or instructions established by the City or the Director may be evicted immediately from the facility by any City employee who has been granted that authority by the Director. Any person who, having been given direction to leave by such an employee and who does not leave, is guilty of violating this chapter.
- b. Penalty. Any person who violates any ordinance, rule, instruction or sign within this chapter is guilty of an infraction unless the violation is a greater offense under State, County or City criminal codes, in which case the violation shall be punishable as the greater offense.



Staff Report

File #: 19-070, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

Council Member Nicholl recommending the Council consider issuing a second RFP for "Water event technical investigative services for the Sandy City Council"

Presenter: Council Member Nicholl

Description/Background:

Since the adoption of the initial investigative RFP on March 5th I have been made aware by residents that the scope we adopted is not enough. Many of those impacted have expressed a lack of trust in some branches and divisions within government and are not confident that they will independently and adequately address the concerns of Sandy residents. However, these residents still have trust in the City Council and It is my recommendation that we listen to them. I'm requesting that the Council issue a second RFP for an independent contractor to investigate the issues removed from the initial RFP, including:

- A) Provide an investigation into the cause of the water event and any responsible parties.
- B) Provide an investigation and research into the potential for any short and long-term health impacts of the water event for people, pets, and livestock.
- C) Provide an investigation and research into the potential for any long-term property damage caused as a result of the water event.
- D) Following all audits, investigations, and research provide the City Council with findings and recommendations, identifying any gaps in the overall response to the water event.

I believe that requiring an independent investigation into these additional issues will go a long way in restoring the public trust of our residents.

The attached draft RFP may still be reviewed by the City Purchasing Agent.



**SANDY CITY
10000 CENTENNIAL PARKWAY
SANDY, UTAH 84070
DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PURCHASING
MARCH 2019**

REQUEST FOR PROPOSAL:

All sealed proposals will be opened privately by the City Purchasing Agent and the City Council Executive Director. Proposals will be evaluated to determine that the functional requirements of the City are met. An award will be made after the appropriate approvals have been received.

THIS IS NOT AN ORDER

PROJECT: "WATER EVENT TECHNICAL INVESTIGATIVE SERVICES FOR THE SANDY CITY COUNCIL"

REQUIREMENTS:

Proposals must be returned no later than **10:30 a.m. Wednesday, March 27, 2019** to the Purchasing Department at the City Hall, 10000 Centennial Parkway, Room 330, Sandy Utah. Proposals should reflect the best and most competitive offers. However, Sandy City reserves the right to negotiate best offers prior to final award.

Proposals received after the deadline shall not be considered and will be returned unopened, to the offerer.

Proposals should be submitted in a sealed envelope which is clearly marked "WATER EVENT TECHNICAL INVESTIGATIVE SERVICES FOR THE SANDY CITY COUNCIL", along with the name and address of the submitter.

Insurance will be required in accordance with "Exhibit A" attached.

See attached specifications.

Submit **TWO (2)** copies of your proposal and any other related material.

For further bid information contact Erica Langenfass, Purchasing Department (801) 352-4477. Any questions in regards to the services requested contact, Mike Applegarth, City Council Executive Director, (801) 568-7107.

The right is reserved to reject all proposals, to waive any informality or technicality or to accept proposals deemed in the best interest of Sandy City Corporation. **ALL PROPOSALS THAT MEET IN PART, EXCEED OR ARE COMPARABLE TO MINIMUM SPECIFICATIONS WILL BE ACCEPTED.**

**SANDY CITY CORPORATION
ERICA LANGENFASS
PURCHASING AGENT**

SANDY CITY
WATER EVENT TECHNICAL INVESTIGATIVE SERVICES 2019

I. INTENT OF SPECIFICATIONS

It is the intent of these specifications to be descriptive and non-restrictive. These specifications set forth the minimum acceptable requirements for technical investigative services for the Sandy City Council.

II. SUBMISSION OF PROPOSALS

Proposals shall be submitted in sealed envelopes with the project title, and vendors name and address marked clearly on the face of the envelope. In order to be considered for award, the respondent must complete all questions and submit their response, signed by an officer of the company, on or before the specified date and time for the proposal submittal.

III. PROPOSAL SHEET

All prices and notations shall be typewritten. No erasures will be permitted.

IV. SIGNATURE ON PROPOSAL SHEET

Your proposal must be signed by an authorized representative of the company named thereon. The signature on this proposal shall be interpreted to signify the vendor's intent to comply with all the terms, conditions and specifications set forth in this solicitation, unless specific exceptions are noted on the face of the proposal.

V. PROPOSAL EVALUATION CRITERIA

The City shall be the sole judge as to which proposal constitutes the "lowest and/or most responsible offer". Price is only one consideration. Qualifications, experience, and references will be considered in the awarding of the contract.

VI. INSURANCE REQUIREMENTS

Insurance will be required in accordance with Exhibit "A" attached to this request for proposal. Bidders should examine these insurance requirements and be prepared to present proof of insurance certificates upon acceptance of proposals. Failure to meet the insurance requirements may result in cancellation of the proposal acceptance.

**SANDY CITY
SPECIFICATIONS FOR WATER EVENT TECHNICAL INVESTIGATIVE SERVICES 2019**

Sandy City is soliciting competitive sealed proposals from qualified vendors for investigative and audit services to be performed for the Sandy City Council for over an unspecified period commencing upon the date of execution of the council professional services agreement. The investigation and audit will encompass the Sandy City response to a water event that resulted in increased levels of fluoride in a portion of the Sandy City water system. Responses must contain, in writing, all the terms and conditions of the proposal being made. Respondent agrees to provide all necessary manpower, equipment, materials, and documentation to perform the required services specified in this request:

- A) Provide an investigation into the cause of the water event and any responsible parties.
- B) Provide an investigation and research into the potential for any short and longterm health impacts of the water event for people, pets, and livestock.
- C) Provide an investigation and research into the potential for any longterm property damage caused as a result of the water event.
- D) Following all audits, investigations, and research provide the City Council with findings and recommendations, identifying any gaps in the overall response to the water event.

POWERS TO BE GRANTED TO VENDOR AS AN INVESTIGATIVE COMMITTEE

- A) Any powers of inquiry considered necessary by the City Council.

ADDITIONAL INFORMATION, REQUIREMENTS, AND QUALIFICATIONS

- A) Your proposal must include a description of qualifications and background for you and for all employees that will work for you providing services to Sandy City. (This information will be kept confidential.) This description must include:
 - 1. Name, address, phone number and date of birth of all employee(s) who will work under the contract.
 - 2. Identification of the individual who will serve as the lead.
 - 3. Previous background and experience of each employee.
 - 4. Description of previous experience in offering the required services specified in this request.
 - 5. List of all local governments currently served by the vendor.
 - 6. Contact information of three client references.
- B) Areas of Performance and Effectiveness: The Sandy City Council recognizes that a successful vendor will demonstrate these qualities:
 - 1. Competence – doing things right (professional knowledge, investigative, research and analytical capabilities).
 - 2. Ethical leadership – doing the right things (principle-centered).
 - 3. Adhering to legal policies and procedures (promoting the public interest).
 - 4. Professional conduct (emotional and mental fortitude).
 - 5. Collaborative mindset (non-adversarial).
- C) Proposal must include the physical address of current office location(s), and other pertinent contact information.
- D) Description of the vendors view of their responsibilities to the City Council in the provision of investigative services
- E) Copy of insurance certificate as described in the attached "Exhibit A".

F) Conflict of Interest: Indicate whether the designated vendor currently represent, or have represented in the past ten years:

1. Any client whose representation may conflict with the ability of the firm to provide investigative services the City Council.
2. Any person(s) currently employed with and/or serving as an elected official of Sandy City.

G) Fees:

1. Vendors desiring to be considered for City Council investigative services shall indicate the hourly rate for services provided.
2. Vendors shall indicate all other costs and reimbursables including meeting attendance, travel (per mile), telephone, printing costs, etc.

H) The selected firm will execute an agreement (which will be drafted by the City) for council investigative services and said agreement can be terminated upon thirty (30) days written notice by either party.

I) Provide organizational information as detailed below:

1. Identify the individual(s) with whom the city is contracting if an award is made.
2. Provide a copy of the most current business entity information identifying the names, business addresses and contact information regarding officers and directors of your business entity. If some of the information differs from that which is on file with the Utah Department of Commerce, please explain the differences.
3. Please provide an organizational chart which identifies the lines of responsibility between the contracting vendor and all employees and any other personnel that would be assigned to provide services to the Sandy City Council under a council legal services agreement.

“EXHIBIT A”

**INSURANCE AND INDEMNIFICATION REQUIREMENTS FOR
PARTIES CONTRACTING WITH SANDY CITY FOR:
WATER EVENT TECHNICAL INVESTIGATIVE SERVICES FOR THE SANDY CITY
COUNCIL (2019)**

Contracting party shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the contracting party, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Contracting party's proposal.

A. MINIMUM LIMITS OF INSURANCE

Contracting party shall maintain limits no less than:

1. **PROFESSIONAL LIABILITY AND ERRORS AND OMISSIONS COVERAGE:** \$2,000,000 per occurrence for premises/operations, products, public display, bodily injury, personal injury and property damages. Limits apply to this service product individually.

B. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retention, exceeding 5% limit of policy, must be declared to and approved by Sandy City. At the option of Sandy City, either; the insurer may be required to reduce or eliminate such deductibles or self-insured retention as respects Sandy City, its officers, officials and employees; or the contracting party may be required to procure a bond guaranteeing payment of losses and related investigations, claim distribution and defense expenses.

C. NOTICE OF INCIDENT OR ACCIDENT

Contracting party shall agree to disclose to Sandy City, all incidents or occurrences of accident, injury, and/or property damage covered by the insurance policy or policies.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages

A. Sandy City, its officers, officials, employees and volunteers are to be covered as an additional insured as respects: liability arising out of activities performed by or on behalf of the contracting party; products and completed operations of the contracting party; premises owned, leased, hired or borrowed by the contracting party. The coverage shall contain no special limitations on the scope of protection afforded to Sandy City, its officers, officials, employees or volunteers.

B. The contracting party's insurance coverage shall be a primary insurance as respects to Sandy City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by Sandy City, its officers, officials, employees or volunteers shall be in excess of the contracting party's insurance and shall not contribute with it.

C Any failure to comply with reporting provisions of the policies shall not affect coverage provided to Sandy City, its officers, officials, employees or volunteers.

D The contracting party's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

I. Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against Sandy City, its officers, officials, employees and volunteers for losses arising from work performed by the contracting party for Sandy City.

III. All Coverage

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice has been given to Sandy City, except for nonpayment of premium, in which case the insurer will provide 10 days notice.

E. ACCEPTABILITY OF INSURERS

Insurance and bonds are to be placed with insurers admitted in the State of Utah with a Bests' rating of no less than A-, IX, and in the limits as listed in this document, unless approved by the Director of Risk Management .

F. VERIFICATION OF COVERAGE

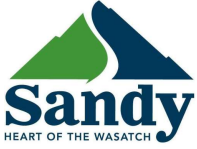
Contracting party shall furnish Sandy City with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be furnished to and accepted by Sandy City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, with all endorsements, at any time.

G. SUBCONTRACTORS

Contracting party shall include all subcontractors as an insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

H. INDEMNIFICATION / LIABILITY

Contracting party shall indemnify and hold harmless the Customer, its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, including attorneys fee, that may at any time arise or be set up because of damages to property, bodily injury or personal injury received by reason of or in the course of providing services to the City but only to the extent caused by any willful, negligent or wrongful act or omission of the contracting party, any of their employees or any subcontractors.



Staff Report

File #: 19-074, **Version:** 1

Date: 3/12/2019

Agenda Item Title:

Council Office recommending adoption of amendment to the Role of the Chair policy.

Presenter:

Mike Applegarth

Description/Background:

At the March 5, 2019 City Council Meeting, Council Member Barker noted that the liaison to the Council's contract attorney has never been formally established. The Council voted to direct staff to bring back a policy clarifying the liaison position.

Staff recommends that the "Role of the Chair" policy be amended to clarify that the Council Chair is the liaison to any Council-contracted service. In addition, references to a Council "work session" are recommended for deletion to be consistent with recent changes to the Council's Rules of Procedure.

Fiscal Impact:

There is no fiscal impact associated with this item.

Further action to be taken:

Staff will include any adopted changes in the Council's policy manual

Recommended Action and/or Suggested Motion:

Motion to adopt amendments to the Role of Chair policy as presented by staff.

Sandy City Council
Legislative Policies and Procedures

Original Approval Date: August 18, 2015

Revision:

Chapter:

Section:

Date Council Approved: August 18, 2015

SUBJECT: Roles and Responsibilities of the Chair

BACKGROUND:

As of July 28, 2015 the roles and responsibilities of the City Council Chair were enumerated in the Council's policy on the Election of Council Officers. The responsibilities were listed as follows:

- Chair meetings
- Sign official documents and critical correspondence
- Represent official positions taken by the Council
- Formally supervise the Director of the Council Office

The Council discussed the roles and responsibilities on April 14, 2015 and again on July 14, 2015 and desired to clarify the roles of the Chair for the public, staff and future Council Members.

POLICY:

The primary role of the Chair is to serve the City Council as a facilitator, helping the Council understand common objectives and assisting the Council in planning how to achieve these objectives. Specific responsibilities include:

AGENDA

- The Chair is responsible for setting and scheduling the weekly City Council agenda with due deference to the opinions and requests of fellow Council Members. Requests from Council Members should follow adopted legislative procedures.

CHAIRING MEETINGS

- Once an agenda is published, the Chair should not delete items from the agenda. Should an item on a posted agenda no longer require Council action, the Chair should request that the Council amend the agenda by tabling the item through majority vote.
- The Chair retains the discretion to add items to the agenda after publication, consistent with the provisions of the Open and Public Meetings Act.
- The Chair's role is primarily organizational and does not bestow any special privileges of debate such as the time allowed for comments, interjections or closing remarks.

Deleted: <#>The Council encourages the Chair to schedule adjournment of the 5:15 Work Session by 6:45 PM to allow for a break before the 7:00 PM City Council meeting.¶

Sandy City Council
Legislative Policies and Procedures

- The Chair should help balance debate by granting the floor to Council Members in a manner that alternates between arguments in favor and arguments against a proposition.

Deleted: <#>The Chair may reserve one Tuesday per month for a Council work session.¶

SUPERVISION

- The Chair is the immediate supervisor of the Council Office Director. The Chair's supervision of the Council Office Director includes scheduling time off, office operations and expenditures. Performance review shall be done by the entire Council in closed session. The Council does not conduct performance reviews for Council Office staff other than the Council Office Director.
- The Chair does not supervise any other Council Office staff.

REPRESENTATION

- The Council Chair should adhere to the Council Media Policy, and should be the "public face" of the Council when available. Media requests for comments from the City Council should be directed to the Chair unless a specific Council Member is requested.

CONTRACT SERVICES

- **The Council Chair is the liaison to outside legal counsel or any other service for which the Council contracts.**

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