



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, May 28, 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 three minutes per voting item. 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

Citizen Comments

Information Items

Voting Items

Consent Calendar

1. [19-170](#) Approval of the May 14, 2019 Minutes.

 Attachments: [May 14, 2019 Minutes](#)
2. [19-171](#) Approval of the May 21, 2019 Minutes.

 Attachments: [May 21, 2019 Minutes](#)
3. [19-172](#) Council Member McCandless recommending adoption of Resolution 19-26C in support of the work of the Central Wasatch Commission.

 Attachments: [Resolution 19-26C \(5-28-19\).docx](#)

Council Items

4. [19-175](#) City Council requesting annual budget proposals from the Community Development Department, Public Utilities Department, Parks and Recreation Department, Police Department, Fire Department, and the Sandy Chamber of Commerce.
5. [19-169](#) Council Member Fairbanks introducing code amendment on employee severance payments.

 Attachments: [Employee Separation Agreement](#)
 [Personnel Action Forms](#)
6. [19-173](#) Council Member Nicholl introducing a code amendment concept to provide for vaccination upon intake at the Sandy Animal Shelter.

6:00 Time Certain Items and Public Hearings

Special Recognition

Public Hearing(s)

Time Certain Items

7. [19-174](#) Continued Public Hearing to Receive Comment on Fiscal Year 2019-2020 Tentative Budget

 Attachments: [PUAB budget recommendation](#)

Adjournment



Sandy City, Utah

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

Staff Report

File #: 19-170, **Version:** 1

Date: 5/28/2019

Approval of the May 14, 2019 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, May 14, 2019

5:15 PM

Council Chambers

5:15 Council Meeting

Roll Call

Council Office Director Michael Applegarth (Absent)
Council Office Analyst Dustin Fratto

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
City Attorney Bob Thompson
City Recorder Wendy Downs
Economic Development Director Nick Duerksen
Community Development Director James Sorensen
Administrative Services Director Brian Kelley
Budget & Billing Manager Brett Neumann
Risk Manager/Fund Counsel Chase Parker
Risk Assistant Megan Sandquist
Fire Chief Bruce Cline
Police Chief William O'Neal
Parks & Recreation Director Scott Earl
Assistant Director Parks & Recreation Todd Asay
Division Manager/Park's Superintendent Chris Dodd
Assistant Director Public Utilities Scott Ellis
Public Works Director Mike Gladbach
Assistant Director Public Works Paul Browning

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

Prayer / Police and Fire Color Guard Flag Ceremony / Pledge of Allegiance

Chairwoman Kris Coleman Nicholl welcomed all those in attendance.

Police Captain Justin Chapman offered the opening prayer.

Sandy City Fire Department Color Guard led the audience in the pledge.

Non-voting Items

Fire Department Swearing In Ceremony

Chief Cline presented the candidates for promotions into the Fire Department. Deputy Chief Ryan McConaghie, Battalion Chief Christopher Aston, Captain Shani Yeaman, Captain Clint Mckee, Engineer Mark Arnold, Engineer Kevin Patterson, New Hire Eric Dickersen. Wendy Downs, City Recorder, performed the swearing in.

Police Department Swearing In Ceremony

Chief O'Neal presented the candidates for promotion into the Police Department. Deputy Chief Greg Severson, Captain Jon Arnold, Lieutenant Chris Tyson, Sergeant Robert Webb, Police Officer Brian Peters, Police Officer Ryan Johnson, Police Officer Doug Jaycox, Police Officer Trevor Keller, Police Officer Ray Ruggles, Police Officer Ron Anson, Police Officer Bill Bagshaw, Police Officer Jared Buchanan, and Police Officer Matthew Mann.

Wendy Downs, City Recorder, performed the swearing in.

Meeting went into Recess

Meeting Reconvened

Agenda Planning Calendar Review & Council Office Director's Report

Dustin Fratto reviewed upcoming items on the Agenda Planning Calendar.

Council Member Business

Chris McCandless reported on the Hale Centre Theater annual Board of Trustees meeting; a call he received from a resident regarding a referendum to remove fluoride from the water, and where to direct this individual for help. He read a letter into the record regarding comments made by Mayor Bradburn on one of his facebook posts on February 1, 2019. Mr. McCandless read his comments into the record.

Mayor's Report

No Report.

CAO Report

No Report.

Citizen Comments

Steve Van Maren addressed item #4 on the agenda pertaining to the refinancing of bonds. He wanted to know the cost savings by refunding the bonds. Brian Kelley explained the savings and the process followed with the adoption of the parameter resolution.

Steve Smith also addressed the video and comments that Mayor Bradburn made. As a former City Council member, he took great offence to the assumption that he was bought and paid for, and the smear on his reputation. He asked Mayor Bradburn to publicly retract his comments and apologize to the Council.

Carola Michel asked how she could sponsor a petition application to initiate the removal of fluoride in the drinking water. Kris Nicholl invited her to speak with the City Attorney.

Information Items

1. [19-156](#) Public Works Department recommending the Council receive a presentation on Curbside Glass Recycling from Momentum

Attachments: [Sandy City Council Curbside Glass Presentation - May 2019](#)

Mike Gladbach introduced the presentation on Curbside Glass Recycling. The City is hoping to implement the glass recycling program July 1st.

Mike Gladbach introduced John Lair, President CEO and Jason Utgaard General Manager from Momentum. They presented a power point presentation and addressed questions and comments.

Chris McCandless requested a tour of Momentum's facility.

2. [19-155](#) Parks and Recreation Department recommending the Council receive an update on the upcoming Sandy Pride Projects

Scott Earl introduced Chris Dodd who presented the upcoming Sandy City Pride projects scheduled for Saturday, May 18, 2019.

Council comments and questions followed.

3. [19-154](#) Council Member Robinson recommending that the Council receive a presentation from the Salt Lake City Department of Sustainability

Attachments: [SLC Energy and Sustainability \(Sandy City - May 14 2019\)](#)

Zach Robinson introduced Tyler Poulson, Program Manager for Salt Lake Department of Sustainability. Mr. Poulson highlighted the opportunities of a sustainability program.

Following the presentation, Zach Robinson expressed appreciation for the presentation.

Council questions and comments followed.

Voting Items

Approval of the Consent Calendar

A motion was made by Steve Fairbanks, seconded by Brooke Christensen, to

approve the Consent Calendar. The motion carried by the following vote:

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

Consent Calendar

4. [19-165](#) Refinancing of Bonds: Consideration for adoption of a resolution authorizing the issuance and sale of not more than \$5,500,000 aggregate principal amount of Sales Tax Revenue Refunding Bonds and related matters (refinancing of Series 2009 and 2010 Storm Water and Golf Bonds).

Attachments: [Parameters Resolution - Sandy STRR 2019 \(002\)](#)
[Calendar of Events, 05.09.19.pdf](#)

Item adopted.

5. [19-162](#) Approval of the April 16, 2019 Minutes.

Attachments: [April 16, 2019 Minutes](#)

Item approved.

6. [19-163](#) Approval of the May 7, 2019 Minutes.

Attachments: [May 7, 2019 Minutes](#)

Item approved.

Council Items

6:00 Time Certain Items and Public Hearings

Public Hearing(s)

7. [19-161](#) Public Hearing to Receive Comment on Fiscal Year 2018-2019 Budget Amendment

Attachments: [19-22C Capital Projects \(EVSE Grants\)](#)
[19-23C Special Revenue \(RDA and CDBG\)](#)
[19-24C Proprietary Funds \(Alta Canyon and Golf\)](#)
[Risk Claims through April 30 2019](#)
[Executed Res 19-22C](#)
[Executed Res 19-23C](#)
[Executed Res 19-24C](#)

Brian Kelley presented the Fiscal Year 2018-2019 Budget Amendment and adjustments. He explained Resolution 19-22 C, Resolution 19-23 C, and Resolution 19-24 C.

Council questions followed.

Public Comments:

Steve Van Maren asked about the Risk Management payouts.

Kris Nicholl commented that they consisted of employee claims, attorney fees, and reserves.

Steve Van Maren asked if there were any water fund claims.

Kris Nicholl stated that there were some but not as many as she thought.

Steve Van Maren asked for an explanation regarding the CDBG Funds. Both Brooke Christensen and Kris Nicholl explained the funds and process.

Chris McCandless made the motion seconded by Zach Robinson to adopt Resolution 19-22 C, Resolution 19-23 C, and Resolution 19-24 C as presented by Staff...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

8. [19-164](#) Public Hearing to Receive Comment on Fiscal Year 2019-2020 Tentative Budget

Attachments: [Tentative Budget 2020](#)
[Link to 2020 Tentative Budget](#)
[Budget Option for Council Discussion 5.14.19.pdf](#)
[Central Wasatch Commission Funding Request.pdf](#)

Brian Kelley noted that this hearing was to take public comment on the Tentative Budget for Fiscal Year 2018-2019. He reviewed the adjustments that were made since the April 23, 2019 presentation.

Council comments followed.

Brooke Christensen presented and explained her budget proposal to the City Council.

Council comments followed.

Brian Kelley presented a chart on the 2018 Residential Property Tax Neighboring Cities Comparison.

Public Comments:

Steve Van Maren asked why the various Departments' had not made their budget presentations. He appreciated Brooke Christensen's proposal. He was hopeful the City would fund the Central Wasatch Commission. He felt it was a worthy cause.

Sandra Haak, Dimple Dell Preservation Community, thought what Brooke Christensen presented was very well thought out. She spoke on behalf of the Dimple Dell Preservation Community speaking firmly in support of the proposed funding for two police officers to help protect and patrol Dimple Dell Park.

Steve Smith was an advocate of a property tax increase when he was on the City Council but could not get the votes. He gave his tentative endorsement on the property tax increase. He did not believe that a case had been made and enough information gathered to prove that a property tax is necessary. He felt that Departments should be required by resolution to present a gap analysis to determine percentages of infrastructure and conditions, and a gap analysis to estimate if a tax increase is necessary in order for the Council to make a decision that does not place them in this position in another two to five years.

Comments closed.

Council questions followed.

A motion was made by Maren Barker, seconded by Linda Martinez Saville, to continue the Public Hearing on the Fiscal Year 2019-2020 Tentative Budget.. 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 8:20 p.m. by Steve Fairbanks seconded by Linda Martinez Saville. The next scheduled meeting of the City Council is Tuesday, May 21, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



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Staff Report

File #: 19-171, **Version:** 1

Date: 5/28/2019

Approval of the May 21, 2019 Minutes.

Motion to approve the minutes as presented.



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Meeting Minutes

City Council

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

Tuesday, May 21, 2019

5:15 PM

Council Chambers

5:15 Council Meeting

Roll Call

Council Office Director Michael Applegarth
Council Office Analyst Dustin Fratto

Administration:

Mayor Kurt Bradburn
CAO Matthew Huish
City Attorney Bob Thompson
Deputy Justice Court Administrator Melisse Stiglich
Deputy to the Mayor Evelyn Everton
Deputy Chief Administrative Officer Kim Bell
Emergency Manager Jeff Mulcahy
Finance & IT Director Brian Kelley
Communications Director Eric Richards
Community Events Director Mearle Marsh
Economic Development Director Nick Duerksen
Economic Development Project Manager Kasey Dunlavey
City Recorder Wendy Downs
Deputy City Recorder Charlie Cressall
Risk Assistant Megan Sundquist
Community Development Director James Sorensen
Planning Director Brian McCuistion
Long Range Planning Manager Jake Warner
Fire Chief Bruce Cline
Police Chief William O'Neal
Parks & Recreation Director Scott Earl
Assistant Director Parks and Recreation Todd Asay
Assistant Director Public Utilities Scott Ellis
Management Analyst Public Utilities Abi Holt
Public Works Director Mike Gladbach
Assistant Director Public Works Paul Browning
Transportation Engineer Britney Ward

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

Prayer / Pledge of Allegiance

Chairwoman Kris Coleman Nicholl welcomed all those in attendance.

Mike Applegarth offered the opening prayer.

Zach Robinson led the audience in the pledge.

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth thanked the Council for the opportunity to attend the Granicus National Conference. He reviewed upcoming items on the agenda planning calendar, and stressed the importance of the Council responding to Keri Rugg for Open Enrollment.

Council Member Business

Zach Robinson expressed appreciation to the Parks Department and Staff for their assistance in Sandy Pride. He thanked the Administration for creating the budget tool and how it has helped in conversations with residents.

Brooke Christensen presented an update on the water event.

Chris McCandless received a request from a federal legislator who works with the Central Wasatch Commission as it relates to federal legislation. He would like to have a resolution of support from Sandy City. He asked that this item be placed on an upcoming agenda.

Kris Nicholl reported of an unfortunate incident that occurred at Animal Services where all of the cats and three rabbits had to be euthanized due to a highly infectious disease. She has heard several negative comments regarding Animal Services. Ms. Nicholl agreed with what they did due to the circumstances surrounding the incident. She informed the Council that she would be bringing some proposed amendments to the animal code in regards to intake vaccinations with hope that it will help. She felt for employees of animal control. It was a difficult decision that had to be made.

Mayor's Report

Mayor Bradburn thanked the Parks Department and Scott Earl for the tremendous success of Sandy Pride.

CAO Report

Matt Huish reported that Purchasing Agent Erica Langenfass would be leaving the City for new employment.

He reported on a nice article in the Cityworks Journal regarding moving cityworks and its value proposition.

Citizen Comments

Bruce Blanchard spoke regarding an e-mail he sent out suggesting/proposing that part of the revenue issues be funded by the current City Council this year, and the other revenue issues be funding in next years budget with the new City Council Members. This way both Council's would be involved in this process. He read an e-mail he received from his neighbor who liked Mr. Blanchard's 50/50 proposal without a huge increase at once.

Steve Van Maren spoke regarding a new health department building going in by Public Works for hazard waste recycling. He was disappointed that the proposal has not be heard of. He does not like the location as a County wide service.

Matt Huish indicated that this is a work in progress.

Mike Gladbach reported that the Administration was updated last week on a business plan for the waste transfer facility. The intent and the plan is to possibly co-locate a hazardous household waste with the waste transfer facility. The process is not far enough along to come before the Council.

Dea Theodore spoke regarding the great experience she had at Sandy Pride and how wonderful it was to see so many people participating. She expressed appreciation to the Parks and Recreation Department. She also expressed appreciation to Kendra for help in organizing the project she was involved in.

Information Items

[19-168](#)

Parks and Recreation Department briefing the Council on National Trails Day

Scott Earl presented a briefing on National Trails Day, Saturday June 5th, 9:00 a.m. at the Wasatch Boulevard Trail Head. They will be meeting with a group from the National Guard.

Voting Items

Council Items

[19-167](#)

City Council requesting annual budget proposals from the Administration, City Council Office, Justice Court, Legal Department, Administrative Services Department, Economic Development Department, and Public Works Department

Brian Kelley introduced the budget proposals.

Kim Bell presented the Administration's Budget proposal.

Mike Applegarth presented the City Council's budget proposal.

Justice Court Administrator Melisse J. Stiglich presented the Justice Court's proposed budget.

Bob Thompson presented the Legal Department's proposed budget

Megan Sandquist presented the Risk Management's proposed budget.

Brian Kelley presented the Administrative Services proposed budget.

Nick Duerksen presented the Economic Development Department's proposed budget.

Mike Gladbach presented the Public Works Department's proposed budget.

6:00 Time Certain Items and Public Hearings

Public Hearing(s)

[GPA-03-19-5624\(CC\)](#) Community Development Department presenting a general plan amendment (File #GPA-03-19-5624), revising the Trails Master Plan, at the request of Administration and with the recommendation of the City Staff Bicycle Committee and the Parks and Recreation Department.

Attachments: [2013 Bike Network](#)
[Proposed Bike Network Changes](#)
[Planning Commission Staff Report](#)
[Planning Commission Minutes](#)
[Trails Master Plan Town Hall Summary](#)
[Ordinance #19-14](#)

Jake Warner presented the revision to the Trails Master Plan at the request of the Administration and with the recommendation of the City Staff Bicycle Committee and the Parks and Recreation Department.

Britney Ward presented the changes to the trails master plan focused on bicycles.

Council questions and comments followed.

The Public Hearing was opened then closed as there were no comments.

A motion was made by Zach Robinson, seconded by Brooke Christensen, to approve Ordinance #19-14, amending the Trails Master Plan of the Sandy City General Plan, with the additional revisions to remove 8800 South and 300 East as well as the private trails as outlined by Chris McCandless... 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

[ANEX-04-19-5637\(CC\)](#) Dean/Couch Annexation (R-1-40A) Zone
1785 East 11400 South
[Community#26]

Attachments: [staff report, plat, consent, and Resolution](#)
[ORDINANCE 19-13](#)

Brian McCuiston updated the Council on the proposed Couch annexation. Staff is proposing an R-1-40A Zone for the property.

Council questions followed.

Applicant Kurt Young was present representing the property owners. There were no questions for the applicant.

The Public Hearing was opened then closed as there were no comments.

A motion was made by Steve Fairbanks, seconded by Kristin Coleman-Nicholl, to approve Ordinance 19-13 the Dean/Couch Annexation; annexing territory located at approximately 1785 East 11400 South in Salt Lake County, comprising approximately 1.4 acres into Sandy City; establishing zoning for the annexed property to the R-1-40A Zone; also providing a severance and effective date for the annexation...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

[19-166](#) Continued Public Hearing to Receive Comment on Fiscal Year 2019-2020
Tentative Budget

Jim Edwards spoke regarding the budget and his main concern with cyber security. He expressed his concern that the Council needs to do what ever is needed and make it their number one priority.

Matt Huish reported that members of the IT Department went to the State IT officials who shared their information regarding cyber security. This was a major part of their discussion and the reason cyber security is in the budget.

A motion was made by Brooke Christensen, seconded by Maren Barker, to continue the Public Hearing to Receive Comment on Fiscal Year 2019-2020

Tentative Budget.. 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 8:49 p.m. by Zach Robinson seconded by Brooke Christensen. The next scheduled meeting of the City Council is Tuesday, May 28, 2019 at 5:15 p.m.

Kris Coleman Nicholl, Chair
Sandy City Council

Pam Lehman
Meeting Clerk



Staff Report

File #: 19-172, **Version:** 1

Date: 5/28/2019

Agenda Item Title:

Council Member McCandless recommending adoption of Resolution 19-26C in support of the work of the Central Wasatch Commission.

Presenter:

Council Member McCandless

Description/Background:

This resolution is an expression of support for the work of the Central Wasatch Commission and the passage of federal legislation addressing conservation, recreation, and transportation solutions.

Fiscal Impact:

There is no fiscal impact associated with this item.

Further action to be taken:

A copy of the executed resolution will be provided to Utah's congressional delegation.

Recommended Action and/or Suggested Motion:

Motion to adopt Resolution 19-26C.

Resolution #19-26C

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF SANDY
CITY, UTAH EPXRESSING SUPPORT FOR THE WORK OF THE
CENTRAL WASATCH COMMISSION

WHEREAS, the Central Wasatch Mountains provide extraordinary recreational, watershed, and economic development opportunities for Sandy City; and

WHEREAS, Sandy City has been integrally involved in Mountain Accord and the Central Wasatch Commission in participating in and finding solutions for the many issues facing the Central Wasatch Mountains; and

WHEREAS, Sandy City has contributed financially and through representation in the work to address watershed protection, resource management, lands designations and solutions through legislation, and transportation solutions that reduce congestion, protect neighborhoods, and find long-term approaches that benefit the people and businesses of Sandy; and

NOW, THEREFORE, BE IT RESOLVED THAT Sandy City continues to participate in and support the work of the Central Wasatch Commission, including the pursuit and passage of Congressional legislation designating a conservation and recreation area, transportation solutions, and work with all jurisdictions and parties to serve Sandy City residents, businesses, and future generations using the Central Wasatch Mountains.

ADOPTED THIS 28th DAY OF MAY 2019

Kurt Bradburn, Mayor
Sandy City

Kris Nicholl, Chair
Sandy City Council

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2019



Staff Report

File #: 19-175, **Version:** 1

Date: 5/28/2019

Agenda Item Title:

City Council requesting annual budget proposals from the Community Development Department, Public Utilities Department, Parks and Recreation Department, Police Department, Fire Department, and the Sandy Chamber of Commerce.

Presenter: Department Heads



Staff Report

File #: 19-169, **Version:** 1

Date: 5/28/2019

Agenda Item Title:

Council Member Fairbanks introducing code amendment on employee severance payments.

Presenter:

Council Member Fairbanks

Description/Background:

On April 24, 2019 Mayor Bradburn authorized a \$22,500.40 severance for the Project Analyst Manager. The employee who received this severance which was equal to three months pay had only worked for the City on a full-time basis for four months. A copy of the severance payment agreement is attached.

Section 6-5-3 of the Sandy City Municipal Code allows the Mayor to enter into such agreements but requires Council approval if the severance amount exceeds three-months pay. It says:

"The Mayor, at his sole discretion, may enter into written agreements with officers and employees specified in subsection (2) establishing a severance payment or allowing for their return to a prior position of employment provided that (a) no such agreement shall be effective unless in writing and attested by the City Recorder and (b) no severance payment shall exceed three months pay without express approval by the City Council."

Council Member Fairbanks proposes to amend this section of code to also require Council approval for a severance of any amount offered to employees with less than one year of service.

Fiscal Impact:

No fiscal impact associated with this item.

Further action to be taken:

If this Council approves this concept, staff will prepare a resolution and code language for Council adoption at a future meeting.

Recommended Action and/or Suggested Motion:

Motion to direct staff to bring back a resolution and code language requiring Council approval for severance payments to employees with less than one year of service.

EMPLOYMENT SEPARATION AGREEMENT

THIS AGREEMENT, dated this 23th day of April 2019 by and between **Sandy City**, a municipal corporation of the State of Utah, hereinafter called the "**City**", and, Brandy Smith, an employee of Sandy City, hereinafter called "**Employee**." The City and Employee are jointly referred to as the "**Parties**".

PURPOSE. Employee has been notified that on May 1, 2019 the Mayor will exercise his option to end the employment of Employee with City effective May 1, 2019 ("Effective Date"). The Parties have determined that it is in their mutual best interest to memorialize certain provisions relative to Employee's separation from Sandy City, and do so by the terms and conditions contained herein. By this Agreement and in return for the foregoing benefits, Employee agrees to release claims against the City and its officials, as set forth below.

IN ORDER TO secure the benefits herein described, some of which Employee would not otherwise be entitled to, and in consideration of the promises contained in this Agreement, Employee and the City expressly acknowledge and agree as follows:

1. **Separation Date.** Employee hereby formally memorializes Employee's separation from employment with Sandy City effective on May 1, 2019 ("Effective Date").

2. **Severance Pay.** The City shall pay to Employee a one-time severance payment in the amount of \$22,500.40 from which the City shall withhold taxes and other withholdings as required by law, City policy, or City ordinances.

3. **Leave/Separation Pay ("Vacation Accrual").** As of April 18, 2019, Employee had accrued 29.6 unused vacation hours valued at \$1,280.79. As full payment for Employee's vacation hour accrual, the City shall pay Employee the amount of \$1,280.79, minus the value of any vacation hours used by Employee between April 19, 2019 and the Effective Date, plus the value of any vacation hours accrued by Employee between April 19, 2019 and the Effective Date.

4. **Health Insurance and COBRA.** The City shall discontinue coverage of Employee and any dependents under the City's existing medical insurance, dental insurance and EAP program as of May 31, 2019. Employee may apply for health insurance coverage thereafter through the City's Retiree Health Program or pursuant to the provisions of the Comprehensive Omnibus Budget Reconciliation Act, (**COBRA**), Public Law 99-272, Title X, U.S. Code. Eligibility for COBRA, application requirements, and length of coverage, are governed by the provisions of COBRA. Employee should refer to that Act, in consultation with Employee's financial, legal, or other advisors, if desired, for any questions concerning such coverage. The City shall not be liable for any information or advice provided to Employee about COBRA or health insurance benefits Employee may wish to obtain or maintain after Employee terminates Employee's employment with the City.

5. **Other Leaves and Benefits.** It is understood that Employee, Employee's dependents, heirs, and assigns will not be entitled to accrue or use sick leave or other City leave or benefits from and after the Effective Date except as described above in Paragraph 4.

6. **Return Property.** Prior to receiving severance payment, Employee shall return to Mayor Bradburn or his designee, all City property and equipment in Employee's possession or which has been provided to Employee for use in Employee's employment responsibilities.

7. **Personnel File.** Employee reserves the right to inspect Employee's personnel file and to provide written supplementation from time to time as new and pertinent information may become available.

8. **Claims or Action Against City.** Employee further agrees as follows:

- a. With the exception for a claim for unemployment insurance, Employee will not file or cause to be filed any grievance, claim, charge, complaint, action, or cause of action (collectively referred to as "Action" in this Paragraph 8), against the City or any of its officers or employees, in any court of law or before any City, State or federal administrative agency arising from or related to Employee's employment with the City; and
- b. Employee may cooperate in any government agency investigation but Employee waives the right to receive any proceeds or benefits from any Action filed by any entity or person against the City, or any of its officers or employees, in any court of law or before any City, State, or federal administrative agency arising from or related to Employee's employment with the City.
- c. Employee will refrain from engaging in, assisting with, or cooperating in any effort or activity of any type by any person, firm, organization, or entity, public or private, where the purpose of such effort or activity is to injure in any way the interests of the City, or of any official, agent, or employee of the City, unless specifically required by law.

9. **Release and Waiver of Claims Against City.** On behalf of Employee and anyone claiming through him, Employee irrevocably and unconditionally releases, acquits and forever discharges the City, its successors and assigns, as well as each past and present official, employee, and anyone claiming through them (hereinafter collectively called "**Releasees**"), in each individual, official, and/or corporate capacity, from any and all claims, liabilities, promises, actions, damages and the like, known or unknown, which Employee has ever had against any of the Releasees arising out of or relating to Employee's employment with the City or Employee's separation therefrom ("**Claims**"). Claims include, but are not limited to the following:

- a. employment discrimination (including claims of sex discrimination and/or sexual harassment) and retaliation under Title VII (42 U.S.C.A. 2000e, etc.), the Age Discrimination in Employment Act, and under 42 U.S.C.A. Section 1981 and Section 1983, the Utah Antidiscrimination Act (UAA), and/or any other relevant Federal or State statutes, or municipal ordinances;
- b. disputed wages;

- c. wrongful discharge and/or breach of any alleged employment contract;
- d. the Americans With Disabilities Act (ADA) and the UAA;
- e. claims based on any tort, such as invasion of privacy, defamation, fraud, or infliction of emotional distress; and
- f. claims based on any other federal statute, law of the State of Utah, or ordinance, policy, or procedure of Sandy City.

10. **Rights of Employee Under Federal Law and Waiver.** Employee acknowledges that Employee has been informed pursuant to the federal Older Workers Benefit Protection Act of 1990 as follows:

- a. Employee has the right to consult with an attorney before signing this Agreement;
- b. Employee does not waive or give up any rights or claims under the Federal Age Discrimination in Employment Act that may arise after the date this Agreement is signed;
- c. Employee has twenty-one (21) days from the date of first receiving a copy of this Agreement to consider signing this Agreement. If Employee decides to sign this Agreement before 21 days have passed, the timing of such execution is solely Employee's choice and Employee acknowledges that Employee voluntarily waives the 21-day period to consider this Agreement; and
- d. Employee has seven (7) days after signing this Agreement to revoke the Agreement, and the Agreement will not be effective until that revocation period has expired. Employee further acknowledges that Employee understands that this Waiver is voidable for seven (7) calendar days after its execution, provided, that written notice of Employee's intent to revoke is delivered to the Human Resources Division within seven (7) calendar days after Employee's execution of this Waiver, and that Employee immediately reimburses the City for all funds paid to Employee and all funds expended by the City under this Agreement. In the event the Human Resources Division does not receive such notice, this Agreement will become final, binding, and irrevocable seven (7) calendar days after Employee executes this Waiver.

11. **Defense and Indemnity of Employee.** The City agrees to indemnify, hold harmless, defend, and protect Employee from all claims, demands, actions, obligations, causes of action or liability that have arisen or may arise from acts of omissions of Employee while employed by the City to the extent provided in and subject to the defenses and exceptions of the Governmental Immunity Act of Utah, and its amendments, which Act as of the date of this Agreement is found in Chapter 63G-7, Utah Code Annotated.

12. **Laws of Utah.** This Agreement shall be construed and governed by the laws of the State of Utah and the release contained herein shall not be deemed or construed as an admission of liability or responsibility at any time for any purpose.

13. **No Prior Agreements, Modifications, No Waiver.** This Agreement is the entire agreement between the parties related to its subject matter and supersedes and replaces all prior agreements and understandings, written and oral, between the parties. The Agreement may be modified or supplemented only by a writing signed by the Parties. The failure of either party to enforce at any time or for any period of time any provision hereof shall not be construed to be a waiver of such provision of the right thereafter to enforce each and every provision. No waiver by either party to this Agreement, either express or implied, of any breach of any term, condition or obligation of this Agreement shall be construed as a waiver of any subsequent breach of that term condition or obligation or of any other term, condition or obligation of this Agreement.

14. **Severability of Provisions.** Whenever possible, each provision of this Agreement shall be interpreted to be valid under applicable law. If any condition, covenant, or other provision ("Provision") of this Agreement is held to be invalid or void by any court or government agency of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall in no way affect any other Provision herein contained if it can reasonably be done. If such Provision shall be deemed invalid due to its scope or breadth, such Provision shall be deemed valid to the extent of the scope or breath permitted by law.

15. **All Payments and Benefits Included.** This Agreement memorializes all benefits and payments owed to Employee from the City of any kind or nature.

16. **Legal and Financial Advice.** Employee acknowledges and agrees that Employee has been advised to seek legal and financial advice about this Agreement from knowledgeable and experienced professionals, and Employee acknowledges that Employee has been given ample time and opportunity to seek such advice and to consider this Agreement prior to its execution. Based upon such deliberation and consultation, and based upon the expertise of the Parties and their representatives, it is agreed that the contract rights provided herein are exclusive of any other remedies provided under local, State, or federal law, or constitutions.

17. **Binding on Representatives, Heirs, Assigns.** This Agreement and its terms shall be binding on the representatives, heirs, beneficiaries, and assigns of the Parties.

18. **Confidential Information, Indemnity.** Employee shall not, either directly or through others, keep or disseminate any records of the City classified as confidential, or classified by the City as private, protected, or controlled under the Utah Government Records Access and Management Act and its amendments, which Act as of the date of the Agreement is found in Chapter 63G-2, Utah Code Annotated. Employee shall save, keep, and hold harmless the City and its officers, agents, employees and volunteers from all damages, costs or expenses in law or equity, including attorney's fees, that may at any time arise or exist because of damages to property, bodily injury, or personal injury received by reason of Employee's breach of this paragraph, or by any willful or negligent or wrongful acts or omissions of Employee in releasing or disseminating such information obtained by him in the course of Employee's employment with the City.

19. **Remedies.** This Agreement was negotiated by the Parties with the benefit of legal advice and expertise. A reasonable period was provided for deliberation as well as legal and financial consultation by the Parties prior to the execution of this Agreement. Based upon such negotiation,

review, deliberation, and consultation, and based upon the expertise of the Parties and their representatives, it is agreed that the right of specific performance of the benefits, waivers, releases, indemnities, and settlements provided herein are exclusive of any other remedies provided under local, state, or federal laws, or constitutions.

Employee has had the opportunity to consult with an attorney before signing, and has read, understands, and executes this Agreement this ____ day of April 2019.

SANDY CITY

Kurt D. Bradburn
Kurt D. Bradburn, Mayor



ATTEST:

Wendy D.
City Recorder

EMPLOYEE

Brandy Smith
Brandy Smith

WITNESS:

Katrina Frederick
Print name: Katrina Frederick

SANDY CITY APPROVALS

Department KB
Risk Mgt. MB
Budget MB
Legal Form MB
Purchasing Compliance MB



SANDY CITY PERSONNEL ACTION FORM

This form is not a contract and does not establish rights to employment or compensation

NAME Brandy Smith

SSN

Effective Date 1/2/19

DEPT./DIVISION Administration

Hourly

Bi-Weekly

Annual

PRESENT POSITION TITLE Project Analyst Manager

Current Salary 43.27

90001.60

NEW POSITION TITLE

New Salary

PERSONNEL ACTION ☐ New Hire ☐ Rehire ☐ Performance Evaluation ☐ Promotion ☒ Transfer ☐ Reclassification
☐ Demotion (Attach Documentation) ☐ Separation ☐ Other

POSITION CLASSIFICATION ☐ Elected Official ☐ Appointed - Category 1 ☒ Appointed - Category 2 ☐ Appointed - Category 3

☐ Regular Employee ☐ Part-time benefitted ☐ Part-time non-benefitted (<29 hrs/wk) ☐ Seasonal (6 months or less) From To

☐ Probationary (new employee) ☐ Probationary (promotions) ☐ Provision/Emergency ☒ Other Exempt

DEPARTMENT Payroll Dept 12

Pay Location S300

Hrs/Week

PERSONNEL EEO Code 1

Job Class 20112-001

PAYROLL ACTION

FUNDING ☐ Pay From ☐ Hired Under ☐ Transferred to

Fund-Dept-AcctNo

% Allocation

☐ Performance Base Pay Increase

1-12-4111111

100.00 %

☐ Performance Incentive Pay (check if ☐ gross or ☐ net)

☐ Spot Award Incentive Pay (check if ☐ gross or ☐ net)

☐ Pay Adjustment

☐ Out-of-Class Pay ☐ Add ☐ Delete

☐ Suspension From To (Hrs)

☐ Leave Without Pay From To

*(Explain fully in remarks below or with attachment)

☐ Other

Changed her work
schedule to fulltime
but it started mid
pay period so her time and
may need to be adjusted?

%
%
%
%
%
%

REMARKS Brandy is transferring from a part-time work schedule to a full-time work schedule.

Employee has had an opportunity to discuss this action prior to determination ☐ YES ☐ NO

Employee has returned City equipment and final check can be released ☐ YES ☐ NO

SEPARATION ☐ Resignation ☐ End of Temporary Assignment ☐ Retirement ☐ Dismissal * ☐ Disability * ☐ Reduction*

*(Explain fully in remarks below or with attachment)

REMARKS

Payroll - OFFICE USE ONLY

Department/Division Head

Date

Employee Signature

Date

City Administrator (If Needed)

Date

Human Resources Authorization

Date

Revised Date: 03/17



SANDY CITY PERSONNEL ACTION FORM

This form is not a contract and does not establish rights to employment or compensation

NAME Brandy Smith SSN [REDACTED] Effective Date 5/1/19
DEPT./DIVISION Administration Hourly Bi-Weekly Annual
PRESENT POSITION TITLE Project Analyst Manager Current Salary 43.27
NEW POSITION TITLE New Salary

PERSONNEL ACTION ☐ New Hire ☐ Rehire ☐ Performance Evaluation ☐ Promotion ☐ Transfer ☐ Reclassification
☐ Demotion (Attach Documentation) ☒ Separation ☐ Other

POSITION CLASSIFICATION ☐ Elected Official ☒ Appointed - Category 1 ☐ Appointed - Category 2 ☐ Appointed - Category 3
☐ Regular Employee ☐ Part-time benefitted ☐ Part-time non-benefitted (<29 hrs/wk) ☐ Seasonal (6 months or less) From To
☐ Probationary (new employee) ☐ Probationary (promotions) ☐ Provision/Emergency ☐ Other
DEPARTMENT Payroll Dept Pay Location Admin # Hrs/Week

PERSONNEL EEO Code Job Class AD-20112-001

PAYROLL ACTION FUNDING ☐ Pay From ☐ Hired Under ☐ Transferred to
Fund-Dept-AcctNo % Allocation
☐ Performance Base Pay Increase 0001-1200-4111111000 100.00 %
☐ Performance Incentive Pay (check if ☐ gross or ☐ net) %
☐ Spot Award Incentive Pay (check if ☐ gross or ☐ net) %
☐ Pay Adjustment %
☐ Out-of-Class Pay ☐ Add ☐ Delete %
☐ Suspension From To (Hrs) %
☐ Leave Without Pay From To %
*(Explain fully in remarks below or with attachment) %
☐ Other

REMARKS

Employee has had an opportunity to discuss this action prior to determination ☐ YES ☐ NO
Employee has returned City equipment and final check can be released ☐ YES ☐ NO

SEPARATION ☐ Resignation ☐ End of Temporary Assignment ☐ Retirement ☐ Dismissal * ☐ Disability * ☒ Reduction*

*(Explain fully in remarks below or with attachment)

REMARKS Separation due to a reduction in force.

Payroll - OFFICE USE ONLY

Department/Division Head

Date

Employee Signature

Date

City Administrator (If Needed) Mayor

Date

Human Resources Authorization

Date



Staff Report

File #: 19-173, **Version:** 1

Date: 5/28/2019

Agenda Item Title:

Council Member Nicholl introducing a code amendment concept to provide for vaccination upon intake at the Sandy Animal Shelter.

Presenter:

Council Member Nicholl

Description/Background:

A recent outbreak of feline panleukopenia at the Sandy Animal Shelter resulted in the unfortunate euthanization of all cats and three rabbits. Vaccinating animals upon intake to the Sandy Animal Shelter will reduce the threat of this happening in the future.

Fiscal Impact:

Minor general fund cost increase for the vaccinations. An estimate will be provided should the Council express interest in pursuing this policy change.

Further action to be taken:

Council Member Nicholl will work with Animal Services to develop specific Title 3 code language and a funding recommendation for vaccination upon intake.

Recommended Action and/or Suggested Motion:

Motion to approve in concept vaccination upon intake at the Sandy Animal Shelter.



Staff Report

File #: 19-174, **Version:** 1

Date: 5/28/2019

Agenda Item Title:

Continued Public Hearing to Receive Comment on Fiscal Year 2019-2020 Tentative Budget

Description/Background:

To view the FY2020 Tentative Budget, use the following URL.
(<https://sandy.utah.gov/home/showdocument?id=8619>)



MEMORANDUM

To: Sandy City Council

From: Don Milne, Chairman
Public Utilities Advisory Board

Date: May 21, 2019

Re: Recommendation for Public Utilities Budget 2019-2020

During the month of April, the Public Utilities Advisory Board reviewed the FY 2019-2020 Public Utilities Budgets covering Water, Storm Water, and Street Lighting services. All of the Board's questions or concerns have been addressed.

The Board recognizes the need for rate increases over the next ten years to purchase the necessary water from Metropolitan Water District of Salt Lake & Sandy, to address ongoing operations and maintenance, and to complete necessary capital improvements outlined in the current Water Master Plan. However, in light of the recent water quality event affecting residents' water service, the Board supports postponing a rate increase this year. The department has reserve funds sufficient to carry through a "Rainy Day" and we concur that these recent events constitute a rainy day.

In the spirit of cooperation and understanding, the Metropolitan Water District of Salt Lake and Sandy has adjusted its budget proposal by reducing the needed rate increase to Sandy City this year. We appreciate our Metro family's willingness to bear with us through FY 2020.

At our meeting on April 18, 2019, the Board unanimously approved a motion to recommend the FY 2019-2020 Public Utilities Budgets. The Board believes the proposed budgets and related expenditures are reasonable and we hope you will accept our recommendation.

If you have any questions, please feel free to contact me directly at 801-652-6308.

Thank you.

A handwritten signature in blue ink that reads "Don Milne".