



Sandy City, Utah

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

Meeting Agenda

City Council

Brooke Christensen, District 1
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, June 30, 2020

5:15 PM

Online Meeting

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

The June 30, 2020 Special Meeting of the Sandy City Council Meeting will be conducted via Zoom Webinar. Public comment will occur no sooner than 6:00 PM. Each speaker is allowed three minutes. Citizens wishing to comment must access the meeting via the Zoom Webinar link below. The call-in number is for listening only. If a citizen is unable to attend a meeting via Zoom, he or she may e-mail the City Council Executive Director at mapplegarth@sandy.utah.gov 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.

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_gsxefWnmRQCb6XpipWz06g

After registering, you will receive a confirmation email containing information about joining the webinar.

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866

Webinar ID: 882 5174 4867

Password: 798843

5:15 Council Meeting

Prayer / Pledge of Allegiance

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Council Member Business

Mayor's Report

CAO Report

Information Items

1. [20-218](#) Reconsideration of the Mayor's veto of Resolution 20-23C.
Attachments: [20-23C Final Budget Adoption](#)
[Veto](#)

2. [20-216](#) Public Works Department recommending that the Council receive a presentation from Waste Management regarding proposed changes to the recycling program
Attachments: [2020 Sandy EOW Recycle Proposal](#)
[Social Media Plan](#)
[2020 EOW Sandy Customer Svc Talking Points](#)
[2020 Sandy City EOW Postcard](#)
[Sandy City Proposal Fact Sheet](#)
[2020 Sandy City Resident FAQ](#)
[2020 Sandy City EOW Email](#)

Voting Items

Consent Calendar

3. [20-217](#) Approval of the June 23 City Council meeting minutes.
Attachments: [June 23 City Council meeting minutes.](#)

Council Items

4. [20-215](#) Administration recommending that the Council adopt a scooter ordinance for Sandy City.
Attachments: [Ordinance 20-02](#)

6:00 Time Certain Items

Citizen Comments

Adjournment



Staff Report

File #: 20-218, **Version:** 1

Date: 6/30/2020

Agenda Item Title:

Reconsideration of the Mayor's veto of Resolution 20-23C.

Presenter:

Mike Applegarth

Description/Background:

On Thursday, June 25 the City Council approved Resolution #20-23C adopting the tentative budget as the City's final budget for fiscal year 2020-2021 including the adjustments the Council made to certain appropriations as outlined in Exhibit "A."

On June 26, 2020, Mayor Kurt Bradburn sent a memorandum to the Council returning Resolution #20-23C, Exhibit A and vetoing the adjustments the Council made to certain appropriations of the budget.

Utah Code 10-3b-204(3) requires the Council to reconsider the veto. It says, "At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation." The Council may override a veto with a two-thirds majority (5 votes). The veto stands absent a two-thirds vote to override.

No vote is required. Placement of this item on the agenda is sufficient for the Council's reconsideration.

Recommended Action and/or Suggested Motion:

No vote is required.

RESOLUTION #20-23C

A RESOLUTION OF SANDY CITY ADOPTING ITS ANNUAL BUDGET FOR SANDY CITY AND ALTA CANYON RECREATION DISTRICT FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021; ALSO ESTABLISHING CERTAIN FEES AND CHARGES IN SANDY CITY FOR SAID FISCAL YEAR.

WHEREAS, on May 5, 2020, the City Council of Sandy City received the Mayor's tentative budget for each fund of the City, as provided in Utah Code Section 10-6-111; and

WHEREAS, on May 5, 2020, the City Council adopted, by Resolution #20-14 C, the tentative budget for the coming fiscal year, for purposes of further review, and set a public hearing for June 23, 2020 to consider final adoption of the budget; and

WHEREAS, at least seven days notice of said public hearing was published in a newspaper of general circulation within Sandy City in compliance with Utah Code Section 10-6-113; and

WHEREAS, on June 16, 2020 the City Council adopted, by Resolutions #20-20 C and #20-21 C, property tax rates not exceeding the certified rates; and

WHEREAS, each tentative budget and all supporting schedules and data have been held as a public record in the office of the City Recorder and City Finance Director, available for public inspection for a period of at least 10 days prior to the date of this resolution; and

WHEREAS, on June 23, 2020, a public hearing was held on adoption of said budget, at which time all interested persons in attendance were given the opportunity to be heard, for or against, the estimates of revenue and expenditures of any item in the tentative budget of any fund; and

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

BUDGET ADOPTED

1. Budgets for all funds, as presented, are hereby adopted for use by Sandy City for the fiscal year 2020-2021, including adjustments outlined in Exhibit A.

FEE SCHEDULE ADOPTED

2. The fee schedule set forth in the budget is hereby adopted and shall be in effect during the fiscal year 2020-2021. These fees shall not be waived or deferred except as provided by law or by resolution of the City Council.

RESOLUTION #20-23 C

CERTIFYING AND FILING

3. The Budget Officer of the City is directed to certify a copy of the final budget for each fund and file the same:

- a. In the office of the City Recorder or City Finance Director to be available to the public during regular business hours; and
- b. With the State Auditor within 30 days after adoption.

PASSED by the City Council of Sandy City, Utah, this 25th day of June, 2020.

Kristin Coleman-Nicholl, Chair
Sandy City Council

ATTEST:

Wendy Downs
City Recorder

RECORDED this ____ day of _____, 2020.

RESOLUTION #20-23 C

Exhibit A

1. Sales tax projections in the general fund will be reduced by a commensurate amount relative to the following adjustments to appropriations:
 - a. Remove fleet replacement and expansion items except for:
 - i. \$165,000 – Fire Ladder Truck Lease Payment
 - ii. \$40,000 – Parks Air Compressor (or Equivalent Expenditure)
 - iii. \$105,000 – Storm Water Mack 10-Wheel Dump (Payment 2 of 2)
 - b. Reduce compensation plan increases to 25% of those proposed in the FY 2020-21 tentative budget, except for fixed benefits appropriations that will match the FY 2020-21 Tentative Budget
2. Additional compensation plan increases throughout FY 2020-21 will be based on revenue benchmarking as outlined in Councilmember Houseman’s Benchmark Approach presented in city council meeting on June 23, 2020:
 - a. Benchmark A – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for July, August, and September 2020 meets or exceeds 90% of total projected sales tax revenue for those months in the FY 2020-21 Tentative Budget (evaluated in November 2020 and each subsequent month, for the previous 3-month period, until met)
 - b. Benchmark B – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for August, September, and October meets or exceeds 95% of total projected sales tax revenue for those months in the FY 2020-21 Tentative Budget (evaluated in December 2020 and each subsequent month, for the previous 3-month period, until met)
 - c. Benchmark C – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for September, October, and November meets or exceeds 95% of total projected sales tax revenue for those months in the FY 2020-21 Tentative Budget (evaluated in January 2021 and each subsequent month, for the previous 3-month period, until met)
 - d. Progress monitoring updates may also include additional data points of other revenue sources
 - e. At each benchmark, options will be evaluated for making employees whole relative to the compensation plan proposed in the FY 2020-21 Tentative Budget (retroactive pay, spot awards, bonuses)
3. A one-time appropriation of \$90,000 will be added in the Water fund for the Central Wasatch Commission

RESOLUTION #20-23 C

4. Language will be updated on page 8 of the tentative budget document to define a department by the two-digit code indicated in the chart of accounts underpinning the budget at the time of City Council adoption (or similar language acceptable to the Council Office and Administrative Services Department)

MEMORANDUM

To: Sandy City Council

From: Mayor Kurt Bradburn

Dated: June 26, 2020

Re: Veto

Utah Code Ann. § 10-3b-204:

(2)(a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an ordinance or tax levy or all or any part of an appropriation passed by the council.

(2)(b) If a mayor vetoes an ordinance or tax levy or any part of an appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections.

(3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.

(4)(c) An ordinance, tax levy, or appropriation passed by council takes effect upon recording as provided in Chapter 3, Part 7, Municipal Ordinances, Resolutions, and Procedure, if: following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

Pursuant to Utah Code Ann. § 10-3b-204(2)(a)-(b), as Mayor of Sandy City, I hereby return Resolution #20-23 C, Exhibit A and veto only the adjustments to the Sandy City Council's appropriation, as follows:

1.b. Reduce compensation plan increases to 25% of those proposed in the FY 2020-21 tentative budget, except for fixed benefits appropriations that will match the FY 2020-21 Tentative Budget.

2. Additional compensation plan increases throughout FY 2020-21 will be based on revenue benchmarking as outlined in Councilmember Houseman's Benchmark Approach presented in city council meeting on June 23, 2020:

a. Benchmark A – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for July, August, and September 2020 meets or exceeds 90% of total projected sales tax revenue

for those months in the FY 2020-21 Tentative Budget (evaluated in November 2020 and each subsequent month, for the previous 3-month period, until met)

b. Benchmark B – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for August, September, and October meets or exceeds 95% of total projected sales tax revenue for those months in the FY 2020-21 Tentative Budget (evaluated in December 2020 and each subsequent month, for the previous 3-month period, until met)

c. Benchmark C – Additional 25% of compensation plan increases proposed in the FY 2020-21 Tentative Budget will be released if actual total sales tax revenue for September, October, and November meets or exceeds 95% of total projected sales tax revenue for those months in the FY 2020-21 Tentative Budget (evaluated in January 2021 and each subsequent month, for the previous 3-month period, until met)

d. Progress monitoring updates may also include additional data points of other revenue sources

e. At each benchmark, options will be evaluation for making employees whole relative to the compensation plan proposed in the FY 2020-21 Tentative Budget (retroactive pay, spot awards, bonuses)

3. A one-time appropriation of \$90,000 will be added in the Water fund for the Central Wasatch Commission

Statement of Objections:

- The Sandy City finance team has taken great steps to ensure projections for the FY 2020-2021 are conservative and accurate in this COVID-19 environment. They have based these projections on historical data and have worked extensively with the best economic experts in the state. Proof in point: the actuals for March and April sales tax revenue came in \$400-600k higher than the finance team's conservative projections. I have full confidence that the numbers are more than accurate and can be relied upon to fund the city.
- Furthermore, the budget presented to council contained a 10% reduction in sales tax projections. All non-necessary spending has been identified **and salary increases for elected officials are eliminated**. Essential city services are prioritized and spending on vehicles, equipment, projects and committee memberships are delayed. Benchmark approaches should be applied to line items that do not create complication and uncertainty for city employees and the level of services they provide to our constituents.
- Last year, the council approved a 22% property tax increase with the support of administration. This tax increase was explained to Sandy residents as the city's effort to improve public safety and hire additional first responders. The benchmark approach to funding the Sandy City compensation plan would hinder the city's ability to keep those promises made to residents and make it incredibly difficult to hire additional personnel. By trickling out the funding for the step and grade pay for first responders, the city risks losing qualified individuals to cities that have a competitive pay scales already in place. Three

years ago, discussions began with our first responders about adequate compensation and a plan to make Sandy City competitive to attract more experienced first responders. The step and grade increases were part of this discussion from the beginning. With full confidence in city leaders and an effort to keep the city budget sustainable, Sandy City's first responders agreed to funding this over multiple years. Holding this funding back now will not honor the city's commitment and will ultimately diminish public safety in Sandy City.

Respectfully,

A handwritten signature in blue ink, appearing to read 'K. Bradburn', with a stylized, cursive script.

Kurt D. Bradburn
Mayor



Staff Report

File #: 20-216, **Version:** 1

Date: 6/30/2020

Agenda Item Title:

Public Works Department recommending that the Council receive a presentation from Waste Management regarding proposed changes to the recycling program

Presenter:

Mike Gladbach, Public Works Director

Paul Browning, Asst. Public Works Director

Blake Leonelli, Waste Management

Description/Background:

Waste Management is proposing that Sandy transition to every-other-week recycling collection.

Fiscal Impact:

The proposal recommends maintaining the current rate for waste and recycling service for residents. There will be an estimated cost savings of \$132,492 annually. This can be used to defer future rate increases.

Further action to be taken:

A future decision on the proposal will be required by the Council

Recommended Action and/or Suggested Motion:



SANDY CITY RECYCLING PROPOSAL: SHIFTING TO EVERY OTHER WEEK COLLECTION



21 Years of Partnership

Regular presence in Sandy City

Current services: weekly trash and recycling collection

99.98% service success rate

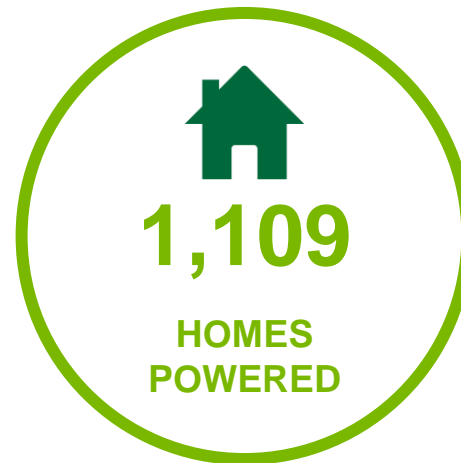


RECYCLING MAKES A DIFFERENCE

Sandy City residents recycled 3,696 tons of materials in 2019. These efforts created measurable benefits including cleaner air and natural resources preserved:



with water saved by
recycling



with electricity saved by
recycling



saved by recycling

RECYCLING CAN IMPROVE

An average of 439 tons of recycling collected monthly

- 100 tons are **trash** (“contamination”)

Good participation (90%) but...

- Weekly set-out rate varies
- Half of carts are only half-filled
- Full carts often have boxes not broken down
- Half of carts have visible contamination



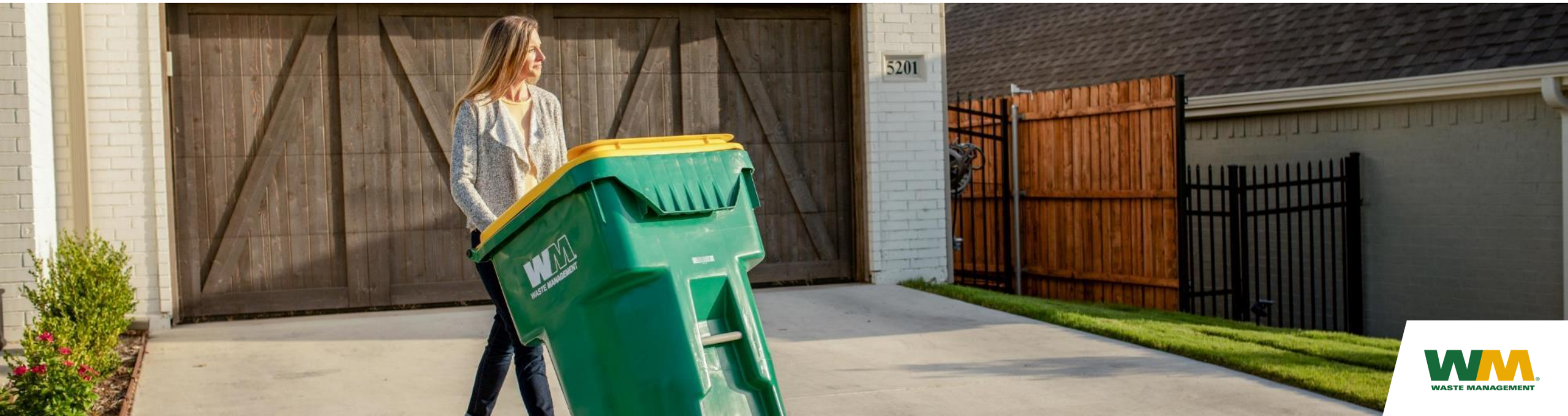
Sandy City Impacted by Global Challenges

- Recycling markets shifted dramatically in 2018
- The cost of recycling has increased while the value of recyclables has plummeted
 - Despite brief respite during the beginning of health epidemic, commodity values are beginning to return to previous low levels.



The Proposal

- Transition to **every-other-week** recycling collection
 - This is common across the Wasatch Front
- Maintain current rate for waste and recycling service for residents



Benefits of Every Other Week Collection

- **Cost savings of \$132,492 annually** - funds can be used to defer future rate increases
- Fewer trucks on the road
 - Decrease in carbon footprint
 - Less wear and tear on the roads
- Unlikely to significantly impact city diversion
- Less room for contamination in carts



For the Heavy Recyclers

Upon resident request, WM will deliver a larger 96-gallon cart at no charge.
New trash customers will automatically receive 96-gallon cart.



4 Week Implementation Plan

WM Communications Team will provide a comprehensive recycling campaign to Sandy City to communicate changes.

- Email
- Postcard mailer
- Social media (Facebook, Instagram, Twitter)
- Next Door
- City website updates
- FAQ for residents (housed on website)
- Bill Insert
- Community Newsletter
- Printed calendars for City Hall and WM drivers



Subject: Changes to your Waste Management Recycling Service



Dear Residents of Sandy City,

As you may be aware, the cost to recycle is continuing to rise nationwide. Sandy City and Waste Management are working together to keep your waste and recycling services affordable while maintaining excellent service.

Starting August 1, your recycling collection will decrease to every-other-week service. Your bill will NOT change. This change is intended to help offset any potential rate increases and maintain outstanding recycling collection. We do not anticipate this will negatively affect recycling levels across Sandy City.

Here are a few tips to help make more room in your recycling cart.

1. Recycle all empty plastic bottles, aluminum cans, paper and cardboard.
2. Empty and break down all cardboard boxes.
3. Keep plastic bags out of the recycling bin. No bagged recyclables.
4. Keep food and liquids out of the recycling.
5. When in doubt throw it out.

To find your new recycling service day, a recycling calendar, and other information, please go to [your online account](#) or call 801-568-2999.

Thank you,

Your WM and Sandy City Teams

Service Details

Customer ID Number
00002-05721-85006
Service Address
123 TEST PL PERKIN IL 61554-6011

CHANGES TO YOUR RECYCLING PROGRAM

Beginning August 1, your recycling will be collected **every other week**, instead of once a week.

When will my new collection day be? Learn your new scheduled collection day for recycling by going to [WWW.WEBSITE.COM](#) or scanning the QR Code.

Who is affected? This change applies to Sandy City residents with Waste Management services only.

Why is recycling changing? The cost of recycling is increasing. This decrease in service is offsetting higher costs, allowing us to keep your recycling rates at the same affordable rate.

Does this mean my waste and recycling bill is going up? No. Your bill will stay the same.

Question
We appreciate



CHANGES TO YOUR RECYCLING PROGRAM

As of August 1, your recycling will be collected **every other week**, instead of weekly. To find out if your collection week is **green** or **gold**, go to [WEBSITE](#) or scan the QR Code.

This change applies to Sandy City residents with Waste Management services only.

Waste Management (WM) and Sandy City are committed to providing you with affordable, reliable, and excellent recycling services. We appreciate your cooperation and understanding.

Questions? Learn more by visiting [WEBSITE](#) or call us at 801-568-2999.



RECYCLE RIGHT

ALWAYS RECYCLE



EMPTY PLASTIC BOTTLES, TUBS AND JUGS



EMPTY FOOD AND BEVERAGE CANS



FLATTENED CARDBOARD AND PAPERBOARD (e.g. cereal boxes)



CLEAN PAPER

NEVER PUT IN YOUR RECYCLING CONTAINER



GLASS BOTTLES OR JARS



NO FOOD OR LIQUIDS



NO PLASTIC BAGS OR BAGGED RECYCLABLES



NO CLOTHING OR BEDDING



[WM.COM/RECYCLERIGHT](#)



You have a new recycling pickup schedule. Learn more today.



A photograph of a Waste Management truck driver in a white cab and high-visibility vest waving from the driver's window. Two young children, a boy in a blue hoodie and a girl in a striped shirt, are standing on a sidewalk in front of the truck, waving their hands. The truck is white with a green body and has the 'WM WASTE MANAGEMENT' logo on the door. The scene is set in a residential driveway with a house and a green lawn in the background.

THANK YOU

A photograph of a white recycling truck with a green body, parked in a residential driveway. A driver wearing a green cap and a high-visibility vest is visible through the window, waving. Two children, a boy in a blue hoodie and a girl in a blue shirt, are standing in the foreground with their backs to the camera, waving their hands. The truck has 'WVW' and 'WEST MANAGEMENT' visible on its side. The background shows a house with a green garage door and a lawn.

TRANSITION TO EVERY-OTHER-WEEK RECYCLING COLLECTION: SOCIAL MEDIA STRATEGY

Sandy City, UT

FACEBOOK

Pre-Launch



A change is coming to your recycling service



Recycling in Sandy City will be picked up every-other-week starting August 1, 2020. Find your new service day and learn more at [WEBSITE HERE](#).

Last year, Waste Management did a study that concluded weekly recycling is more than residents typically need. The study found that around half of households already utilize recycling every-other-week or less. By decreasing service, Sandy City is able to offset increases in the cost to recycle and meet the needs of the community for affordable, reliable service.

During Launch



You have a new recycling pickup schedule. Learn more today.

Attention Sandy Residents! Your recycling container will be picked up every-other-week starting this week (August 1). Find your new service day and learn more at [WEBSITE HERE](#).

Recycling is an essential community service provided by Waste Management to Sandy City residents. However, a study found that around half of households already utilize recycling every-other-week or less. The cost to recycle is increasing, and this decrease in service allows WM to keep your bill the same and offset increasing recycling costs.

Post-Launch



Do you know your new recycling pickup schedule?

Sandy residents, your recycling service has changed. Recycling is now being picked up every-other-week. Find your new service day and learn more at [WEBSITE HERE](#).

Here are some tips to help make more room in your recycling cart:

- Recycle the basics. Aluminum cans; plastic bottles, tubs & jugs (the shape is the most important), paper, and cardboard.
- Breakdown all boxes to make more space in your bin.
- No food, liquids, or plastic bags.
- Do not bag your recyclables. Recyclables in bags will most likely go to the landfill, thwarting your hard work.
- Wood and other plant-based materials from the garden should not go in the recycling bin.

Instagram

Pre-Launch



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During Launch



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Post-Launch



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- No food, liquids, or plastic bags.
- Do not bag your recyclables. Recyclables in bags will most likely go to the landfill, thwarting your hard work.
- Wood and other plant-based materials from the garden should not go in the recycling bin.

TWITTER

Pre-Launch



Recycling in Sandy City will be picked up every-other-week starting August 1, 2020. Find your new service day and learn more about why this is happening at [WEBSITE HERE](#).

During Launch



Attention Sandy Residents! Recycling service is changing. Your recycling container will be picked up every-other-week starting this week (August 1).

Find your new service day and learn more about why this is happening at [WEBSITE HERE](#).

Post-Launch



Sandy residents, your recycling service has changed. Recycling is now being picked up every-other-week.

Find your new service day and learn more about why this is happening at [WEBSITE HERE](#).

NEXTDOOR

Pre-Launch



Recycling in Sandy City will be picked up every-other-week starting August 1, 2020. Find your new service day and learn more at [WEBSITE HERE](#).

Last year, Waste Management did a study that concluded weekly recycling is more than residents typically need. The study found that around half of households already utilize recycling every-other-week or less. By decreasing service, Sandy City is able to offset increases in the cost to recycle and meet the needs of the community for affordable, reliable service.

During Launch



Attention Sandy Residents! Your recycling container will be picked up every-other-week starting this week (August 1). Find your new service day and learn more at [WEBSITE HERE](#).

Recycling is an essential community service provided by Waste Management to Sandy City residents. However, a study found that around half of households already utilize recycling every-other-week or less. The cost to recycle is increasing, and this decrease in service allows WM to keep your bill the same and offset increasing recycling costs.

Post-Launch



Sandy residents, your recycling service has changed. Recycling is now being picked up every-other-week. Find your new service day and learn more at [WEBSITE HERE](#).

Here are some tips to help make more room in your recycling cart:

- Recycle the basics. Aluminum cans; plastic bottles, tubs & jugs (the shape is the most important), paper, and cardboard.
- Breakdown all boxes to make more space in your bin.
- No food, liquids, or plastic bags.
- Do not bag your recyclables. Recyclables in bags will most likely go to the landfill, thwarting your hard work.
- Wood and other plant-based materials from the garden should not go in the recycling bin.



Customer Service Talking Points

Sandy City 2020 Transition to Every-Other-Week Recycling

Beginning August 1, 2020, Sandy City residential recycling will be collected every other week (EOW), instead of weekly. Please reference this guide to help answer customer questions.

Start Date	Service schedule will change starting August 1, 2020
Why is recycling changing to EOW collection?	<p>The City and WM see this change as the best way to meet the community's needs of service affordability, reliability, and excellence.</p> <p>In 2019, WM conducted a study to see how widely the recycling program in Sandy City was being utilized. While participation is strong in the city (90% participation), the study concluded that weekly recycling is unnecessary to support the current efforts.</p> <p>The study found that approximately half of households set out recycling carts every-other-week or less frequently. Half of containers are less than 50% full when they are set out for service. Around 40% of containers that are full have cardboard boxes that are not broken down, taking up lots of empty space.</p>
Will my bill change?	The price of service recycling will <u>not</u> be changing. With a change in frequency of recycling services, we can offset increased costs to recycle and maintain the current rate.
New collection day	WEBSITE GOES HERE
Who is affected?	This change applies to Sandy City residents with Waste Management services only.
Does this affect trash too?	No, your trash collection schedule will not change. Trash pickup will remain weekly.
I need more room for my recyclables	<p>WM has some tips to help you make more room in your recycling bin.</p> <ul style="list-style-type: none"> • Recycle the basics. Aluminum cans; plastic bottles, tubs & jugs (the shape is the most important), paper, and cardboard. • Breakdown all boxes to make more space in your bin • No food, liquids, or plastic bags. • Do not bag your recyclables. Recyclables in bags will most likely go to the landfill, thwarting your hard work. • Wood and other plant-based materials from the garden should not go in the recycling bin.



That’s not enough. I need more room for recycling

For very frustrated customers, insisting that every other week service in a 64-gallon container is not enough, you may offer them a swap to a 96-gallon cart at no cost to the resident. Please use discretion in making this offer. We want to be careful not to overwhelm operations with cart swap requests.

We understand that some households produce more recyclables than others. If you (resident) have found that you need more space for your recyclables, we can swap your cart for a larger one at no cost to you. Our largest cart size is 96-gallons.

NOTE: WM has limited delivery capacity. Please check delivery schedule for next available delivery date. We will try to accommodate this resident’s need as quickly as possible.

Will this set Sandy City back sustainably?

Studies by SERA Inc. and The Recycling Partnership found a small decrease in diversion (materials kept out of the landfill) of 3-5% when comparing weekly to every other week recycling pickup. While WM cannot guarantee similar results in Sandy City, WM has found similar results in other communities that have made this service change. We do hope that this decrease in service will not significantly impact recycling rates.

For the sustainability minded

Because recycling trucks will be on the road 50% less, there will be 50% less green house gas emissions produced. There will also be less wear and tear on Sandy City roads.

Is this the first step in eliminating our recycling program?

No, Sandy City and Waste Management are firmly committed to recycling. This change allows us to keep the program sustainable at the current rate. Waste Management recently invested \$17 million to build a new Material Recovery Facility in Salt Lake City to process recyclable materials from our fast-growing region. The company is invested in recycling for the long-term.

Why would rates change to recycle?

The global economy has become more connected and recycling is no exception.

Why is Sandy City affected by global recycling markets?

Recycling markets have changed dramatically since 2018. These changes have caused increased processing costs and decreased commodity values. Because of this, the cost to recycle has increased around the world.

Waste Management and Sandy City are committed to recycling. Waste Management recently invested \$17 million to build a new Material Recovery Facility in Salt Lake City to process recyclable materials from our fast-growing region. The company is invested in recycling for the long-term.

Recycling tips:

- Ensure all recyclables fit in your recycling cart. Break down boxes to maximize space.
- Place recycling and trash carts at the curb by 6:00 a.m. on collection day.
- Recycling service is EOW, on your regular trash service day. Find your pickup schedule online at [WEBSITE HERE](#)



- Keep your recycling clean, dry and loose. Only recycle your bottles, cans, paper, and cardboard. When in doubt, throw it out.

CHANGES TO YOUR **RECYCLING** PROGRAM



Beginning August 1, your recycling will be collected **every other week**, instead of once a week.

When will my new collection day be? Learn your new scheduled collection day for recycling by going to WWW.WEBSITE.COM or scanning the QR Code.



Who is affected? This change applies to Sandy City residents with Waste Management services only.

Why is recycling changing? The cost of recycling is increasing. This decrease in service is offsetting higher costs, allowing us to keep your recycling rates at the same affordable rate.

Does this mean my waste and recycling bill is going up? No. Your bill will stay the same.

Questions? Call (888) 496-8824.

We appreciate the opportunity to serve Sandy City!





8652 S. 4000 West
West Jordan, UT 84088

New recycling service
schedule starts August 1.

Questions? Call us at
(888) 496-8824.

Please recycle these items:



Steel and
Aluminum Cans



Plastic Bottles,
Tubs and Jugs



Clean
Paper



Flattened
Cardboard



SANDY CITY

Every Other Week Recycling

It has been a pleasure serving your community. We have enjoyed our working relationship with Sandy City and we look forward to the opportunity to continue our long-term partnership.

Waste Management is committed to continuing to provide superior quality services that are convenient, reliable and responsive for Sandy City residents.

Below is an outline of our proposed service changes that will provide residents a sustainable recycle program, while allowing the City to manage its costs.

Recycle Service

Audit Findings:

The dramatic shift in recycling over the past two years has caused many municipalities across the country to evaluate their recycling programs - Sandy City is no different. As a valued partner, Waste Management and Sandy City have been working together to look for opportunities to reduce the recycle program costs, while maintaining a service that is very important to your constituents.

One of the first areas of opportunity is evaluating the current services to ensure they are relevant based on customer usage. Currently Sandy City provides a weekly residential curbside recycling program, although this program provides for ease of use, it is costlier than a more typical every other week curbside recycling program.

The Customer Audit Included:

- Approximately 200 Homes, and over 400 containers audited
- Geographically distinct parts of the City
- Week over week participation comparison

Audit Findings:

- Customer participation fluctuates from week to week. Some weeks participation is as high as 85%, and other weeks as low as 50%. Residents who put out one week are likely not to set out the following week
- 50% of the recycle containers set out were ½ full or less
- Of the recycle carts that were full, 42% contained boxes not broken down
- 87.5% of overloaded carts had large cardboard boxes not broken down
- Roughly 49% of all the containers audited were visibly contaminated with items such as plastic bags, food, pizza boxes, wood

Of Note:

- Throughout the Wasatch Front, most cities provide every other week recycle service.

- 
- City examples include: Riverton, Draper, Midvale, West Valley, Bluffdale
 - Reasons Cities prefer Every Other Week Recycling: reduced carbon footprint, reduction in wear and tear on the streets

In conclusion, our audit showed there is strong participation in the recycle program, approximately 90% of households utilize the recycle service. However, utilization of the recycle service varies from week to week and can have a set-out rate of less than 50%. Of those setting out containers, 50% of the containers were half-full or less; containers that were full, had large boxes not broken down.

These findings correlate with the tonnage of recyclables being collected in Sandy City. On average, Waste Management collects 439 tons of recyclables per month. Based on the total number of recycle carts collected each week, the average cart contains 9lbs of recyclables, a 64 gallon recycle container can hold approximately 45lbs of recycling material.

Based on the audit and tonnage information, implementing an every other week recycling program would provide enough capacity to meet your constituents' needs, while allowing the City to realize a significant cost savings.

If a resident needs a larger recycle container, Waste Management will deliver a 96-gallon cart at no charge - a hassle free option for heavy recyclers.

In addition to the cost savings, there are environmental and infrastructure benefits from going to an every other week program.

Waste Management will partner with Sandy City to develop a robust communication strategy that will allow for a smooth transition.

Benefits of Every Other Week Services

Having two less collection vehicles in Sandy City each day means reduced greenhouse gas emissions, and less wear and tear on roads.

Lower contamination because less available space in containers means users will be more judicious on what they put in their carts. Lower contamination also results in lower processing costs to City.

New trash service customers will automatically receive 96-gallon recycle container.

Cost savings from every other week service will allow funds to be allocated to other critical City needs.

Waste Management's communication team will provide a comprehensive recycling campaign dedicated to Sandy City and its residents including social media and bill inserts.

Swift 4 week implementation.

Unit Price per single family household for every other week recycle:

- Reduce rate from \$3.44 to \$2.99
 - City savings of \$11,041 per month, annually \$132,492

Sample Communications

PHONE/DIAL OUT MESSAGE

Hello, starting **DATE** your recycling will be picked up every other week by Waste Management. For more information, please call WM at 888-496-8824 or go to your WM account online. Thank you for helping us keep your community clean and green.

EMAIL UPDATE:

Subject: Changes to your Waste Management Recycling Service

Dear Residents of Sandy City,

As you may be aware, the cost to recycle is continuing to rise nationwide. Sandy City and Waste Management are working together to keep your waste and recycling services affordable while maintaining excellent service.

Starting **DATE**, your recycling collection will decrease to every other week service, and your waste and recycling bill will increase by \$###. The frequency of trash services will not change. For your new recycling calendar and to find out when your recycling will be picked up, please go to your online account or call 888-496-8824.

Just follow these three simple rules when you recycle, and, remember, when in doubt, throw it out. Recycle all empty bottles, cans, paper, and cardboard. Keep food and liquids out of the recycling. Empty your recycling loose into the recycling bin. No plastic bags in your recycling. From our team in Utah, we are grateful to be your service provider.

Service Details

Customer ID Number

00002-05721-85006

Service Address

123 TEST PL PERKIN IL 61554-6011

Recycling in Sandy City

- On collection day, place your recycling and trash cans at the curb with wheels facing the curb by 6:00 a.m.
- Please ensure recyclables fit in your recycling cart with the lid closed. Do not bag your recyclables.
- If you have any questions regarding your service, please contact us at (888) 496-8824.

What to Recycle



Clean and Dry Aluminum & Steel Cans



Clean and Dry Plastic Bottles, Jugs & Jars



Clean Cardboard & Beerboard



Clean Paper

Do NOT Put These Items in Your Cart*:

- Plastic bags, wrap or film (return bags to store)
- Glass
- Food, liquids
- Yard waste, wood
- Shredded paper
- Electronics
- Clothes, bedding, carpet
- Medical/hazardous waste
- Foam cups, take-out containers, packing material

*Items are not limited to those above.

2020 Recycling Calendar

CHANGE NOTICE: Starting on May 1, recycling services will be every other week on your normal trash day.

May							June						
S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa
						1	1	2	3	4	5	6	7
8	9	10	11	12	13	14	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

July							August						
S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa
						1							1
2	3	4	5	6	7	8	2	3	4	5	6	7	8
9	10	11	12	13	14	15	9	10	11	12	13	14	15
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28	29	23	24	25	26	27	28	29
30	31						30	31					

September							October						
S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa
						1							1
2	3	4	5	6	7	8	2	3	4	5	6	7	8
9	10	11	12	13	14	15	9	10	11	12	13	14	15
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28	29	23	24	25	26	27	28	29
30							30						

November							December						
S	M	T	W	Th	F	Sa	S	M	T	W	Th	F	Sa
						1							1
2	3	4	5	6	7	8	2	3	4	5	6	7	8
9	10	11	12	13	14	15	9	10	11	12	13	14	15
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28	29	23	24	25	26	27	28	29
30							30						

- Holiday**
- New Year's Day: Wednesday, Jan. 1
 - Independence Day: Saturday, July 4
 - Thanksgiving Day: Thursday, Nov. 26
 - Christmas Day: Friday, Dec. 25

Observed Holiday Schedule: Service will be delayed by one day for all days that fall on or after the holiday. Normal schedule resumes the following week.

Questions? Call (888) 496-8824



CHANGES TO YOUR **RECYCLING** PROGRAM

Beginning **DATE**, your recycling will be collected every other week, instead of once a week.

When will my new collection day be? Learn your new scheduled collection day for recycling by logging into your WM account starting **DATE**, or go to **WEBSITE**.

Who is affected? This change applies to Sandy City residents with Waste Management services only.

What if my cart is too small? If you have a 64-gallon recycling cart, increase it to a 96-gallon cart at no additional cost to you. Just call Customer Service at (888) 496-8824. An extra 96-gallon recycling cart is **\$\$\$** per month.

We appreciate the opportunity to serve Sandy City!



You have a new recycling pickup schedule. Learn more today.





FREQUENTLY ASKED QUESTIONS

Sandy City 2020 Transition to Every-Other-Week (EOW) Recycling

RECYCLING SERVICE IS CHANGING IN SANDY CITY

Beginning August 1, 2020, Sandy City residential recycling will be collected every other week (EOW), instead of weekly. The City and WM see this change as the best way to meet the community's needs for service affordability, reliability, and excellence.

WHO IS AFFECTED?

This change applies to Sandy City residents with Waste Management services only.

WHY IS RECYCLING CHANGING TO EOW COLLECTION?

In 2019, WM conducted an audit to see how widely the recycling program in Sandy City was being utilized. While participation is strong in the city (90% participation), the study concluded that weekly recycling is unnecessary to support the current efforts.

The study found that approximately half of households set out recycling carts every-other-week or less frequently. Half of containers are less than 50% full when they are set out for service. Around 40% of containers that are full have cardboard boxes that are not broken down, taking up lots of empty space.

WILL MY BILL CHANGE?

No. The price of your recycling service will not be changing. With a change in frequency of recycling services, we can offset increased costs to recycle and maintain the current rate.

IS THIS THE FIRST STEP IN ELIMINATING RECYCLING?

No, Sandy City and Waste Management are firmly committed to recycling. This change allows us to keep the program sustainable at the current rate. Waste Management recently invested \$17 million to build a new Material Recovery Facility in Salt Lake City to process recyclable materials from our fast-growing region. The company is invested in recycling for the long-term.

LOOK UP YOUR NEW COLLECTION DATE HERE:

Insert website here/QR CODE

RECYCLING TIPS TO HELP MAKE MORE ROOM IN YOUR CART

- Recycle the basics. Aluminum cans; plastic bottles, tubs & jugs (the shape is the most important), paper, and cardboard.
- Flatten/break down all boxes to make more space in your cart.
- No food, liquids, or plastic bags in recycling.
- Do not bag your recyclables; empty them loose into your cart. Recyclables in bags will most likely go to the landfill, thwarting your hard work.

HAVE MORE QUESTION?

Call us at (insert #)

Subject: Changes to your Waste Management Recycling Service



Dear Residents of Sandy City,

As you may be aware, the cost to recycle is continuing to rise nationwide. Sandy City and Waste Management are working together to keep your waste and recycling services affordable while maintaining excellent service.

Starting August 1, your recycling collection will decrease to every-other-week service. Your bill will NOT change. This change is intended to help offset any potential rate increases and maintain outstanding recycling collection. We do not anticipate this will negatively affect recycling levels across Sandy City.

Here are a few tips to help make more room in your recycling cart.

1. Recycle all empty plastic bottles, aluminum cans, paper and cardboard.
2. Empty and break down all cardboard boxes.
3. Keep plastic bags out of the recycling bin. No bagged recyclables.
4. Keep food and liquids out of the recycling.
5. When in doubt throw it out.

To find your new recycling service day, a recycling calendar, and other information, please go to [your online account](#) or call [###-###-####](#).

Thank you,

Your Team and Sandy City

Service Details

Customer ID Number

00002-05721-85006

Service Address

123 TEST PL PERKIN IL 61554-6011



Staff Report

File #: 20-217, **Version:** 1

Date: 6/30/2020

Approval of the June 23 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
Alison Stroud, District 2
Kristin Coleman-Nicholl, District 3
Monica Zoltanski, District 4
Marci Houseman, At-large
Zach Robinson, At-large
Cyndi Sharkey, At-large

Tuesday, June 23, 2020

5:15 PM

Online Meeting

Rollcall

Present: 7 - Council Member Alison Stroud
Council Member Kristin Coleman-Nicholl
Council Member Zach Robinson
Council Member Monica Zoltanski
Council Member Marci Houseman
Council Member Cyndi Sharkey
Council Member Brooke Christensen

Council Staff in Attendance:

Mike Applegarth, Executive Director
Dustin Fratto, Senior Management Analyst
Tracy Cowdell, Council Attorney

Administration in Attendance:

Mayor Bradburn
Matt Huish, Chief Administrative Officer
Evelyn Everton, Deputy Mayor
Bob Thompson, City Attorney
Brian Kelley, Administrative Services Director
Jeff Robinson, City Attorney's Office
Bruce Cline, Fire Chief
Robert DeKorver, Fire Marshal
Nick Duerksen, Economic Development Director
Greg Severson, Police Chief

5:15 Council Meeting

Prayer / Pledge of Allegiance

Mike Applegarth opened the meeting with a prayer. Council Member Robinson led the Pledge of Allegiance.

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth noted that state law requires the Council to adopt the budget before next Tuesday, June 30. Council questions followed.

Council Member Business

Council Member Zoltanski thanked residents for participating in the Zoom version of Council Meetings. More people are participating remotely. She expressed hope that remote participation could continue and be enhanced even as in-person meetings resume.

Council Member Sharkey reported on the Utah League of Cities and Towns Legislative Policy Committee meeting. The Legislature extended the state of emergency to August 20 and also made changes to the Open and Public Meetings Act. She also reported on the Public Utilities Advisory Board.

Council Member Houseman spoke about inaccurate information on social and other media.

Mayor's Report

Mayor Bradburn reported on a peaceful protest at City Hall last Saturday. He expressed support for a fully funded compensation plan. Police Chief Severson reported on the resignation of a police officer.

CAO Report

Matt Huish reported on a firework/fire safety communication plan including 11 key messages going out through July. Brian Kelley noted that sales tax has come in stronger than revised estimates. Nick Duerksen reported that major retailer sales and development projects are tracking positively. Evelyn Everton updated the Council on the June Special Session of the Legislature.

Information Items

1. [20-201](#) Sandy City Fire Department would like to update the City Council on fireworks restrictions and provide information regarding fireworks.

Attachments: [2018_FireHazardAreas_11x17_City_Final](#)
[Firework Restrictions Council](#)

Fire Marshal Robert DeKorver updated the Council on the Fire Department's plans with regard to safe use of fireworks including permitting of commercial sales, signage for restricted areas, and increased staffing, and education and enforcement of discharge times and locations. Council questions followed.

2. [20-181](#) Administration introducing and proposing a scooter ordinance for Sandy City.

Attachments: [Proposed Chapter 10-9](#)

[Sec. 1 1 2. General Definitions and Rules of Construction](#)

[14 12 1. Low Profile Motorized Vehicles Prohibited on Public Property](#)

[CHAPTER 14 12. MOTOR ASSISTED SCOOTERS MOTORCYCLES MOTOR DRIVEN CYCLE ALL TERRAIN TYPE I VEHICLES](#)

[Sec. 13 2 3. Definitions and Standards](#)

[Sec. 13 11 5. Motor Vehicle Restrictions](#)

[Sec. 14 4 2. Driving on New Pavement](#)

Evelyn Everton briefed the Council on a proposed scooter ordinance. It essentially reflects the City's operating agreement with Lime Scooter. It regulates where they can ride, park, who can ride, insurance, and data sharing requirements. Council questions followed. Jeff Robinson from the City Attorney's Office assisted in answering questions.

Voting Items

Consent Calendar

Approval of the Consent Calendar

A motion was made by Zach Robinson, seconded by Marci Houseman, to approve the Consent Calendar. The motion carried by the following vote:

Yes: 7 - Alison Stroud
Kristin Coleman-Nicholl
Zach Robinson
Monica Zoltanski
Marci Houseman
Cyndi Sharkey
Brooke Christensen

3. [20-203](#) Approval of the June 9, 2020 City Council meeting minutes.

Attachments: [June 9, 2020 City Council meeting minutes](#)

Item approved.

4. [20-204](#) Approval of the June 16, 2020 City Council meeting minutes.

Attachments: [June 16, 2020 City Council meeting minutes](#)

Item approved.

Council Items

5. [20-202](#) Council Member Zoltanski presenting budget option #4

Attachments: [Zoltanski Budget Proposal June 23](#)

Council Member Zoltanski presented her proposal to fund employee compensation from Council reserves. She posed many questions to Police Chief Greg Severson, Administrative Services Director, and Public Utilities Director Tom Ward.

After the motion to adopt the proposal, Dustin Fratto gave instruction on how to comment on this agenda item.

Jodi Monaco spoke in favor of the proposal.

Graham Tinius spoke about the impact on the budget on city employees and in favor of providing a cost of living wage increase.

Cathy Spuck spoke in favor of increase compensation.

Tasha Whitmill spoke about the morale in the Fire Department and in favor of the proposal.

Sam Hale, firefighter, spoke in favor of compensation for public safety.

Gary McKeller suggested that the compensation package should be a priority.

Seth Drew, vice-president of the firefighter association expressed support for the proposal.

Doug Johnson, City Prosecutor, encouraged the Council to pay first responders what they are worth.

Kellie Forbes spoke in favor of the proposal.

Steve Van Maren noted that the Central Wasatch Commission reduced their budget this year and expressed concern about losing a seat at the table.

Chris Welch, president of the fire fighter association spoke in favor of funding employee compensation.

Jim Edwards thanked Tom Ward for his comments on the Central Wasatch Commission and would prefer to retain funding in the Water Fund. He encouraged funding compensation for first responders.

Ian Williams, Animal Services Director spoke in favor of the proposal.

Bruce Cline, Fire Chief spoke in favor of the funding the compensation proposal 100%.

Zana Kartchner spoke in favor of funding public safety and employee compensation for the good of the community.

Ryan Bird, president of the police association spoke in favor of fully funding public safety compensation on July 1.

Chad Jones suggested that the canyons were seen as a country club. He also expressed

support for the police.

Shelby Griffiths, wife of a police officer spoke in favor of the proposal.

Amy Bryant expressed support for the proposal and encouraged the Council to have faith in the employees of the City.

Daniel Folly (sp?) spoke in favor of ensuring firefighter, police, and EMS personnel are available to serve the community. He was in favor of the proposal.

Brian Kelley, Administrative Services Director questioned how the proposal funds compensation after six months.

Meeting went into Recess for 10 minutes due to a technical issue.

Meeting Reconvened

A motion was made by Monica Zoltanski, seconded by Zach Robinson, to fund the FY 20-21 public safety step and grade and civil service employee market increase pay for 6-months, by allocating the entire balance of the City Council capital contingency of \$360,800 cash on hand, allocating the entire 20-21 contingency fund contribution of \$56,000, reduce the annual city council professional services fund by \$30,000, cut the 2% increase in pay for council members, and reduce capital projects by \$76,167. In the event general fund revenue and expenses accumulate to meet the compensation without utilizing these funds, the city council contingency funds would be restored to the fullest extent possible. This motion includes the fleet reductions, and funding employee benefits increases as approved on 6/9/20, but eliminates pickle ball funding and CWC funding... The motion failed by the following vote:

Yes: 3 - Zach Robinson
Monica Zoltanski
Brooke Christensen

No: 4 - Alison Stroud
Kristin Coleman-Nicholl
Marci Houseman
Cyndi Sharkey

6. [20-211](#) Council Members Nicholl, Houseman, and Stroud presenting revised budget proposal.

Attachments: [June 23 Budget Proposal, Nicholl, Stroud, Houseman](#)

[Benchmark Approach to funding the Sandy City Compensation Plan \(003\)](#)

Council Member Nicholl opened the item. Council Member Stroud spoke about other cities' compensation plans. Council Member Houseman reviewed the proposed benchmarks for the compensation plan.

Council discussion followed the motion. Brian Kelley asked clarifying questions about the proposal.

Dustin Fratto provided instruction on how to comment on this agenda item.

Seth Drew suggested that comparison to other cities is unfair. He also suggested there is difference between cost of living and step in grade.

Greg Lobato spoke against associating compensation to benchmarks outside of employees control. He spoke against the proposal.

Kellie Forbes spoke against the proposal.

Gary McKellar said the question is whether we are maintaining confidence in employees because services will suffer without compensation.

Sam Hale, Sandy firefighter suggested the proposal was akin to reinventing the wheel. Department heads manage their budgets during the year well.

Ryan Bird suggested residents are shocked to hear the conversations going on.

Danny Schoenfeld noted that Salt Lake City and Unified Police and Fire funded compensation for employees. He requested that the step-in-grade should be funded, and 2% for other employees should be funded later on in the year.

Jim Edwards said the crisis is not new. Administration has cut spending already. The money is there an available.

Chris Welch said the proposal to fund the Central Wasatch Commission puts projects before people.

Cathy Spuck spoke against the proposal. Too much City business will go unaddressed with the benchmark plan.

Katie Swenson said that not funding the public safety compensation is the wrong decision and not in line with constituents.

Dlayne Swensen wondered why the Council continued to talk about this proposal. She spoke against the proposal.

Adam D'Sousa spoke in favor of the proposal because benchmarking is an ongoing solution.

Mike Applegarth and Dustin Fratto read comments e-mailed in advance to the Council Office.

Council discussion resumed after public comment.

Council Member Christensen called the question. The motion was seconded Council Member Zoltanski. The motion passed unanimously.

A motion was made by Kristin Coleman-Nicholl, seconded by Marci Houseman, to: 1. Amend the budget direction given on June 9 by substituting the changes described in the June 23 Nicholl, Houseman, Stroud memo (File ID 20-211) which includes, funding the Compensation Plan as described by Council Member Houseman's benchmark approach, maintaining funding for vacant positions, reducing fleet purchases as described, funding the Central Wasatch Commission at \$90,000, including the budget language amendment or similar language acceptable to the Council Office and Administrative Services Department on page 8 of the FY 2020-21 budget.

2. Direct Administrative Services and Council Office staff to bring back a resolution or resolutions for final Council adoption reflecting these amendments in the FY 2020-21 Budget on or before June 26.

.. The motion carried by the following vote:

Yes: 4 - Alison Stroud
Kristin Coleman-Nicholl
Marci Houseman
Cyndi Sharkey

No: 3 - Zach Robinson
Monica Zoltanski
Brooke Christensen

6:00 Time Certain Items and Public Hearings

Citizen Comments

Dustin Fratto gave instruction on how people can participate in the Citizen Comments portion of the meeting.

Sarah Hale, wife of a Sandy firefighter spoke in favor of public safety compensation.

Public Hearing(s)

7. [20-212](#) Public Hearing to consider the adoption of the FY 2020-21 Sandy City Budget.

Attachments: [FY 2020-21 Tentative Budget](#)

The Chair opened the public hearing on the FY 2020-21 Budget.

Dustin Fratto provided instruction on how to comment during the public hearing.

Sandra Haak questioned the matching funds for the CLG grant for the historic committee.

Kellie Forbes expressed dismay at the vote on the last proposal. She urged reconsideration.

Cathy Spuck expressed readiness to move forward to encourage people to spend money in Sandy to support sales taxes.

Sarah Hale expressed disappointment in the direction of the Council.

A motion was made by Kristin Coleman-Nicholl, seconded by Alison Stroud, to continue the public hearing .. The motion carried by the following vote:

Yes: 6 - Alison Stroud
Kristin Coleman-Nicholl
Zach Robinson
Monica Zoltanski
Marci Houseman
Cyndi Sharkey

No: 1 - Brooke Christensen

8. [20-206](#) Recess of the City Council meeting and convene a meeting of the Redevelopment agency of Sandy City.

Attachments: [Agenda Packet 06.23.20.pdf](#)

The RDA Board continued the public hearing on the budget. Official RDA Board action will be reflected in the RDA meeting minutes.

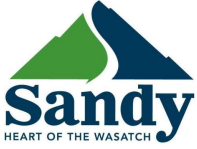
A motion was made by Zach Robinson, seconded by Marci Houseman, to recess City Council and convene a meeting of the RDA of Sandy... The motion carried by the following vote:

Yes: 7 - Alison Stroud
Kristin Coleman-Nicholl
Zach Robinson
Monica Zoltanski
Marci Houseman
Cyndi Sharkey
Brooke Christensen

Adjournment

The Council Meeting reconvened after the RDA meeting.

Adjournment occurred unanimously at



Staff Report

File #: 20-215, **Version:** 1

Date: 6/30/2020

Agenda Item Title:

Administration recommending that the Council adopt a scooter ordinance for Sandy City.

Presenter:

Evelyn Everton, Deputy Mayor
Jeff Robinson, Senior Civil Attorney

Description/Background:

On June 23, 2020 Administration introduced a scooter ordinance for the Council to review. Tonight the Council can review and vote on the final ordinance.

Recommended Action and/or Suggested Motion:

Motion to adopt Ordinance 20-02.

ORDINANCE # 20-02

AN ORDINANCE ENACTING CHAPTER 10-9 OF THE SANDY CITY CODE REGULATING MOTOR ASSISTED SCOOTERS AND SCOOTER-SHARE PROGRAMS, AND MAKING CONFORMING AMENDMENTS TO CHAPTER 1-1-2, CHAPTER 13-2-3, CHAPTER 13-11-5, CHAPTER 14-4-2, AND CHAPTER 14-12-1

WHEREAS, the use of motor assisted scooters within the boundaries of Sandy City (the “City”) has increased over the past year;

WHEREAS, multiple companies that make motor assisted scooters available for short term rentals have expressed interest in entering the City and neighboring municipalities;

WHEREAS, the Utah Legislature has recently enacted legislation further refining the definitions of motor assisted scooters and updating regulations regarding the operation of motor assisted scooters;

WHEREAS, the City desires to enhance mobility and access, ease traffic congestion, and promote sustainability;

WHEREAS, the Utah Legislature has permitted cities to regulate the operation of motor assisted scooters and the City desires to provide additional regulations governing the operation of motor assisted scooters inside the City boundaries; and

WHEREAS, the Sandy City Council finds that the provisions of this ordinance further the health, safety, and welfare of City residents and visitors;

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

Section 1. Amendment. The Sandy City Code is hereby amended by enacting Chapter 10-9 in Title 10 as set forth in Exhibit “A” which is attached to and incorporated in this ordinance. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Sandy City Code hereby adopted are repealed.

Section 2. Amendment. Sandy City Code Chapter 1-1-2, Chapter 13-2-3, Chapter 13-11-5, Chapter 14-4-2, and Chapter 14-12-1 are hereby amended as set forth in Exhibit “B” which is attached to and incorporated in this ordinance. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Sandy City Code hereby adopted are repealed.

Section 2. Severable. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

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

summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council this ____ day of _____, 2020.

Kris Nicholl, Chair
Sandy City Council

PRESENTED to the Mayor this ____ day of _____, 2020.

APPROVED by the Mayor this ____ day of _____, 2020.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2020.

SUMMARY PUBLISHED this ____ day of _____, 2020.

EXHIBIT “A”

CHAPTER 10-9. MOTOR ASSISTED SCOOTERS

Sec. 10-9-1. Authority and Purpose.

Utah law authorizes the city councils generally to enact ordinances and regulations necessary and proper to provide for the safety, to preserve the health, and to improve the peace, good order, comfort, and convenience of the city and its inhabitants. Furthermore, Utah law permits cities to regulate the use of streets, sidewalks, crosswalks, bridges, parks, trails, and other public grounds, including the movement of pedestrian and vehicular traffic and other conduct that interferes with or impedes such traffic. Moreover, Utah law permits cities to regulate the operation of motor assisted scooters within its jurisdiction. Sandy City (the “City”) desires to enhance mobility and access, ease traffic congestion, and promote sustainability. Consistent with that desire, this Chapter establishes rules and regulations to facilitate the use of motor assisted scooters in the City, including scooter-share programs, while ensuring protection of the safety and well-being of pedestrians, users of other micro-mobility devices and other users of the public sidewalks, streets, other public rights-of-way and other public grounds.

Sec. 10-9-2. Scope.

This Chapter does not apply to motor vehicles, motorcycles, mopeds, motor driven cycles, electric personal assistive mobility devices, or low-profile motorized vehicles.

Sec. 10-9-3. Definitions.

The general definitions in Title 1, Chapter 1, Sec. 1-1-2 shall apply to this Chapter except to the extent they conflict with the following:

“*Abandon*” means leaving an item unattended for any length of time.

“*Fleet Manager*” means the person responsible for the daily operations of a scooter-share program, who must be based in the City.

“*Geo-fence or geo-fencing*” means a feature in a software program using a global positioning system (“GPS”) or radio frequency identification (“RIFD”) technology to define virtual geographical boundaries.

“*Handheld wireless communication device*” means a handheld device used for the transfer of information without the use of electrical conductors or wires, including a:

- (a) Wireless telephone;
- (b) Text messaging device;
- (c) Laptop;
- (d) Any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

“*Licensee*” means any scooter-share operator who obtains and holds a business licensee as required by this Chapter.

“*Motor Assisted Scooter*” (“e-Scooter”) means:

- (a) A self-propelled device with:
 - i. at least two wheels in contact with the ground;
 - ii. a braking system capable of stopping the unit under typical operating conditions;
 - iii. an electric motor not exceeding 2,000 watts or other motor providing equivalent power;
 - iv. either
 - 1. handlebars and a deck design for a person to stand while operating the device; or
 - 2. handle bars and a seat designed for a person to sit, straddle, or stand while operating the device; and
 - v. a design for the ability to be propelled by human power alone; and
 - vi. capable of a maximum speed of 20 miles per hour on a paved level surface; and
- (b) Does not include bicycles, motor assisted bicycles, motorcycles, mopeds, motor driven cycles, electric personal assistive mobility devices or low-profile motorized vehicles.

“*Park or parking*” means the process or result of stopping, standing, leaving unattended, or abandoning any e-Scooter.

“*Public right-of-way*” means any public alley, parkway, public transportation path, roadway, street, sidewalk, or trail owned, granted by easement, operated, or controlled by the City.

“*Scooter-share operator*” means a person offering a shared e-Scooter for hire.

“*Scooter-share program*” means the offering of a shared e-Scooter for hire.

“*Shared e-Scooter*” means an e-Scooter offered for hire.

Sec. 10-9-4. e-Scooters.

(a) *Required Equipment.*

- i. e-Scooters may not be operated at nighttime unless equipped with:
 - 1. A forward-facing lamp that emits a white light visible from a distance of at least five hundred (500) feet to the front.
 - 2. A rear facing red lamp that emits flashing or non-flashing light visible from a distance five hundred (500) feet to the rear.
 - 3. Reflective material of sufficient size and reflectivity to be visible or a lamp that emits light visible from both sides from a distance of at least five hundred (500) feet.

- ii. All e-Scooters shall be equipped with a working bell, horn, or other sound mechanism, but not with a siren or whistle.

(b) *Rules of Operation:*

- i. e-Scooters shall be operated in bikeways or multi-use trails, where available.
- ii. If bikeways or multi-use trails are not available, e-Scooters may be operated on sidewalks or within the shoulder of any street outside the striped travel lane, if available.
- iii. If sidewalks and shoulders of any street outside the striped travel lane are not available, e-Scooters may be operated on streets, but riders must stay to the right of vehicular travel lanes.
- iv. e-Scooters may not be operated in vehicular travel lanes on streets with a speed limit greater than thirty-five (35) miles per hour.
- v. In bikeways or on multi-use trails, e-Scooters shall yield the right of way to bicycles.
- vi. On sidewalks, e-Scooters shall yield the right of way to pedestrians.
- vii. e-Scooters shall yield to pedestrians under all circumstances.
- viii. e-Scooters shall be operated in accordance with rules applicable to pedestrians when crossing through crosswalks.
- ix. Helmets are strongly recommended for all riders.
- x. Riders shall ride responsibly and safely.
- xi. Riders shall be at least sixteen (16) years of age.
- xii. An owner of an e-Scooter shall not authorize or knowingly permit a person under the age of sixteen (16) to operate an e-Scooter.
- xiii. Riders shall obey all state traffic laws and city traffic and other local laws.
- xiv. Riders shall obey all traffic-control devices.
- xv. While operating an e-Scooter, riders shall not use a handheld wireless communication device or carry any package, bundle, or article which prevents the use of both hands in the control and operation of the e-Scooter.
- xvi. e-Scooters shall not be operated on private property without the permission of the owner of the property.
- xvii. A person shall not operate an e-Scooter while consuming an alcoholic beverage or while under the influence of alcohol or any drug to a degree that renders the operator incapable of safely operating a motor vehicle within the City as set forth in Utah Code Ann. § 41-6a-502.

(c) *Rules of Parking:*

Any e-Scooter that is not in use shall be secured to a permitted dock rack or corral or otherwise placed as required below:

- i. e-Scooters shall be parked upright on a hard surface.

- ii. e-Scooters shall not, at any time, be placed or left in such a way as to impede the normal operation or the free flow of pedestrian and vehicular traffic, including in the following areas:
 - 1. Any multi-use path.
 - 2. Any vehicle travel lane or bikeway.
 - 3. Any vehicle parking space.
 - 4. Any UTA TRAX or other public transit boarding platform.
 - 5. Anywhere that impedes safe access to or egress from a UTA bus.
 - 6. Within fifteen (15) feet of any building access or egress, including driveways.
 - 7. Within ten (10) feet of any Utah Transit Authority bus stop sign.
 - 8. Within thirty (30) feet of any ADA ramp or access of any kind.
 - 9. Anywhere that impedes the use of an existing permitted docking station or corral for e-Scooters or other mobility devices.
 - 10. Within (15) feet of any traffic signal pole.
 - 11. Within (20) feet of any existing dock, rack or corral used exclusively for dock-based shared mobility devices.
 - 12. Within landscape, planting or gardening beds.
 - 13. On private property without permission of the owner of the property.
 - 14. Within any other zone/spot where the City has determined parking is prohibited.
- iii. e-Scooters may be parked on blocks without sidewalks only if the paved shoulder is at least five (5) feet wide, the e-Scooter is not parked adjacent to a red-painted curb, and the e-Scooter does not impede pedestrian or vehicular traffic.

(d) *Enforcement.*

- i. A person who violates the provisions of this Chapter is guilty of an infraction.
- ii. e-Scooters placed or otherwise left in violation of the requirements of this section may be relocated or impounded at the owner's expense. The owner shall be assessed a relocation and storage fee as specified in section 10-9-6(c).

Sec. 10-9-5. Scooter-Share Programs.

(a) *License and Fees.*

- i. No person shall permit a shared e-Scooter owned or controlled by such person to be in service for hire upon the streets of the City unless such person is authorized to do so under a business license obtained from the City.
- ii. No person shall operate a scooter-share program in the City without first obtaining a business license as required in Title 15.

- iii. A license granted under this Chapter shall expire on December 31 each year, and is subject to annual or renewal, unless sooner revoked, suspended, or relinquished.
- iv. A license granted under this Chapter is non-transferable.
- v. Licensee shall pay the applicable business licensing fees required in Title 15, as established by resolution of the City Council.
- vi. In addition to the business licensing fees required in Title 15, City Council may require as fees the City's reasonable and necessary costs in administering scooter-share programs and a reasonable fee for the use of the City's rights-of-way.
- vii. Any such fee must be commensurate and proportional to fees charged for similar uses.

(b) Denial, Revocation & Suspension.

The City may deny, revoke, or suspend a license granted under this Chapter in accordance with the provisions of Business Licensing, Title 15. In addition to other provisions in Title 15, the City may deny, suspend, or revoke any license for the following reasons:

- i. Failure to provide the information requested or required by the City.
- ii. Operating or proposing to operate in a manner that endangers public health or safety.
- iii. Failure to comply with any provision of this Chapter (or successor provision or provisions) or any term or condition imposed on the Licensee.
- iv. Cancellation for any reason of any insurance policy issued to Licensee. The license is automatically suspended. To reinstate the license, the Licensee shall provide a new certificate and insurance policy to the City.

(c) License Application.

- i. To obtain a license, an applicant shall submit to the Business Licensing Division an application containing the following:
 - 1. The business name, street address, mailing address, email address, and telephone number of the applicant.
 - 2. The name, phone number and email address of the applicant's fleet manager. Any change in this information must be reported to the Business Licensing Division within twenty-four (24) hours of the change.
 - 3. A phone number, available 24 hours a day 7 days a week, for the public and the City to report improperly parked, abandoned, damaged or inoperable shared e-Scooters and other violations.
 - 4. The number and types of shared e-Scooters to be operated in the City;
 - 5. Proof of the applicant's business filing in compliance with State law, including applicant's Registered Agent information.

6. The applicant's proposed operations in the City including the plan for balanced shared e-Scooters for Citywide coverage, the plan for shared e-Scooter maintenance, plan for customer service, and levels of staff for operations and administration.
 7. The applicant's plans to educate users of shared e-Scooters about applicable State and City traffic laws, this Chapter and other applicable laws, regulations, and guidelines.
 8. The applicant's plans to implement safety programs, including a program by which the applicant will receive information about and notify users of inappropriate use and a deactivation program.
 9. The applicant's GPS enabled tracking system, or such other tracking system as may be acceptable to the City.
 10. The applicant's plans to regularly share accurate and reliable historical and survey data regarding ridership, maintenance, and safety issues concerning the applicant's fleet.
 11. The applicant's plans to comply with Federal, State, and local data privacy laws and otherwise to protect the privacy of personal information provided by users.
 12. Proof of insurance coverage as required by this Chapter.
 13. An agreement to indemnify the City as required by this Chapter.
- ii. An applicant shall notify the Business License Division within ten (10) days of any change in the information contained in the application. If the information includes an increase in the number of shared e-Scooters, any additional fees due must be submitted to the Business License Division simultaneously with the change in information.

(d) *Insurance.*

- i. A scooter-share operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:
 1. Is authorized to do business in the State of Utah with a Bests' rating of no less than A-, IX.
 2. Is acceptable to the City.
 3. Does not violate the ownership or operational control prohibition described in this section.
- ii. The insured provisions of the policy shall name the City and its elected and appointed officers, employees, and volunteers as additional insureds, and the coverage provisions shall provide coverage for any loss or damage that may arise

to any person or property because of, arising out of, or by reason of the operation of a scooter-share program.

- iii. The scooter-share operator's insurance coverage shall be a primary insurance as respects to the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be in excess of the scooter-share operator's insurance and shall not contribute with it.
- iv. A scooter-share operator shall maintain the following insurance coverage dedicated exclusively for the operation of shared e-Scooters:
 - 1. Commercial general liability insurance coverage with a limit of \$1,000,000 each occurrence and \$5,000,000 aggregate.
 - 2. Automobile insurance coverage with a limit of \$1,000,000 each occurrence and \$1,000,000 aggregate.
 - 3. Umbrella or excess liability coverage with a limit of \$5,000,000 each occurrence and \$5,000,000 aggregate.
 - 4. Workers' compensation coverage of no less than required by Utah law.
- v. Insurance required under this section shall:
 - 1. Include a cancellation provision in which the insurance company is required to notify the Business Licensing Division in writing not fewer than thirty (30) days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage.
 - 2. Include a cancellation provision in which the insurance company is required to notify the Business Licensing Division in writing not fewer than ten (10) days before cancelling for nonpayment.
 - 3. If any insurance policy is cancelled for any reason, the license granted under this Chapter is automatically suspended. To reinstate the license, the Licensee shall provide a new certificate and policy of insurance to the City.
 - 4. Cover all shared e-Scooters during the times that the shared e-Scooters are deployed or operating in furtherance of the scooter-share program.
 - 5. Include a provision requiring the insurance company to pay every covered claim on a first-dollar basis.
 - 6. Comply with all Federal, State, and local laws.
- vi. No person who has a twenty (20) percent or greater ownership interest in the scooter share program may have an interest in the insurance company.
- vii. A scooter-share operator may not be self-insured.
- viii. Proof of the insurance coverage required in this section shall be on file with and approved by the City prior to issuance of a license to operate and must remain in effect during the term of the license and any renewal of the license.

(e) *Indemnification.*

- i. To the fullest extent permitted by law, a scooter-share operator shall indemnify, save harmless, and defend the City and its elected and appointed officers, employees, volunteers, and other representatives, individually and collectively, from and against any and all actions, claims, demands, liability, liens, damages, losses, expenses, fees, fines, penalties, costs, including attorneys' fees, and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage made upon the City directly or indirectly arising out of, resulting from, or related to the City's issuance of a license, the decision to approve a scooter-share license, the process used by the City in making its decision to issue a license, the negligent or reckless operation of a scooter-share program, the negligent or reckless operation of shared e-Scooters, or the negligent, reckless, or intentional acts, errors or omissions of the scooter-share operator, its officers, employees, and agents.
- ii. If the City's tender of defense, based on this indemnity provision, is rejected by the scooter-share operator, and the scooter-share operator is later found by a court of competent jurisdiction to have been required to indemnify the City, then in addition to any other remedies the City may have, the scooter-share operator shall pay the City's reasonable costs, expenses, and attorneys' fees incurred in providing such indemnification, defending itself, or enforcing this provision.
- iii. The indemnity in this section shall not apply to any liability resulting from the City's negligence or willful misconduct.
- iv. The City shall have the right, at its option, to participate in such defense, including retention of separate advisory legal counsel, without relieving the scooter-share operator of any of its obligations under this indemnity.

(f) *Limitations on City Liability.*

- i. The City does not assume any liability whatsoever with respect to having issued a license under this Chapter or otherwise approving the operation of any scooter-share program.
- ii. The City is not responsible to educate users on how to ride, safely operate, where and how to park, or use safety equipment.
- iii. The City is not responsible for providing security at any location where Licensee's shared e-Scooters are stored, located, parked or abandoned by Licensee or its users.

(g) *Licensees' Responsibility.*

The licensee shall:

- i. Provide a local fleet manager, or another designated representative, who shall be available to respond in a timely manner to all safety concerns, complaints, questions, relocation requests or any other issues.
- ii. Maintain a twenty-four (24) hour customer service toll-free phone number and email address for City employees, riders, and the public to report safety concerns, complaints, or to ask questions.
- iii. Implement a marketing and targeted community outreach plan at its own cost or, at City's request Licensee shall pay an in-lieu fee to City to provide these services, to promote the proper and safe use of shared e-Scooters citywide.
- iv. Provide City with a list individually identifying all shared e-Scooters in Licensee's fleet.
- v. Make any shared e-Scooter unavailable to riders for which a safety or maintenance concern is reported and remove the shared e-Scooter from City's rights-of-way usually within two (2) hours, but not later than four (4) hours, of receiving notice.
- vi. Regularly inspect, clean and repair all shared e-Scooters.
- vii. Respond to requests for rebalancing or reports of incorrectly parked or unsafe/inoperable shared e-Scooters by relocating, re-parking, or removing the shared e-Scooters as appropriate, usually within two (2) hours, but not later than four (4) hours, of receiving notice.
- viii. Operate all motor vehicles for pickup and deployment of shared e-Scooters only on public roads, streets, alleys, and other rights-of-way specifically designated for use by motor vehicles.
- ix. Remove all shared e-Scooters from City's rights-of-way during times that a storm warning or weather advisory is in effect for the Sandy, Utah area or when snow is on the City's rights-of-way.
- x. Educate all riders by means of signage and through a mobile or web application regarding the laws applicable to riding, operating, and parking shared e-Scooters, including the Rules of Operation and Parking in section 10-9-4(b) and (c).
- xi. Include language in Licensee's end user agreement indicating that its riders are responsible to comply with the operating and parking regulations in this Chapter and all applicable State and City laws.
- xii. Require riders to take a photo of the parked shared e-Scooter with the unique identification number readily visible and submit the photo to Licensee when the riders park their shared e-Scooter at the end of the ride.
- xiii. Collaborate with City to address areas where e-Scooters are observed to routinely either be in violation of this Chapter or where the use of e-Scooters for other reasons shows the need for additional operational changes.
- xiv. Repair, replace or otherwise restore any part of City's real or personal property that is damaged, lost or destroyed arising out of, resulting from, caused by, or related to Licensee's or its customers' use of City property.

(h) *Required Equipment:*

In addition to the equipment required in section 10-9-4(a), all shared e-Scooters shall:

- i. Comply with the most recent applicable safety standards established by Federal, State, or City law.
- ii. Be consistent with current industry standards for dockless e-scooters. Licensee shall comply with an e-scooter standard or regulation enacted or adopted by the State of Utah or federal agency.
- iii. Be equipped with Global Positioning Satellite (“GPS”) systems and geofencing technology to prevent their use outside the permitted operating hours and to be remotely rendered inoperable if reported as damaged, defective, or otherwise unsafe.
- iv. Have a unique identification number prominently displayed and readily visible to riders, City employees and any member of the public.
- v. Prominently display readily visible contact information, including toll-free phone number and e-mail address.
- vi. Not display any 3rd party advertising.

(i) *Deployment and Placement Regulations.*

- i. All shared e-Scooters shall comply with the Rules of Parking in section 10-9-4(c).
- ii. Licensee shall conduct its daily deployment of e-Scooters in groupings of not more than ten (10) e-Scooters.
- iii. To the extent Licensee desires to deploy or have its riders park shared e-Scooters in areas other than the public rights-of-way (e.g., parks, plazas, parking lots, private property, or transit stations), Licensee shall first obtain the right to do so from the appropriate City department, other public agency, or property owner, and shall communicate this right to riders through signage or other notification approved by the respective department and/or through a mobile or web application.

(j) *Data Sharing.*

- i. At least monthly, Licensee shall provide City’s Transportation Engineer with accurate and complete fleet and ride activity data, in an anonymized fashion, for completed trips starting and/or ending within City on a shared e-Scooter owned by Licensee or of any person or company controlled by, controlling, or under common control with Licensee. Such trip data shall include, but not be limited to, origin and destination, distance traveled per use, path traveled, operating speed, and daily initial deployment locations. To ensure individual privacy:

1. The trip data shall be provided via an application programming interface, subject to Licensee's license agreement for such interface, in compliance with a national data format specification.
 2. The trip data provided shall be treated as trade secret and proprietary business information, provided Licensee makes a written request therefor as required by Utah's Government Records Access and Management Act ("GRMA") 63G-2-305(2), and may not be disclosed to third parties without Licensee's consent, and may not be treated as owned by City to the extent allowed by Utah law.
 3. The trip data shall be considered private information, and, pursuant to Utah Code Ann. § 41-6a-1115.1, may not be disclosed under Title 63G, Chapter 2, GRAMA, pursuant to a public records request received by City without prior aggregation or obfuscation to protect individual privacy.
- ii. At its sole expense, Licensee may take any lawful actions to prevent disclosure of the information shared with City.
 - iii. Licensee shall keep true, accurate and complete records showing all trip activity and data within City.

(k) *Fleet Size.*

Licensee shall begin operations with a fleet size of not more than 200 shared e-Scooters. Licensee may increase its fleet size if it can demonstrate to City's satisfaction an upward trend in rides per day. Two weeks before deployment, Licensee shall notify City of its proposed plan to increase its fleet size. City may require Licensee to reduce its fleet size if its fleet provides on average less than one rider per shared e-Scooter per day.

Sec. 10-9-6. ENFORCEMENT.

- (a) City may, with or without notice, inspect any shared e-Scooter operating under this Chapter to ensure compliance with scooter-share operator's license, this Chapter and other applicable laws.
- (b) City may remove e-Scooters temporarily for the purpose of:
 - i. Street maintenance;
 - ii. Avoiding construction conflicts; and
 - iii. Avoiding conflicts with special events.
- (c) Unlawfully parked, inoperable, damaged, or abandoned e-Scooters, if not relocated, re-parked, or removed as required in this Chapter or has been parked in one location for more than seventy-two hours without moving, are declared a nuisance and may be

immediately impounded by the City and stored in a City facility at the expense of the scooter-share operator and/or owner.

- i. The City shall assess a one-time relocation and storage fee of \$35.00 for each e-Scooter the City relocates and stores pursuant to this section. The fee is intended to cover the City's labor and storage costs.
 - ii. No person shall retrieve any impounded e-Scooter except upon demonstrating proper proof of ownership of the device and payment of applicable impound fees.
- (d) If a scooter-share operator fails to repair, replace or restore City property as required by this Chapter, the scooter-share operator shall pay promptly City's costs in making such repairs, replacements or restorations within thirty (30) days upon receiving written notice of the costs.
- (e) City shall have the right at reasonable times to view a scooter-share operator's data as it relates to the number of trips taken within City's limits. If City's audit reveals a deficiency in any payment of fees due from the scooter-share operator based on the number of trips taken, then the deficiency shall become and is immediately due and payable.
- (f) All amounts due or that become due under this Chapter shall be considered delinquent fifteen (15) days after the due date and shall be assessed a late fee in the amount of twenty-five percent (25%) per year from the date of delinquency.

Sec. 10-9-7. INCONSISTENT CITY CODE PROVISIONS.

This Chapter controls over any previously enacted ordinance or provision of the City Code to the extent there is any conflict.

EXHIBIT “B”

Sec. 1-1-2. - General Definitions and Rules of Construction.

The following definitions and rules of construction shall apply to this Code and to all ordinances and resolutions unless the context requires otherwise:

- (1) *Generally.* When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the City Council may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.
- (2) *Bribe.* The term "bribe" signifies any money, goods, right in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in the person's action, vote, or opinion in any public or official capacity.
- (3) *City.* The term "City" means the Sandy City Corporation.
- (4) *City Council or Council.* The term "City Council" or "Council" means the City Council of the Sandy City Corporation.
- (5) *Code.* The term "Code" means the Sandy City Code, as designated in Section 1-1-1.
- (6) *Computation of time.* In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. When a person must act within a specified time from service of a notice and service is made only by mail, three days shall be added to the time within which the act must be done.
- (7) *Conjunctions.* In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows, except that, in appropriate cases, the terms "and" and "or" are interchangeable:
 - a. The term "and" indicates that all the connected terms, conditions, provisions or events apply.
 - b. The term "or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.
 - c. The term "either...or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.
- (8) *Corruptly.* The term "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of an act, established either by proof or by presumption of law.
- (9) *County.* The term "County" means Salt Lake County, Utah.
- (10) *Delegation of authority.* A provision that authorizes or requires a City officer or City employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.
- (11) *Gender.* Words of one gender include all other genders.
- (12) *Highway, roads.* The terms "highway" and "roads" include public bridges, and may be held equivalent to the terms "county way," "county road," "common road," "state road" and "street."
- (13) *Includes and including.* The terms "includes" and "including" are terms of enlargement and not of limitation or exclusive enumeration, and the use of the terms does not create a presumption that components not expressed are excluded.
- (14) *Joint authority.* A grant of authority to three or more persons as a public body confers the authority to a majority of the number of members, as fixed by statute or ordinance.

- (15) *Knowingly*. The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.
- (16) *May*. The term "may" creates discretionary authority or grants permission or a power.
- (17) *May not*. The term "may not" imposes a prohibition.
- (18) *Month*. The term "month" means a calendar month.
- (19) *Motor Vehicle*. Unless specified otherwise, the term "motor vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.
- (1920) *Must*. The term "must" imposes a duty.
- (2021) *Must not*. The term "must not" imposes a prohibition.
- (2122) *Neglect, negligent, negligence, and negligently*. The terms "neglect," "negligent," "negligence," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- (2223) *Number*. The singular includes the plural and the plural includes the singular.
- (2324) *Oath*. The term "oath" includes an affirmation.
- (2425) *Officers, departments, etc.* References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.
- (2526) *Owner*. The term "owner," as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or part of such property.
- (2627) *Person* includes an individual, firm, partnership, corporation, association, business, trust or other form of business entity or enterprise, including a receiver, trustee and the plural as well as the singular in number, unless the intent gives a more limited meaning that is disclosed by the context.
- (2728) *Personal property*. The term "personal property" means any property other than real property.
- (2829) *Premises*. The term "premises," as applied to real property, includes lands and structures.
- (2930) *Property*. The term "property" means real and personal property.
- (3031) *Real property*. The term "real property" includes lands, tenements and hereditaments.
- (3132) *Shall*. The term "shall" imposes a duty.
- (3233) *Shall not*. The term "shall not" imposes a prohibition.
- (3334) *Sidewalk*. The term "sidewalk" means that portion of the street between the curb or lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.
- (3435) *Signature*. The term "signature" includes any name, mark, or sign written with the intent to authenticate any instrument or writing.
- (3536) *State*. The term "State" means the State of Utah.
- (3637) *State statutes*. The abbreviation "U.C.A. 1953" means the Utah Code Annotated, 1953, as now or hereafter amended, as in effect at any given time. References to state acts are to so such acts as now or hereafter amended.
- (3738) *Street*. The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, and sidewalks.

- (~~38~~39) *Swear*. The term "swear" includes the term "affirm."
- (~~39~~40) *Tenant, occupant*. The term "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or any part of such building or land, either alone or with others.
- (~~40~~41) *Tense*. The present tense includes the past and future tenses. The future tense includes the present tense.
- (42) *Vehicle*. Unless specified otherwise, the term "vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.
- (~~41~~43) *Week*. The term "week" means a period of seven consecutive days.
- (~~42~~44) *Willfully*. The term "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate the law, to ensure another or to acquire any advantage.
- (~~43~~45) *Written*. The term "written" includes any form of words, letters, symbols or figures.
- (~~44~~46) *Year*. The term "year" means 12 consecutive months.

(Revised Ords. 1978, § 1-1-4)

Sec. 13-2-3. - Definitions and Standards.

All terminology used in this chapter and not defined in this section shall be in conformance with applicable American National Standards Institute Publications, including, but not limited to, SI.1-1960, R 171, or those from its successor publications or bodies. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *A-weighted sound pressure level* means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA.
- (2) *Ambient sound pressure level* means the sound pressure level of the all-encompassing noise associated with a given environment, usually a composite of sounds from many sources. Ambient sound pressure level is also the A-weighted sound pressure level exceeded 90 percent of the time based on a measurement period which shall not be less than ten minutes.
- (3) *Continuous sound* means any sound which exists essentially without interruption, for a period of ten minutes or more.
- (4) *Cyclically varying noise* means any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.
- (5) *Decibel* means logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. The term "decibel" is denoted dB.
- (6) *Device* means any mechanism which is intended to produce or which actually produces noise when operated or handled.
- (7) *Dynamic braking device (commonly referred to as Jacobs brake)* means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- (8) *Emergency vehicle* means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- (9) *Emergency work* means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.
- (10) *Impulsive noise* means a noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristics.
- (11) *Motor vehicle* means any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobile and racing vehicles, **but does not include "motor assisted scooters" as defined in Title 10, Chapter 9.**
- (12) *Muffler* means an apparatus consisting of a series of chambers of baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.
- (13) *Noise* means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.
- (14) *Noise disturbance* means any sound which annoys or disturbs any reasonable person with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.
- (15) *Percentile sound pressure level.*
 - a. *Tenth percentile noise level* means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded for one minute in a ten minute period) and is denoted L10.

- b. *Ninetieth Percentile Noise Level* means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a ten minute period) and is denoted L90.
- (16) *Person* means any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.
- (17) *Plainly audible noise* means any noise for which the information content of that noise is unambiguously transferred to the listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- (18) *Property boundary* means an imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by any other person.
- (19) *Public right-of-way* means any street, avenue, boulevard, highway, or alley or similar place which is owned or controlled by a public governmental entity.
- (20) *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist of the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of 500 Hz and above, by eight dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz.
- (21) *Repetitive impulse noise* means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).
- (22) *Sound* means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.
- (23) *Sound level meter* means an instrument, including a microphone, amplifier, RMS detector and integrator, time average, output meter and/or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute Publication S1.4-1971 or its successor publication.
- (24) *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.
- (25) *Sound pressure level* means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals, denoted LP or SPL.
- (26) *Stationary noise source* means any device, fixed or movable, which is located or used on property other than a public right-of-way.
- (27) *Steady noise* means a sound pressure level which remains essentially constant during the period of observation (i.e., does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter).
- (28) *Use district* means those land use districts as established by the Land Development Code or, in those cases in which the actual use differs from the use as established by the Land Development Code, the land use to which the land in question is actually subjected.

(Revised Ords. 1978, § 7-2-3)

Sec. 13-11-5. - 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 seven 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 areas 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 13-2-3(11), 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.* A motor vehicle is any vehicle within the definition of the term "motor vehicle" contained in U.C.A. 1953, § ~~41-6-1(20)~~ **41-6a-102(39)**.

(Revised Ords. 1978, § 7-12-5)

CHAPTER 14-12. - ~~MOTOR ASSISTED SCOOTERS, MOTORCYCLES, MOTOR-DRIVEN CYCLE, ALL-TERRAIN TYPE I VEHICLES~~¹⁰

Footnotes:

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State Law reference— ~~Motor assisted scooters similar vehicles, U.C.A. 1953, § 41-6a-1115 et seq.;~~ motorcycles and special vehicles, U.C.A. 1953, § 41-6a-1501 et seq.

14-12-1. - Low Profile Motorized Vehicles Prohibited on Public Property.

- (a) For purposes of this section, the term "low profile motorized vehicle" means any motorized vehicle that is less than 36 inches in height when in its normal operation position, notwithstanding any flag, antenna, or other attachment or modification made thereto, and includes, but is not limited to, pocket bikes, miniature motorcycles and go-carts.
- (b) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City, including, but not limited to, sidewalks, parks, and parking lots.
- (c) It is unlawful for any person to operate a low profile motorized vehicle on the City roadways that is not lawfully registered and insured or otherwise permitted on the roadways by the law of the State of Utah.
- (d) It is unlawful for an owner to knowingly permit the operation of a low profile motorized vehicle in violation of Subsections (b) and (c) of this section.
- (e) Penalty. A violation of this section is a Class C misdemeanor.

(Traffic Code, § 342)

Sec. 14-4-2. - Driving on New Pavement.

No person may operate or cause to be operated any animal, or ride, drive or propel, or cause to be ridden, driven or propelled, any vehicle, **including motor assisted scooters**, over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over or near which there is a person or a sign warning persons not to drive over or across such pavement, or a sign stating that the street is closed.

(Traffic Code, § 106)

14-12-1. - Low Profile Motorized Vehicles Prohibited on Public Property.

- (a) For purposes of this section, the term "low profile motorized vehicle" means any motorized vehicle that is less than 36 inches in height when in its normal operation position, notwithstanding any flag, antenna, or other attachment or modification made thereto, and includes, but is not limited to, pocket bikes, miniature motorcycles and go-carts. **The term "low profile motorized vehicle" does not include a "motor assisted scooter" as defined in Title 10, Chapter 9.**
- (b) It is unlawful for any person to operate a low profile motorized vehicle upon any public property within the City, including, but not limited to, sidewalks, parks, and parking lots.
- (c) It is unlawful for any person to operate a low profile motorized vehicle on the City roadways that is not lawfully registered and insured or otherwise permitted on the roadways by the law of the State of Utah.
- (d) It is unlawful for an owner to knowingly permit the operation of a low profile motorized vehicle in violation of Subsections (b) and (c) of this section.
- (e) Penalty. A violation of this section is a Class C misdemeanor.

(Traffic Code, § 342)