

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chambers #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**August 26, 2014**

Meeting was commenced at 7:05 p.m.

**PRESENT:**

**Council Members:** Chairman Steve Fairbanks, Scott Cowdell, Kris Coleman Nicholl, Linda Martinez Saville, Chris McCandless, Stephen P. Smith, and Dennis Tenney.

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; Assistant CAO Scott Bond; Assistant CAO Korban Lee; Assistant to the CAO Communications Director Nicole Martin, City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace, Public Works Director Rick Smith, Economic Development Director Nick Duerksen; Deputy to the Mayor John Hiskey; Police Chief Kevin Thacker; Fire Chief Bruce Cline, Parks & Recreation Director Scott Earl; Administrative Services Director Art Hunter; Assistant Administrative Services Director Brian Kelley; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

**1. OPENING REMARKS/PRAYER/PLEDGE:**

The prayer was offered by **Gabby Horner**, and the Pledge was led by **Lilly Edwards**

**2. SPECIAL PRESENTATION(S): a. Monsignor Robert R. Servatius**

**Chairman Steve Fairbanks** along with **Mayor Tom Dolan** read a resolution honoring Monsignor Robert R. Servatius for his 50 years of service as a Catholic Priest and Pastor at Blessed Sacrament Parish, and for his service to so many including the Sandy community.

**b. Art Hunter** was honored by the Council and Mayor Dolan for his 43 years of service with the City. He recently retired as the Administrative Services Director. His mission was to keep the City in "great" financial shape. He will be missed.

**3. CITIZEN(S) COMMENTS:**

**a. Sally Jo Fuller**, 1568 East Tameron Drive, Sandy, read a letter regarding the Second Amendment Foundation and a change to firearms regulations. She questioned how a private entity has the authority to demand that local government make changes to law that will suit their agenda. She stated that there are laws to protect the rights of private citizens who carry firearms; but where are the laws to protect private citizens who don't feel protected and safe?

**b. Jodi Monico**, 1532 East Tameron, Sandy, noted that there is community support for a no kill shelter in Sandy. She appreciates the fact that the Council is discussing and looking into a recommendation.

**c. Steve Van Maren**, 11039 Lexington Circle, asked for an update on the Splash Pad construction at the Amphitheater.

**Byron Jorgenson** reported that the bid process took longer than expected. The plan is to open the Splash pad the same day that the Alta Canyon Recreation pool opens on May 28, 2015.

**Citizen Comments were closed as there were no further comments.**

**COUNCIL ITEM(S):**

4. **Labyrinth Rezone**

**Ordinance #14-23** – amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 0.50 acres from the R-1-20A “Single-Family District” to the CBD “Central Business District”, located at approximately 10510 S. State Street; also providing a saving clause and an effective date for the ordinance.

**Motion:** **Chris McCandless** made the motion to adopt Ordinance #14-23 amending and fixing the boundaries of a zone district of the Sandy City Zoning Ordinance; to wit: rezoning approximately 0.50 acres from the R-1-20A “Single-Family District” to the CBD “Central Business District”, located at approximately 10510 South State Street; also providing a saving clause and an effective date for the ordinance.

**Second:** **Dennis Tenney**

**Vote:** **McCandless – yes, Tenney-yes, Saville-yes, Cowdell-yes, Smith – yes, Nicholl – yes, Fairbanks – yes.**

5. **Code Amendment: Developments within the Central Business District**

**Ordinance #14-24** – amending Title 15A of the Revised Ordinances of Sandy City (The Land Development Code),2008, by amending Chapter 8, “Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts”, Chapter 23, “Commercial, Office, Industrial, & Transit Corridor Development Standards”, and Chapter 25, “Landscaping Standards”, relating to regulations allowing residential developments within the Central Business District; also providing a saving clause and effective date for the ordinance.

**Motion:** **Chris McCandless** made the motion to adopt **Ordinance #14-24**, amending Title 15A of the Revised Ordinances of Sandy City (The Land Development Code),2008, by amending Chapter 8, “Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts”, Chapter 23, “Commercial, Office, Industrial, & Transit Corridor Development Standards”, and Chapter 25, “Landscaping Standards”, relating to regulations allowing residential developments within the Central Business District; also providing a saving clause and effective date for the ordinance.

**Second:** **Dennis Tenney**

**Vote:** **McCandless – yes, Tenney-yes, Smith – no, Nicholl-yes, Saville-yes, Cowdell-yes, Fairbanks-yes,**

6. **Amendment – Use and Possession of Firearms**

**Ordinance #14-25** – An ordinance amending Sections 5-5-9, 5-15-1, 6-2-4, 7-9-10, 7-9-11, 7-9-11A, 7-9-12, 7-9-14A, 7-9-15, 7-12-3, 7-9-16, and 11-2-8 of the Revised Ordinances of Sandy city related to the use and possession of firearms; also providing a saving clause for the ordinance and an effective date.

**Discussion:** **Chris McCandless** asked for further clarification from staff on this ordinance.

**Wally Miller** reported that long ago the Legislature took Utah authority to regulate the possession of firearms from cities. In respect to the State Legislature and law, the adoption of this ordinance will repeal the City’s laws that deal with the possession of firearms. The State has assumed full control of that regulation.

**Chris McCandless** asked if there were any firearms violation that our police officers would not be able to enforce.

**Wally Miller** noted that the City by in large, goes by State Code for crime violations. The State Government tracks statistics throughout the State.

**Scott Cowdell** asked if State codes would supersede City codes.

**Wally Miller** stated that State Firearms regulation is Cities are not to pass any laws regarding firearms.

**Motion:** **Steve Smith** made the motion to adopt **Ordinance #14-25**, amending Sections 5-5-9, 5-15-1, 6-2-4, 7-9-10, 7-9-11, 7-9-11A, 7-9-12, 7-9-14A, 7-9-15, 7-12-3, 7-9-16, and 11-2-8 of the Revised Ordinances of Sandy city related to the use and possession of firearms; also providing a saving clause for the ordinance and an effective date.

**Second:** **Chris McCandless**

**Vote:** **Smith-yes, McCandless – yes, Nicholl-yes, Cowdell-yes, Saville – yes, Tenney-yes, Fairbanks – yes.**

7. **Adoption International Fire Code Changes**

**Ordinance #14-26** – amending Title 8 of the Revised Ordinances of Sandy City Adopting the “International Fire Code” 2012 Edition, together with Appendix B and C; also proving a saving clause for the ordinance and an effective date.

**Motion:** **Dennis Tenney** made the motion to adopt **Ordinance #14-26, amending** Title 8 of the Revised Ordinances of Sandy City Adopting the “International Fire Code” 2012 Edition, together with Appendix B and C; also proving a saving clause for the ordinance and an effective date.

**Second:** **Kris Nicholl**

**Question on the Motion:**

**Steve Smith** asked if they were omitting appendices A and D.

**Robert Dekorver** explained that the International Fire Code is adopted by the State. The City adopts the appendices which can be more restrictive than the actual code. It would make it easier on the City and help developers build projects by not adopting appendix A and D. All commercial structures are required to have fire sprinklers based on the adoption of appendix B. This allows the fire department to determine if structures are too high for the amount of fire flow that is within the water system. The exhibit also deals with hydrants.

**Vote:** **Tenney-yes, Nicholl-yes, Smith-yes, McCandless –yes, Saville –yes, Cowdell – yes Fairbanks – yes.**

8. **Motion to Reconsider Ordinance #14-19 – Street Light Utility**

**Ordinance #14-19** - amending Title 13, Chapter 7, “Street Lighting” of the revised ordinances of Sandy City; to establish a Street Light Utility.

**Motion:** **Dennis Tenney** made the motion to adopt **Ordinance #14-19**, amending Title 13, Chapter 7, “Street Lighting” of the revised ordinances of Sandy City; to establish a Street Light Utility.

**Second:** **Linda Martinez Saville**

**Point of Order:**

**Steve Smith stated** that procedure requires that the Council make certain that the individual who made the motion during the Council meeting two weeks ago on the Street Light Utility voted with the majority.

**Dennis Tenney** stated that he was in compliance since he voted in the affirmative.

**Vote:** Tenney-yes, Saville-yes, Cowdell-yes, McCandless – yes, Nicholl – yes, Smith-yes, Fairbanks – yes.

**Motion:** **Dennis Tenney** made the motion to rescind the action the Council took two weeks ago of adopting the street light utility fee as at that time presented to **Ordinance #14-19**.

**Second:** Kris Nicholl

**Vote:** Tenney-yes, Nicholl-yes, Smith-no, McCandless – yes, Cowdell-no, Saville – no, Fairbanks – yes.

9. **Street Light Utility (New)**

**Ordinance #14-27** – amending Title 13, Chapter 7, “Street Lighting” of the Revised Ordinances of Sandy City; to establish a Street Light Utility; also to provide a saving clause for the ordinance and an effective date.

**Motion:** **Dennis Tenney** made the motion to adopt **Ordinance #14-27**, amending Title 13, Chapter 7, “Street Lighting” of the Revised Ordinances of Sandy City; to establish a Street Light Utility; also to provide a saving clause for the ordinance and an effective date.

**Second:** Chris McCandless

**Vote:** Tenney-yes, McCandless-yes, Saville-yes, Nicholl-yes, Cowdell-yes, Smith-no, Fairbanks-yes.

**Steve Smith** stated that his no vote is to register his concern. He would have preferred to have a public hearing scheduled prior to redoing the ordinance to make sure the Council followed through with our intention to change the ERU cap.

10. **Resolution of Intent to Annex – La Montagne Annexation**

**Resolution #14-51C** – indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice.

**Motion:** **Kris Nicholl** made the motion to adopt **Resolution #14-51C** indicating intent to annex an unincorporated area, setting a hearing to consider such an annexation, and directing publication of hearing notice.

**Second:** Chris McCandless

**Vote:** Nicholl-yes, Tenney-yes, Smith-yes, McCandless – yes, Saville – yes, Cowdell – yes, Fairbanks – yes.

**MINUTES**

11. Approving the **June 10, 2014** and the **June 17, 2014** City Council Meeting Minutes.

**Motion:** **Dennis Tenney** made the motion to approve the **June 10, 2014** and the **June 17, 2014** City Council Meeting Minutes, and the **April 8, 2014, April 22, 2014, April 29, 2014, May 6, 2014, May 20, 2014, June 10, 2014, June 17, 2014,** and the **July 22, 2014** Sandy City Council Planning Meeting Minutes.

**Second: Linda Martinez Saville**

**Question on the motion:**

**Steve Fairbanks** asked that a modification be made to the June 10<sup>th</sup> minutes where he reported that he was approached by individuals who wanted to know why they never saw any visible presence from the Council. He would like to include the following statement “with the exception of me”.

**Vote: All members voted in a verbal affirmation.**

### 13. **Mayor’s Report**

**Mayor Dolan-** City received a grant from Salt Lake County to mark bicycle trails along 114<sup>th</sup> south and 10<sup>th</sup> east. Wasatch Front Regional Council and Salt Lake County are working to complete portions of trail systems. He met with a potential buyer for the South Town Mall. The Administration is also working on a September date for the sale of 11 acres of land near city hall.

### **CAO Report**

**Cao Byron Jorgenson** reported that the Half Marathon that was held last Saturday was a great success. The runners started at the base of Alta and finished at Alta Canyon. They had over 500 participants.

**Chris McCandless** stated that this is his favorite run. It is beautiful and was very well organized. He complimented Jetta Valentine on the “wonderful job”.

**Phil Glenn** interviewed a number of people even some who came from Poland, Florida, and Texas to participate in this race. This is the steepest run in North America.

**Shane Pace** – reported on the project along 114<sup>th</sup> South 10<sup>th</sup> East. The project took longer than expected due to the burial of a Rocky Mountain power transmission line on 10<sup>th</sup> east. The project was completed prior to the opening of school. The Council will see this project during next week’s Public Utilities Tour.

### **Council Office Director’s Report**

**Phil Glenn** presented a copy of the updated monthly calendar. September 10, 11, and 12th is the Utah League Conference. He would like to know who would like to be registered. Steve Smith and Scott Cowdell said that they would not be attending.

Residents are upset and blaming the City for traffic backlog along 9400 South and 1300 East. It is important for the public to know that Jordan Valley and Questar are responsible for the construction project.

**Chris McCandless** suggested that the responsible party information be advertized on the Amphitheater sign.

### **Other Council Business:**

**Steve Fairbanks** asked the Council for any issues or concerns to add to the follow-up list.

**Steve Smith** would like to add a request for the Administration to work on the financial health of sister cities.

**Steve Fairbanks** noted that the Administration would be reporting on that issue to the Council.

**Steve Smith** felt it would be helpful for the Council to have an executive summary on the various master plans in the City and how they relate to each another. He would also like

to schedule a policy discussion regarding the budget process and elements that the Council started to discuss prior to the budget adoption.

**Kris Nicholl** would like the No Kill Shelter kept on the follow-up list. This will provide the time needed for the Council to read the information and discuss options.

**Dennis Tenney** liked the Administration's idea of providing an economic development update every other week. He would like an update on Sandy's Sister Cities (Reisa Germany/Peidras Neigras) to see if there are opportunities for economic development. Creating jobs is one of the most humane things one can do for people.

**Linda Martinez Saville** supported Kris Nicholl's comments.

**Scott Cowdell** would like to review regulations of commercial area landscaping in the City. He believes some areas of the City are deteriorating and this could have impact on financial growth. He believes the property at 8680 South 120 East property should be put on the City's rehab list. He would like to see the housing money used on homes through the community and not just Historic Sandy. Residents can turn in homes then let the Committee decide.

**Chris McCandless** would like the city to acquire some property near the mouth of Little Cottonwood Canyon when it comes up for sale. **Mayor Dolan** noted that the administration has been working with the property owner. He thanked Chief Thacker for the information he provided on the No kill Shelter. He reported that Pastor Travis Mitchell from the Sandy Ridge Community Church is being transferred to New York.

**Steve Fairbanks** stated that a resolution would be sent on behalf of the Council.

**Steve Smith** noted that Phil Glenn presented a packet of information to the Council regarding the staff vacancy in the Council Office. He would like to schedule a closed door meeting to discuss this information.

**Scott Cowdell** felt that the Council should not get in the business of directing who department heads hire. That is the responsibility of Mr. Glenn since he is the manager of that office. He has no desire to be involved with the process.

**Steve Smith** stated that is not what he is proposing.

**Phil Glenn** stated that it is always important to be respectful of our elected leaders. He understands that Mr. Smith may have questions. He asked what Mr. Smith's issue was and if he questions the need to hire an executive secretary in the office.

**Steve Smith** felt that this was something that should be discussed in closed session.

**Wally Miller** noted that meetings are not closed to discuss organizational philosophies and structures. Unless it is to discuss character or competence of an individual the Council would be on "shaky" ground.

**Steve Smith** stated that he believes there should be discussion about the alignment of job descriptions and responsibilities and how those needs are going to be met moving forward. He believes it is unfair for Mr. Applegarth to be forced into hiring a position that he knows very little about. He should be given an

opportunity to determine what he needs for staff as the new Director. To hire someone based on an old job description is unfair. It does him a disservice as well as the potential candidate. He feels the Council should have been allowed to discuss the job description prior to the position being advertized.

**Dennis Tenney** felt it would be appropriate to hold a discussion sometime in January once Mr. Applegarth becomes acquainted with the needs of this position. But for now, he suggested that the position be filled and a new individual hired.

**Scott Coddell** asked why we would question the need for this position

**Mike Applegarth** appreciated the Council comments. There are two different ends of the spectrum here. The Council does not want him to be tied into something that he may want to change later on. He is the new guy from California learning Utah local government. To have an immediate staff vacancy could pose a problem. He would prefer to fill the new position. This is not a highly compensated position and would be a reasonable investment for him to better assist the Council. He will review the operations of the Council Office as well as the different job responsibilities and will report back to the Council sometime later this year.

**Steve Fairbanks** asked Council Staff for a thorough job description on the duties they perform on a daily basis in order for the Council to understand what actually takes place in the office. When Council members stop by to visit, they drop everything to spend time with us. That does not mean that they don't have things to do. As he looks at other cities' Council Office and staffing it is amazing that our Council office does what they do with so few people. He is convinced that we need to move forward and fill the vacancy.

**Steve Smith** does not believe that the job description as currently constituted is adequate. He does not believe that we should be hiring a secretary. He believes it should be more of an analytical assistant to Mr. Applegarth. That is a discussion that the Council should have had. He was not aware that the position had already been advertized.

**Phil Glenn** explained that 20 years ago previous Sandy City Council members recognized the critical need to fill the Executive Secretary position.

**Steve Fairbanks** presented a report on the Fire Ops training that he attended last Saturday. He has a better understanding of what our Fire fighters do and the costs associated with fitting our firefighters with appropriate gear to protect them. This experience gave him a whole new appreciation of what they go through. It is very costly to keep them safe. He encouraged the Council to participate in this when the opportunity comes around again.

At approximately **8:32 p.m.**, **Scott Coddell** made a motion to adjourn Council Meeting, motion seconded by **Steve Smith**.

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Steve Fairbanks, Chairman**  
**Sandy City Council**

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**Pam Lehman**  
**Council Office Manager**

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