



Sandy City Council Office

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August 21, 2020

In accordance with, Utah Code 52-4-207(4) Open and Public Meeting Act, I have determined that to protect the health and welfare of Sandy citizens, an in-person City Council meeting, including attendance by the public and the City Council is not practical or prudent.

Considering the continued rise of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain in the Sandy City Council Chambers.

The Center for Disease Control states that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes or talks and may be spread by people who are non-symptomatic.

It is my intent to safeguard the lives of Sandy residents, business owners, employees and elected officials by meeting remotely through electronic means without an anchor location.

Council Office staff are hereby authorized and directed to include a copy of the above notice with each City Council agenda.

Zach Robinson, Chair

Sandy City Council



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, September 1, 2020

5:15 PM

Online Meeting

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

The September 1, 2020 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 Council Office 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_Oqp340ZDRI2pa8rqQczSlw

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

Or join by phone:

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: 892 5340 8492

Passcode: 911317

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

Voting Items

Consent Calendar

1. [20-294](#) City Council Office recommending adoption of policy amendments as identified by the City Attorney's Office on public comment and orderly conduct.

Attachments: [Public Hearings \(9-1-20 redline\)](#)
[Rules of Procedure 1-21-20 \(redline 9-1\)](#)

2. [20-298](#) Approval of the August 18, 2020 City Council meeting minutes.

Attachments: [August 18, 2020 City Council Minutes](#)

Council Items

3. [CODE-07-20-5879 CC](#) KLM Endeavors - Heavy Commercial Use in RD Zone
Amend Title 21, Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code

Attachments: [Staff Report.pdf](#)
[Exhibit A.pdf](#)
[20-08 LDC Ord -Heavy Commercial Uses in RD Zone 21-08.pdf](#)

4. [20-295](#) Possible Closed Session: character, professional competence, or physical or mental health of an individual or individuals.
5. [20-296](#) Discussion and direction on Council legal services contract.

6:00 Time Certain Items

Citizen Comments

Adjournment



Staff Report

File #: 20-294, **Version:** 1

Date: 9/1/2020

Agenda Item Title:

City Council Office recommending adoption of policy amendments as identified by the City Attorney's Office on public comment and orderly conduct.

Presenter:

Mike Applegarth

Description/Background:

On August 25, 2020 the City Attorney's Office provided training to the City Council on the Open and Public Meetings Act and civil discourse. After reviewing the Council Policy Manual, Jeff Robinson and Bob Thompson recommended minor amendments to better align policy with state and relevant case law.

Fiscal Impact:

There is no fiscal impact associated with this item.

Further action to be taken:

Staff will update the Council Policy Manual accordingly.

Recommended Action and/or Suggested Motion:

Motion to adopt amendments to the Council Rules of Procedure and Public Hearings Policy as presented.

Sandy City Council

Legislative Policies and Procedures

SUBJECT: Public Hearings

BACKGROUND:

State law requires that certain decisions before the City Council must be made after a public hearing on the matter is conducted. This policy is intended as a guide to the Council, staff and the public for how those hearings are conducted. The Council may, by a vote of a majority of Members present, adjust, amend or overturn any policy.

The City of Sandy is a local government entity which operates under the council-mayor form of government. The powers of the council-mayor form of government are vested in two separate, independent, and equal branches of municipal government consisting of a mayor (commonly referred to as the “executive” branch) and the city council (commonly referred to as the “legislative” branch).

Generally, the role of the City Council is to formulate and decide the policy direction and governing philosophy of the city. The legislative decisions of a City Council are given great deference by the courts and will generally be upheld as long as those decisions are based upon a rational reason. Public sentiment, preferences and opinion of individual City Council Members, scientific data, facts and circumstances surrounding a decision, professional opinions and advice, and any number of factors may, at the option of or in the sole discretion of the City Council, be considered by the City Council in its legislative decision- making process. In legislative decision-making, the adage “reasonable minds may differ” has meaning and is respected by the courts when reviewing a City Council decision. In legal terminology, unless a decision of the City Council is found by a court to be arbitrary, capricious or illegal, a court will uphold the decision of the City Council even if there are good reasons for making a contrary or alternative decision. Arbitrary and capricious means a decision without reasonable grounds. Illegal refers to decisions which are inconsistent with or contrary to a statute, ordinance, or court ruling.

POLICY:

A. General Public Hearing Procedure

1. City staff provides an overview and/or recommendation on the subject item.
2. If the public hearing pertains to a land use, budgetary or other decision for a specific project, the project representative will have the opportunity to provide information about the project.
3. Council Members may offer comments or ask questions of the staff and/or the project representative.
4. Public comment is taken on the subject item.
 - a. Each member of the public desiring to address the City Council is allowed to speak for no more than 3 minutes on any issue, unless the time to speak is extended by a majority vote of the Council.

- b. It is not beneficial to repeat same points already make by previous speakers.
 - c. Any person desiring to address the Council a second time must wait until all others have spoken before being allowed to speak a second time on the same issue, and shall speak only to provide the Council new information.
 - d. The City Council Chair may not limit the total time allowed for public comment.
 - e. The City Council Chair may ask each member of the public who desires to speak to form a line behind the first speaker. If no one is in line the chair may close public comment. In order to ensure an orderly and thorough discussion, and to maintain a complete record of proceedings, the City Council Chair may require each person desiring to address the Council to complete a speaker card.
 - f. Public comments are directed to the Council, and persons will refrain from talking to or approaching staff and/or the project representative while they are presenting information to the Council.
 - g. Those interested in submitting a petition, handout, or other form of written comment on a particular agenda item should contact the Council Office for information on submission dates and deadlines. Written comments intended for the Council during a meeting should be provided to the Council Office staff for distribution to the Council Members.
 - h. Council Members may ask clarifying questions during public comment. However, the intent of a public hearing is to receive comment from the public. It is not a forum in which the public should expect an interactive question and answer exercise between the public and the Council or a project representative. A member of the public may pose a question which the Council, in its sole discretion, may choose to answer, or ask staff or a project representative to answer, at the close of the public hearing.
5. Public comment is closed. Council Members may ask questions of or offer comments to staff and/or the project representative. This initial response period is meant for clarification, not deliberation. Unless a Council Member requests further information from a member of the public who has previously addressed the Council, there is no further public comment.
6. The City Council deliberates and takes appropriate action. The Council may act on an item at the meeting in which the public hearing was held, may defer the vote to a later meeting, or may choose to take no action.
- B. Comments on items scheduled for public hearing will not be accepted during the Citizen Comments portion of the meeting, but only when that item is opened for public comment by the Chair. Comments on Council items not scheduled for public hearing may be offered during the Citizen Comments portion of the meeting.

C. Civil Discourse

1. All persons should avoid undermining the integrity or dignity of others in the meeting. Clapping, booing, cheering or other vocal signs of support or opposition to the proposal is not permitted.
2. Persons should refrain from leaving their seats, making any noise or disturbance, or interfering or interruption the Council or staff while the Council is in session.
3. Persons not following these guidelines may be asked, after a two-thirds majority vote of the Council, to leave the meeting or building for the remainder of the meeting. Any person not honoring the request of the Chair to leave the meeting may be escorted from the meeting by law enforcement and may be deemed guilty of disturbing an official meeting in violation of the Revised Ordinances of Sandy City or the Utah State Code and would be guilty of a Class B Misdemeanor. Disruptive behavior by a person may also result in prosecution for disorderly conduct and/or obstruction government operations under any number of provisions of the Utah Code, depending upon the specific behavior of an individual.

CI. Petitions

1. A petition is a request of the City Council to take or refrain from some action signed by multiple individuals. Unless otherwise provided by law, a petition does not obligate or bind the City Council. The City Council does not prescribe the form that a petition must take.

History:

Adopted March 14, 2017

Sandy City Council
Legislative Policies and Procedures

SUBJECT: Rules of Procedure

BACKGROUND:

State law § 10-3-606 requires the City Council to adopt rules of order and procedure governing and prescribing

- a) parliamentary order and procedure;
- b) ethical behavior; and
- c) civil discourse.

The City Council is further required to:

- a) conduct public meetings in accordance with the adopted rules of order and procedure;
- b) make the rules of order and procedure available to the public; at each meeting of the municipal legislative body; and on the City website.

POLICY:

1. The “Sandy City Guidelines, Conduct of Official Council Meetings” adopted via Resolution #07-66C are hereby repealed.
2. The Sandy City Council Rules of Order and Procedure are described as follows:

Sandy City Council

Rules of Order and Procedure

Parliamentary Order and Procedure, Ethical Behavior, and Civil Discourse

1. Standard Order of Business

- a) The standard order of business for regularly scheduled meetings of the City Council is as follows. The City Council may vote to amend the standard order of business from time to time based on the actual content of each meeting. The Council will not entertain new items after 11 PM unless agreed to by a majority of the Members.

5:15 Council Meeting

A. Non-voting items

1. Opening Remarks/Prayer/Pledge of Allegiance
2. Agenda Planning Calendar Review & Council Director Report
3. Council Member Business
4. Mayor's Report
5. Chief Administrative Officer Report
6. Other Standing Reports as needed
7. Informational briefings, training opportunities, discussion items, etc.

B. Voting Items

The Council welcomes citizen comment on any voting item, according to the procedure described in paragraph C(1)(c)-(d) below.

1. Consent Calendar
2. Council Items

6:00 PM Time Certain Items

C. Public Hearings and Other Time Certain Items

1. Citizen Comments

- a) Introduction. The City Council welcomes written and oral citizen comments on any City subjects at regular meetings, for any item not otherwise listed on that agenda.
- b) Start Time. The Citizen Comment period will begin no earlier than 6:00 PM. The Council will aim to start the Citizen Comment period at 6:00 PM or as soon as possible thereafter.
- c) Citizen Contact Information. Each speaker is allowed three minutes to address the Council. The Chair may extend the time for Citizen Comment at his or her discretion. Commenters are requested to provide their name and contact information to Council staff in order to maintain an accurate record of the meeting.
- d) If a citizen is unable to attend a meeting in person, he or she may provide written comments on City subjects to the City Council Office 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.

2. Special Recognition
3. Public Hearings
4. Other Time Certain Items

Sandy City Council

Rules of Order and Procedure

- b) Council Member Business, the Mayor's report, and the Chief Administrative Officer's report are informational in nature. These reports may include such items as updates from committee meetings, summaries of significant City events, recognition proposals, and recommendations for future discussion items. No action except discussion can occur on such an item at the meeting in which it is introduced; it must be added to a future agenda as a voting item before formal Council action can occur.
- c) Unless an item has been noticed on the agenda for a time certain, the Council may deviate from the standard order of business.
- d) Items not completed during the Council Meeting portion of the agenda should be rescheduled at the next available Council Meeting as appropriate.

2. Motions

Main Motion

- a) A motion is a formal proposal by a Member of the City Council, in a meeting, that the Council take certain action.
- b) After a motion has been seconded, another Member of the Council may offer a friendly amendment to the original motion maker which he or she, together with the seconder of the motion, may accept or reject. Friendly amendments are informal and are not counted toward motions to amend.

Motion to Amend

- c) A motion to amend which has been seconded and receives a majority vote of the Members present amends the main motion.
 - i. A Motion to Amend must be germane. Any amendment proposed must in some way involve the same question raised by the motion it amends. As such, motions to amend should insert and/or strikeout wording of the original motion. Motions to amend may not be the negation of the main motion.
 - ii. The Chair will rule whether or not a Motion to Amend is germane to the main motion.
- d) To retain clarity of debate, the main motion should only be amended no more than two times.
- e) A motion which has been seconded (amended or otherwise) and is the subject of debate must be dispensed with before a new motion can be considered. There are no "substitute motions" which unilaterally shift debate away from the main motion.

Sandy City Council

Rules of Order and Procedure

Motion to Reconsider

- f) After a main motion has been dispensed with, a Motion to Reconsider may be offered at the same meeting in which the motion suggested to be reconsidered occurred. However, the Motion to Reconsider may only be offered by a Member who voted on the winning side, whether in the affirmative or negative. A second to the Motion to Reconsider may be offered by any Member. In the event of a tie vote, any member may offer a Motion to Reconsider. The Motion to Reconsider brings up the item at the same meeting in which the vote to be reconsidered occurred.

Renewal of Motions

- g) If properly placed on the Council Meeting agenda, any Member may Motion to Rescind or Amend an action of the Council.

3. Debate

- a) It is recommended that formal titles such as “Mr./Madam Chair” be utilized to encourage a professional, courteous and orderly atmosphere.
- b) No motion shall be debated until it has been seconded by another Member of the City Council. A motion dies for lack of a second from another Member of the Council.
- c) For clarity, after a motion has been seconded, the Chair should restate the motion or cause it to be displayed in writing for the Members of the Council and the public.
- d) The Chair should ensure that each Council Member who desires to speak has opportunity to do so.
- e) Members should refrain from speaking until being recognized by the Chair.

Call the Previous Question or “Calling the Question”

- f) Any Member may make a Motion for the Previous Question during debate (commonly called “calling the question”). A Motion for the Previous Question is a proposal to end debate on the main motion. It requires a second and must be adopted by a majority of Members present. The Motion for the Previous Question is not debatable. A vote on the Previous Question does not decide the main motion. It decides whether or not debate on the main motion should cease.

Appeal

- g) Any Member may raise a Point of Order without having first been recognized by the Chair in order to seek clarification on a parliamentary question. The Chair will rule on the Point of Order.

Sandy City Council

Rules of Order and Procedure

- i. Rulings of the Chair may be appealed to the City Council as a whole. A majority vote of the City Council may override a ruling of the Chair.

Pause in Council Proceedings

- h) The Chair may allow the Council to stand at ease for a brief pause if necessary during debate.

4. Quorum

- a) A quorum of the City Council is required to conduct business. A quorum is four Members.

5. Voting

- a) Voting shall be in the form of “yes” or “aye,” “no” or “nay,” and “abstain.” The names of those voting for, against, or abstaining shall be entered in the Council minutes.
- b) No Council Members shall vote unless physically present or participating through electronic means pursuant to Utah Code Annotated § 52-4-207. Proxy votes are not allowed.

Types of Voting

- c) A roll call vote is required for all ordinances and may occur for other votes. “Roll call” means that each Council Member participating verbally gives his or her vote when called upon to vote. Any Member has the discretion to call for a roll call vote.
- d) If a roll call vote is not required, a voice vote may occur. A voice vote is the request of the Chair such as, “All in favor,” and/or “All opposed” where the Council Members simultaneously state their vote on an item.

Number of Votes Required to Pass an Item

- e) The minimum number of votes required to pass an ordinance or resolution, or to take any action by the Council, unless otherwise prescribed by law, is a majority of the entire membership of the Council, without regard to vacancy or absences, namely four votes.
 - i. Notwithstanding this provision, a Council meeting may be adjourned to a specific time if the majority vote is less than four votes.
- f) An expression of “abstain” during voting shall not be considered as an affirmative or negative vote. For purposes of a Motion to Reconsider, an “abstain” vote does not grant standing. In other words, a Council Member who abstains on a question or is absent when the vote on a question is taken may not move to reconsider the question.

Sandy City Council Rules of Order and Procedure

- g) In the case of a tie vote, the motion shall fail.

Explanation of Vote or Conflict

- h) A Council Member desiring to explain his or her vote should do so prior to the call of the roll or voice vote.
- i) Any Council Member who has an immediate or direct financial interest in any item pending before the Council shall disclose this fact to the Council at the time the item is called. Members declaring such an interest should leave the room during the discussion and abstain from voting on that item.
- j) Custom should not conflict with adopted Rules of Order and Procedure. To the extent that custom conflicts with adopted Rules, the Rules shall supersede until amended to reflect customary practice.

6. Amending the Rules

- a) If previous notice is given, namely a specific amendment or set of amendments to the Rules of Order and Procedure is placed on the regular Council Meeting agenda in advance, a majority vote of Members of the City Council is required to modify the Rules of Order and Procedure.
 - i. If the Rules of Order and Procedure have not been explicitly placed on the Council Meeting agenda for discussion, a two-thirds majority of the Council Members present may suspend or modify the Rules in order to accomplish a specific action.
- b) In the event that any provision herein conflicts with state law, state law supersedes.

History:

Original Approval: March 29, 2016

Revision: February 19, 2019

Last Revision: 1-21-20



Sandy City, Utah

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

Staff Report

File #: 20-298, **Version:** 1

Date: 9/1/2020

Approval of the August 18, 2020 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, August 18, 2020

5:15 PM

Online Meeting

5:15 Council Meeting

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

Roll Call

Council Staff Present:
Mike Applegarth, Executive Director
Dustin Fratto, Senior Analyst
Tracy Cowdell, Council Attorney
Christine Edwards, Council Clerk

Administration:
Mayor Bradburn
Matt Huish, CAO
Jeff Robinson, Senior Civil Attorney
Kim Bell, Deputy CAO
Tom Ward, Public Utilities Director
Darien Alcorn, Senior Civil Attorney
Richard Benham, Public Utilities Engineering Manager
Tyler Shelley, Public Utilities Chief Engineer
Amy Deneff, Emergency Manager

Prayer / Pledge of Allegiance

Mike Applegarth offered the Prayer.

Council Member Robinson led the Pledge.

Non-voting Items

Agenda Planning Calendar Review & Council Office Director's Report

Mike Applegarth, Council Director, thanked the Council for their support. He also thanked Dustin Fratto and Chris Edwards for their help with the Council meetings.

The laptops for the City Council members have been ordered.

He provided an update on the open position in the Council Office.

Council Member Robinson cancelled Agenda Planning for tomorrow.

Council Member Business

Council Member Sharkey thanked Nick Duerksen for providing assistance to a Sandy City restaurant business owner with filing for a grant.

Council Member Houseman thanked the Police and Fire Department for the help they provided to the Salt Lake County Search and Rescue. She also mentioned that The Sandy Club, A Safe Place for Boys & Girls, posted a video of their summer activities and she will send the link out to the Council members.

Council Chair Robinson recommended moving Agenda Items 4 and 5 to the Consent Calendar. There were no objections from the Council Members. Agenda items 4 and 5 moved to the Consent Calendar.

Mayor's Report

No Report

CAO Report

Matt Huish, CAO, thanked the Department heads for their work on implementing action plans in response to the employee survey.

Information Items

1. 20-279 Public Utilities Department recommending the Council receive a presentation on the fluoride overfeed incident, including an update on the water quality monitoring results

Attachments: Fluoride update Memo and Slides 8-18-2020

Richard Benham, Public Utilities Planning Director, introduced Issam Najm, from Water Quality & Treatment Solutions, Inc, who presented to the Council an update of the monitoring program that was initiated after the fluoride overfeed incident. He briefed the Council on the participation rate and the testing results of the samplings collected from the home owners in the impacted area.

Council comments and questions followed the presentation.

Voting Items

Consent Calendar

Approval of the Consent Calendar

A motion was made by Brooke Christensen, seconded by Kristin Coleman-Nicholl, 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

2. 20-284 Approval of the August 11, 2020 Minutes

Attachments: August 11th Minutes

Item approved.

4. ANEX-08-20-5890 The Community Development Department is recommending the City Council adopt Resolution #20-33c indicating the intent to annex an unincorporated area located at approximately 8340-8511 S. Escalante Drive and 2412-2566 E. Barcelona Drive (see attached map for proposed boundary) setting a public hearing to consider such annexation, and directing publication of a hearing notice.

Attachments: Location and proposed boundary map.pdf
20-33c ANNEXATION RESOLUTION- EscalanteBarcelona

Item approved.

5. ANEX-08-20-5891 The Community Development Department is recommending the City Council adopt Resolution #20-34c indicating the intent to annex an unincorporated area located at approximately 2072, 2100 and 2140 E. Creek Road and 8215-8265 S. Rossett Green Ln. setting a public hearing to consider such annexation, and directing publication of a hearing notice.

Attachments: Location and proposed boundary map.pdf

20-34c ANNEXATION RESOLUTION- Rossett Green Ln

Council Meeting went into Recess at approximately 5:53 pm.

Council Meeting reconvened with 6:00 pm Time Certain Items.

Item approved.

Council Items

3. 20-278 Council Member Houseman proposing that the Council reconsider funding for the Central Wasatch Commission

Attachments: Presentation

Council Member Marci Houseman introduced Chris Robinson, Summit County Council and Mayor Jeff Silvestrini of Millcreek, who presented to the Council on the Central Wasatch Commission. They briefed the Council on the background and the focus of the Central Wasatch Commission. They updated the Council on legislative, watershed and mountain transportation issues related to the Canyons and the surrounding area.

Council Members comments and questions followed.

Council Member Houseman asked for feedback from Council Members regarding pursuing options for potentially providing funding to the Central Wasatch Commission organization.

Council members shared their thoughts regarding funding.

Council Member Nicholl supports pursuing options to fund the CWC.

Council Member Sharkey supports funding the CWC.

Council Member Stroud supports looking into options to provide funding to the CWC.

Council Member Zoltanski spoke about past contributions from Sandy to the CWC and offered her thoughts regarding potential future contributions to the CWC and the source of the that funding.

Council Member Christensen would like to look at the possible options for funding the CWC during the carryover process.

Council Member Robinson is supportive of moving forward with looking into funding sources to support the CWC.

Mayor Bradburn agrees with Mayor Silvestrini that the goals of the CWC are important. However, he does not support such a high amount of funding for the CWC.

Public Comment:

Dustin Fratto gave instructions on how to comment.

There were no public comments.
There were no written comments.

Public Comment closed.

A motion was made by Zach Robinson, seconded by Cyndi Sharkey, to support Council Member Houseman's efforts to work with City staff in identifying potential funding sources that could be used to support the Central Wasatch Commission and to bring back a formal option for Council consideration... The motion carried by the following vote:

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

6. 20-280 Public Utilities Department recommending that the Council consider renewal of a Storm Water Quality Interlocal Cooperation Agreement with Salt Lake County

Attachments: Memorandum
Resolution 20-31c
Sandy and Salt Lake County UPDES Interlocal Agreement
Presentation
Resolution 20-31c Signed

Tyler Shelley, Public Utilities Chief Engineer and Storm Water Manager presented to Council on the Interlocal Agreement with Salt Lake County. He briefed the Council on the background of the storm water regulations and the details of the Interlocal Agreement.

Tom Ward provided additional information regarding the benefits of participating in the Interlocal Agreement

Council questions and comments followed.

Public Comments:

Dustin Fratto invited the public to comment.

There were no public comments.
There were no written comments.

Public Comment Closed.

A motion was made by Brooke Christensen, seconded by Alison Stroud, to adopt resolution 20-31C, a resolution authorizing the execution of an interlocal cooperation agreement between Salt Lake County and Sandy City for the new Jordan Valley Municipalities UPDES permit... The motion carried by the following vote:

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

7. 20-269 Administration recommending that the Council adopt Joint Resolution 20-09M adopting the 2019 Salt Lake County Hazard Mitigation Plan

Attachments: Memorandum

Joint Resolution 20-09M

Presentation

SL County Hazard Mitigation Plan 2019

SL County Hazard Mitigation Plan Annexes

Kim Bell, Deputy CAO, presented to Council on the 2019 Salt Lake County Hazard Mitigation Plan. She briefed the Council on the history and background of the plan and explained the purpose of the mitigation plan.

Council comments followed.

Public Comment:

Dustin Fratto gave instructions on how to comment.

There were no public comments.

There were no written comments.

Public Comment closed.

A motion was made by Zach Robinson, seconded by Brooke Christensen, to adopt Joint Resolution 20-09M adopting the 2019 Salt Lake County Hazard Mitigation Plan.

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

8. 20-281 Council Member Sharkey recommending the Council consider a resolution honoring the adoption of the 19th amendment 100 years ago.

Attachments: Resolution 20-35C

Council Member Sharkey read Resolution 20-35C, honoring the 100th anniversary of the passage and ratification of the 19th Amendment.

Public Comment:

There were no public comments.

There were no written comments.

Public Comment Closed.

A motion was made by Cyndi Sharkey, seconded by Kristin Coleman-Nicholl, to adopt Resolution 20-35C, a resolution of the Mayor and City Council of Sandy City Utah honoring the 100th anniversary of the passage and ratification of the 19th Amendment, providing for women's suffrage, to the constitution of the United States... The motion carried by the following vote:

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

9. 20-285 Council Members Christensen and Nicholl recommending approval of Resolution 20-26C creating the position of City Council Assistant Director.

Attachments: Resolution 20-36C

Exhibit A: City Council Assistant Director Job Specifications

Council Member Nicholl presented the item.

Council comments and questions followed.

Council Member Zoltanski asked to continue the item for a future meeting to give time to gather more information and for discussion.

A motion was made by Monica Zoltanski to continue the item one week for further examination by Council Members, seconded by Alison Stroud.

Public Comment was opened on the agenda item and the motion to continue:

Dustin Fratto gave instructions on how to comment:

There were no public comments.

There were no written comments.

Public Comment closed.

Council discussion on the motion to continue followed:

A motion to call to question was made by Kris Coleman-Nicholl, seconded by Brooke Christensen. The motion carried by a voice vote of 6 - 1. Monica Zoltanski opposed.

A voice vote was taken on the motion to continue. The motion failed by a vote of 5 - 2. Monica Zoltanski and Alison Stroud opposed.

A motion to adopt Resolution 20-26C was made by Kris Coleman-Nicholl, seconded by Brooke Christensen.

Council discussion followed.

A motion to call to question was made by Kris Coleman-Nicholl, seconded by Brooke Christensen. The motion carried by a voice vote of 6 - 1. Monica Zoltanski opposed.

A motion was made by Kristin Coleman-Nicholl, seconded by Brooke Christensen, to adopt Resolution 20-36C.. The motion carried by the following vote:

Yes: 6 - Alison Stroud
Kristin Coleman-Nicholl
Zach Robinson
Marci Houseman
Cyndi Sharkey
Brooke Christensen

No: 1 - Monica Zoltanski

10. 20-282

Possible Closed Session: Character, professional competence, or physical or mental health of an individual

The Council unanimously agreed, by a roll call vote, to convene to a closed session at approximately 7:38 pm and adjourn following the closed session.

Mike Applegarth gave instructions regarding participating in the closed session.

The closed session began at approximately 7:50 pm.

6:00 Time Certain Items

Citizen Comments

Dustin Fratto gave instructions on how to participate in the Public Comments.

Jodi Monaco inquired if there were plans for the Sandy City staff to give a presentation summarizing the lessons learned from the City's response to the fluoride incident

Amy DeNeff, the new Sandy City Emergency Manager, introduced herself.

There were no written comments received for tonight's meeting.

Public Comment Closed.

Adjournment

Meeting adjourned following the closed session.



Staff Report

File #:
CODE-07-20-5879_CC,
Version: 1

Date: 9/1/2020

Agenda Item Title:

KLM Endeavors - Heavy Commercial Use in RD Zone
Amend Title 21, Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code

Presenter:

Mike Wilcox

Description/Background:

Kelly Lund, representing KLM Endeavors, has applied for a code amendment to the land use matrix for commercial zones to allow for Heavy Commercial Uses in the Research and Development (RD) Zoning District. The proposal would amend Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code. The RD Zone is currently only in one area of the City (see zoning map). It is located along the freeway frontage road of 300 West, bounded by 1-15 on the east, Front Runner rails on the west, 9400 South to the north, and 10000 South Street. The proposed code change would allow for this existing Heavy Commercial business to remain in its current location and allow the business to expand where the current code would prohibit these types of businesses in the zone.

Additional details are found in the attached Staff Report.

On August 6, 2020, the Planning Commission voted to recommend approval of this amendment to the City Council.

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance #20-08, which is an amendment to the Land Development Code and shown in Exhibit "A", for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 21-1-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

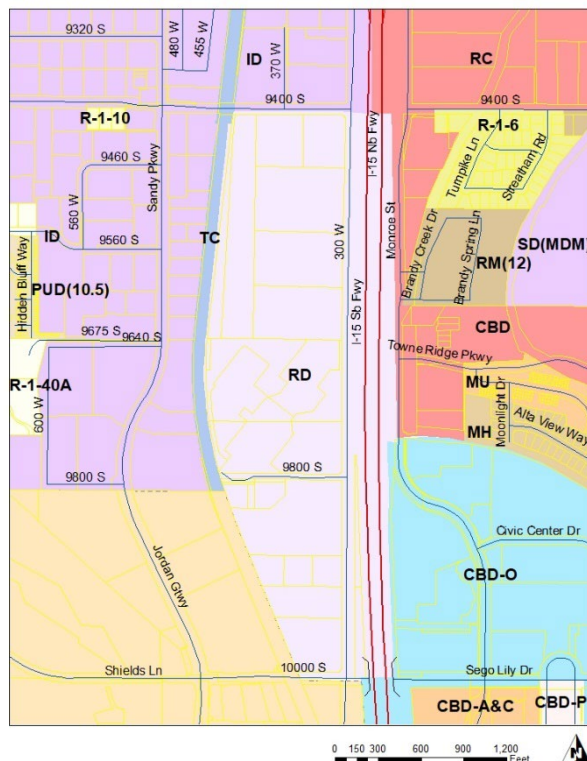
MEMORANDUM

July 30, 2020

To: Planning Commission
From: Community Development Department
Subject: KLM Endeavors – Heavy Commercial Use in RD Zone
Amend Title 21, Chapter 8 - Land Uses in the
Commercial, Office, Industrial, Office, Industrial, Mixed
Use, Transit Corridor, and Research and Development
District of the Sandy Municipal Code

CODE-07-20-5879

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



REQUEST

Kelly Lund, representing KLM Endeavors, has applied for a code amendment to the land use matrix for commercial zones to allow for Heavy Commercial Uses in the Research and Development (RD) Zoning District. The proposal would amend Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code. The RD Zone is currently only in one area of the City (see zoning map). It is located along the freeway frontage road of 300 West, bounded by 1-15 on the east, Front Runner rails on the west, 9400 South to the north, and Sego Lily Drive on the south. The proposed code change would allow for this existing Heavy Commercial business to remain in its current location and allow the business to expand where the current code would prohibit these types of businesses in the zone (see the attached applicant's letter).

BACKGROUND

In 1981, the RD Zone was established and applied to an undeveloped area located at approximately 1000 East and 9000 South. In 2000, the RD Zone was changed in anticipation of applying this zone to the current area zoned RD (see zoning map). At the same time, this area was rezoned from the Industrial (ID) Zone to RD. This area was viewed as an essential appendage of the City's Civic Center Master Plan, and the rezone dubbed this area "Civic Center West". The ID Zone and associated uses were not viewed as compatible with the City's vision for the area. There were only a couple of sites that had been developed at this point, one of which was the current KLM site. The City created a Research and Development Zone to help realize that vision and prohibit the area from developing with industrial uses. The following are the purpose statements of the RD Zone:

Section 21-4-11(16)

Research and Development District (RD).

- a. This district is established to provide locations for commerce, service, research and employment activities. Such locations and site improvements shall project a desirable appearance toward public streets and maintain compatibility with adjacent land uses.
- b. Except for limited accessory and ancillary uses, and planned developments for areas east of Interstate 15, the RD District provides for employment locations which are characterized by office and compatible research, corporate headquarters, and campus-like development with substantial visual amenities which can function in areas close to residential areas as well as other similar uses within the RD District.

With the rezone in place, the City expressly encouraged sites like the KLM property, to redevelop overtime to conform to the new requirements and land uses of the RD Zone. Most of the undeveloped farmland that existed in 2000 has since developed into office buildings, a college campus, and corporate headquarters. There are a few properties that don't face the freeway frontage road that have yet to develop or redevelop under the RD Zone.

ANALYSIS

The Planning Commission must review the following criteria when considering a requested Code Amendment:

Is the change reasonably necessary?

Is it in the public interest?

Is it in harmony with the objectives and purposes of the future development of Sandy City?

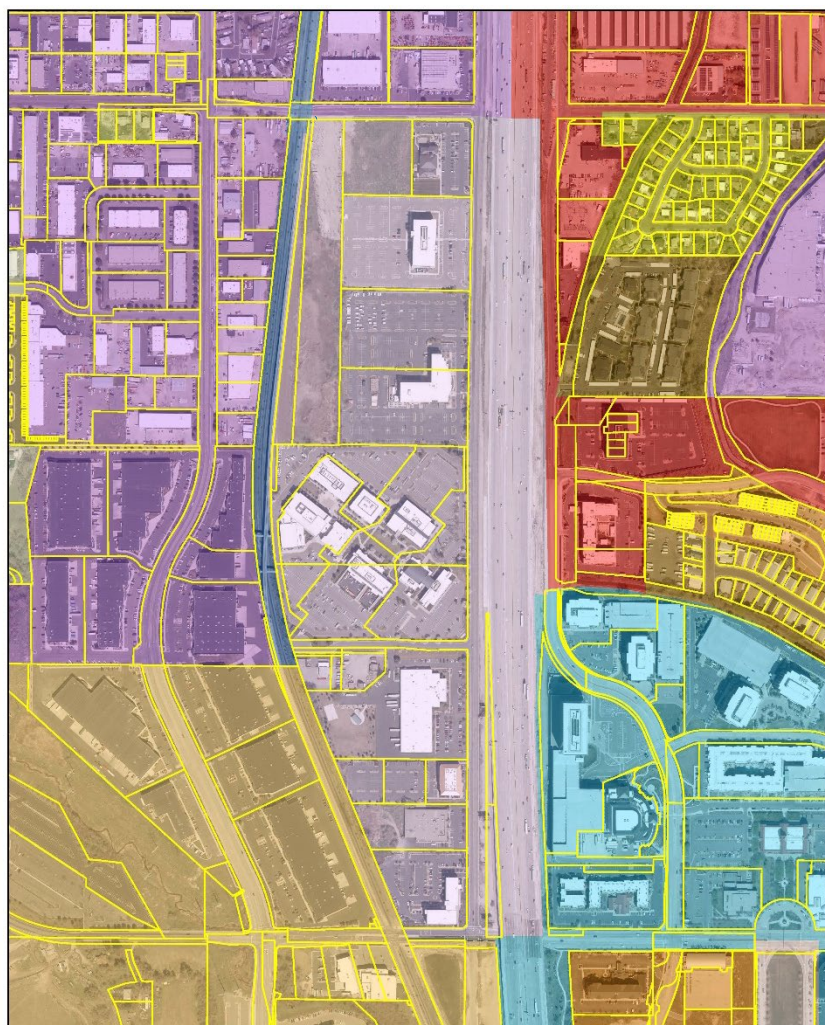
Is the change consistent with the General Plan?

The applicant's request expresses how they view the requested code amendment meets these criteria. Staff believes that the intent of the proposed amendment meets the criteria mentioned above.

This new zone proved to be beneficial to the City as it encouraged several employment centers, research facilities, and corporate headquarters. Most of the land within this zone has been developed with just a few parcels that have not yet developed fully or have not redeveloped since the ID Zone was established for the area. One such property (415 W. 9800 S.) is owned and used by KLM Endeavors that uses the property for their HVAC business and contractors' yard. This use is defined in the code as follows:

Commercial, heavy, means an establishment or business which generally uses open sales yards, outside equipment storage and/or company vehicles and trucks, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses included in the term "commercial, heavy," are lumber yards, construction specialty services, heavy equipment suppliers, or construction related contractors and subcontractors.

This use is compatible with the ID zone but is not permitted in the RD Zone. Being a non-conforming use, expansion and improvement is limited as the zoning encourages them to redevelop to conform to the zone, rather than maintain or expand the existing uses.



Staff's position is that these remaining properties are not likely to redevelop into conforming uses in the RD Zone. They are smaller in land area, and lack freeway exposure. Industrial types uses are a more likely land use, given the location and lack of visibility. Therefore, the proposed change to the land use matrix affecting the RD Zone is appropriate. Staff supports the change but would recommend a location restriction for Heavy Commercial and Industrial uses to be limited to properties that do not have street frontage along the freeway frontage road (300 West). See the attached Exhibit "A" to see the code change in context.

NON-CONFORMING USES

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

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

Sec. 21-1-3. - Purpose and Scope.

- (a) *Purpose.* The ordinance from which this title is derived is adopted to implement the Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime

prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this title is established to promote the following purposes:

- (1) *General.*
 - a. To facilitate the orderly growth and development of Sandy City.
 - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
 - c. To stabilize property values.
 - d. To enhance the economic well-being of Sandy City and its inhabitants.
- (2) *Implementation of General Plan.* To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.
- (3) *Comprehensive, Consistent and Equitable Regulations.* To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- (4) *Efficiently and Effectively Managed Procedures.*
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed Code Amendment will facilitate the orderly growth and development of Sandy City. These regulations would help promote the health, safety, and welfare of our residents.

STAFF RECOMMENDATIONS

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

1. The proposal complies with the Purpose of the Land Development Code as stated in section 21-1-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Mike Wilcox
Zoning Administrator

Exhibit "A"

Sec. 21-8-2. - Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Land Use Category	CB D	CB D-P	CB D-O	CB D-A&C	CR - PUD	RC	B C	C C	C N	Cv C	CN(H SN)	HB D	L C	P O	I D	AM (Dealers hips)	AM (Commer cial)	M U	T C	R D
Commer cial, heavy	N	N	N	N	P	C/ N	N	N	N	N	N	N	N	N	P	N	N	N	N	N C ₂₄
Industry, heavy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industry, light	C	N	N	N	P	P/ C	N	P ₁₉ / C ₁₉	P ₁₉ / C ₁₉	N	N	C	N	N	P	N	N	N	N	P ₂₄ P
Industry, medium	N	N	N	N	P	P/ C	N	N	N	N	N	C	N	N	P	N	N	N	N	C ₂₄ €

(c) *Explanatory Notes for Land Use Matrix.*

24. Not permitted if the property has frontage onto 300 West (the freeway frontage road).

ORDINANCE # 20-08

AN ORDINANCE AMENDING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 8, “LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND REASEARCH AND DEVELOPMENT DISTRICTS”, TO ALLOW FOR HEAVY COMMERCIAL USES IN THE RD ZONE DISTRICT; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 21 of the Sandy City Municipal Code (formerly Title 15A of the Revised Ordinances of Sandy City), Chapter 8, “Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts”, to allow for Heavy Commercial uses in the RD Zone district; and

WHEREAS, the Planning Commission held a public hearing on August 6, 2020 which meeting was preceded by notice by publication in the Salt Lake Tribune on July 23, 2020, and by posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on July 20, 2020; and

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

WHEREAS, a public meeting was held by the Sandy City Council on September 1, 2020 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

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

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

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

Section 1. Amendment. Title 21 is amended as shown on **Exhibit “A”**, which is attached hereto and by this reference made a part hereof.

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

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

PASSED AND APPROVED this ____ day of _____, 2020.

Zach Robinson, Sandy City Council

ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this ____ day of _____, 2020.

APPROVED this ____ day of _____, 2020.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

PUBLISHED this ____ day of _____, 2020.



Sandy City, Utah

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

Staff Report

File #: 20-295, **Version:** 1

Date: 9/1/2020

Agenda Item Title

Possible Closed Session: character, professional competence, or physical or mental health of an individual or individuals.



Staff Report

File #: 20-296, **Version:** 1

Date: 9/1/2020

Agenda Item Title:

Discussion and direction on Council legal services contract.

Presenter:

Council discussion.

Description/Background:

The City Council has a legal services contract with Cowdell & Woolley P.C.. The original agreement began on June 1, 2018 and expired December 31, 2019. The City Council extended the contract through June 30, 2020, and again for 90 days from July 1, 2020. The Council's current policy on the use of outside legal services allows any Council Member to request assistance or presence at meetings as long as the Vice Chair is notified.

Fiscal Impact:

Costs for FY 2020-21 are undetermined. The Council has budgeted \$50,000 in Professional Services however this amount covers any type of professional services, not just legal services. Contract costs for FY 2018-19 totaled \$13,865. Costs for FY 2019-20 were \$19,268 (according to the semi-final June budget report).

Further action to be taken:

Recommended Action and/or Suggested Motion: