

Approved May 22, 2018

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 1, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, Deputy City Recorder; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief; Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Final Review of Fiscal Year 2018-19 Tentative Budget

David Dobbins, City Manager, explained the City Council will be adopting the Tentative Budget in the Business Meeting this evening. Staff has worked hard to present a balanced budget, and no property tax increase is being requested at this time. There are a list of items that staff has requested that are not currently in the proposed budget. Mr. Dobbins stated he anticipates there being approximately \$3 million in this fiscal year that will be used to balance out this year's budget. There will be a budget amendment item in June to distribute that funding.

Mr. Dobbins then reviewed the list of items that staff has requested in next year's budget. The various Department Directors then took time to explain their requests.

Mr. Dobbins explained that staff will be coming back to the City Council in June to provide options for the \$3 million in funding. The City Council indicated that 700 West and the Galena Park fields are the top priorities.

2.0 Discussion: Salt Lake County Transportation Tax

2.1 Mr. Dobbins indicated he does not have all of the details; however, Salt Lake County is considering the enactment of a transportation tax. They are asking for a resolution of support from each City. The City Council asked for more information.

3.0 Planning Commission Update

3.1 Christina Oliver, Community Development Director, briefed the City Council on the items that have recently gone to the Planning Commission.

Business Meeting

7:01:50 PM

1.0 Call to Order: Mayor Troy K. Walker

7:02:03 PM

2.0 Thought/Prayer and Pledge of Allegiance

7:02:26 PM

2.1 Rhett Ogden offered the prayer.

7:03:20 PM

2.2 Clint Smith led the Pledge of Allegiance.

7:03:40 PM

3.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

7:04:34 PM

3.1 Reed Gibby, resident, said he was concerned about the construction on Traverse Ridge Road and Mike Weir Drive. He suggested the City install traffic buttons at the intersection. He said the City needed to monitor the traffic speed because of the sharp turns on the hill.

7:07:29 PM

3.2 Michelle Gray, resident, commented on the tax increase to UTA established by SB136. She noted the residents voted against a similar bill in the past. She explained this bill would authorize tax increases for the next few years. She said she was not in favor of the tax increase.

7:09:15 PM

4.0 Recognition: Emily Arthur and Sam Aamodt, Winners of Canyons Education Foundation Scholarships

7:09:20 PM

4.1 Mayor Walker explained this was an opportunity for the City Council to recognize some Corner Canyon High School students. He introduced the two winners and described the scholarships they earned.

7:10:37 PM

4.2 Sam Aamodt expressed his gratitude for the foundation.

7:12:55 PM

- 4.3 Emily Arthur expressed her gratitude for the Council's recognition. She explained she had received support to help her exceed despite her disability and spoke about overcoming adversity.

7:18:55 PM

5.0 Consent Items

- a. **Approval of April 17, 2018, City Council Meeting Minutes**
- b. **Approval of Resolution #18-35, Appointing Amy Demik to the Historic Preservation Commission**

7:19:17 PM

- 5.1 **Councilmember Weeks moved to approve the consent items. Councilmember Vawdrey seconded the motion.**

7:19:33 PM

- 5.2 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

7:19:45 PM

- 6.0 **Action Item: Brooks Land Use and Zoning Map Amendments with Development Agreement, Request for Approval to Change the Land Use Plan from Residential Low Density to Residential High Density, to Change Zoning from RA1 (Residential one-acre minimum) to RM1 (Residential up to 8 Units Per Acre), and to Adopt a Development Agreement Which Sets Forth Various Development Standards and Assures That Only Single-Family Homes Can Be Built. The Property is Located Generally at 13568, 13610 and 13660 South 300 East**

7:20:25 PM

- 6.1 Dennis Workman, Planner, explained he wanted to go over changes to this item. He said the proposed zoning had changed to RM1, which was high density. He referenced a map to show the other changes made. Some of the changes were suggestions made by the Council.

7:22:57 PM

- 6.2 Councilmember Summerhays asked if an area on the map was a trail to the open space. Mr. Workman answered in the affirmative.

7:23:26 PM

- 6.3 Russ Fox, Assistant City Manager, explained a trailhead had been removed from the plans because of the limitations of a single-family development.

7:24:11 PM

- 6.4 **Councilmember Weeks moved to approve the Brooks Land Use and Zoning Map amendments with a development agreement. Councilmember Summerhays seconded the motion.**

[7:24:29 PM](#)

6.5 Councilmember Green said he was concerned the development was too high in density. Councilmember Weeks explained the developer originally planned townhomes then reduced the lots to single-family homes. She noted they had worked with the Council to reach a compromise.

[7:25:24 PM](#)

6.6 Chris Roth, applicant, said he was available to answer any questions. Councilmember Lowery asked Mr. Roth to explain the open space. Mr. Roth said the open space would be used as a retention area. Councilmember Lowery asked Mr. Roth to explain the plans for the existing home on the property. Mr. Roth explained how the home in question would incorporate into the development plans.

[7:27:47 PM](#)

6.7 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[7:28:01 PM](#)

7.0 **Public Hearing: Jenson Farms Preliminary Plat, Request by Randy Bowler of Bowler Properties for Approval of a Preliminary Plat Application in Order to Develop an 85-Lot Single-Family Subdivision at 11875 South 700 West. The Property is Located in the R4 (Single-Family Residential) Zoning District**

[7:28:29 PM](#)

7.1 Maryann Pickering, Planner, presented the information on the preliminary plat using a visual aide. She noted the applicant would include a development agreement. She said the applicant had complied with the terms of the development agreement. The applicant would donate a part of the land for the dedication of a public park. She then displayed an aerial map to show where the lots would be located.

[7:30:00 PM](#)

7.2 Councilmember Weeks asked if there would be enough access to the development if there was no development to the north. Ms. Pickering answered in the affirmative, and explained that this was a stipulation in the development agreement.

[7:31:06 PM](#)

7.3 Councilmember Weeks asked the staff if the City had budgeted the money to buy the land for the park. The staff members answered in the affirmative.

[7:31:34 PM](#)

7.4 Randy Bowler, developer, expressed his gratitude to the Council. He said he did not have anything else to add, and asked the Council if they had any questions.

[7:32:07 PM](#)

7.5 Mayor Walker opened the public hearing.

7:32:26 PM

7.6 Mike Breitling, resident, asked if there would be a sidewalk in front of the retaining wall. He noted it would be very tall, which concerned him. He said he was also concerned with the development's impact on 700 West. He asked what the residents could do to improve the road.

7:34:35 PM

7.7 **Mayor Walker closed the public hearing.**

7:35:07 PM

7.8 Councilmember Weeks asked staff to address the retaining wall. Ms. Pickering said there would be a sidewalk located between the road and the retaining wall. She said she did not have specifications on the retaining wall because it was not yet engineered.

7:36:00 PM

7.9 **Councilmember Summerhays moved to approve the Jenson Farms Preliminary Plat. Councilmember Vawdrey seconded the motion.**

7:36:28 PM

7.10 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

7:36:40 PM

8.0 **Public Hearing: Providing Local Consent for a Full-Service Restaurant Alcohol License for The Cliff Dining Pub**

7:37:14 PM

8.1 Councilmember Summerhays asked if he should recuse himself because he has a liquor license. Mike Barker, City Attorney, advised that he did not need to recuse himself.

Mayor Walker acknowledged for the record that Councilmember Summerhays has a liquor license.

7:38:22 PM

8.2 Christina Oliver, Community Development Director, explained the applicant is requesting a license for their restaurant. She noted they met the requirements as set forth by the State of Utah.

7:40:15 PM

8.3 **Mayor Walker opened the public hearing. Seeing none, he closed the public hearing.**

7:40:38 PM

8.4 **Councilmember Weeks moved to provide local consent for a full-service restaurant alcohol license for the Cliff Dining Pub. Councilmember Lowery seconded the motion.**

[7:40:55 PM](#)

8.5 Councilmember Weeks said she enjoyed the restaurant.

[7:41:05 PM](#)

8.6 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[7:41:16 PM](#)

9.0 **Public Hearing: Draper Mill Townhomes, Request by Russ Tolbert of Hallmark Homes for Approval of a Preliminary Plat Application in Order to Develop a 31-Unit Townhome Complex Located Generally at 736 West 12300 South. The Property is Located in the RM2 (Multiple Family Residential) Zoning District**

[7:41:44 PM](#)

9.1 Ms. Pickering presented the staff report as well as an aerial map of the subject property. She noted the development would be designated residential high density. The development would have 31 units with front loading garages. She said there would be parking available throughout the site. A deviation was granted to allow sidewalks on one side of the development. The preliminary plat met all of the necessary requirements and staff was recommending approval.

[7:43:02 PM](#)

9.2 Councilmember Weeks said she was concerned with the deviation for the sidewalk, and she subsequently asked where the sidewalk would be located. Ms. Pickering identified the sidewalk placement on the aerial map of the subject property. Councilmember Weeks asked why the City was granting deviations. Ms. Pickering said the Planning Commission determined that foot traffic would be low throughout this neighborhood and therefore did not need extra sidewalks. Councilmember Weeks said she was concerned that this would be a safety hazard.

David Dobbins, City Manager, explained deviations are allowed by City Code. He said if the Council does not like the excessive deviations they should not provide for them in the Code. Councilmember Weeks asked if the Council has power to override the deviations. Mr. Dobbins explained they would need to change the Code to eliminate deviations.

[7:47:44 PM](#)

9.3 **Mayor Walker opened the public hearing.**

[7:48:00 PM](#)

9.4 Mick Breitling, resident, said he was concerned with this development creating more traffic on 700 West, and he inquired as to what could be done to alleviate the issue. Mayor Walker said Mr. Breitling was making a difference by voicing his opinion.

[7:48:48 PM](#)

9.5 Reed Gibby, resident, suggested the City provide a transit service along with the development. He noted the area was underdeveloped for homes.

[7:50:12 PM](#)

9.6 Mayor Walker closed the public hearing.

[7:50:25 PM](#)

9.7 Councilmember Vawdrey moved to approve the Draper Mill Townhomes Preliminary Plat. Councilmember Summerhays seconded the motion.

[7:50:43 PM](#)

9.8 Councilmember Vawdrey said she agreed with Councilmember Weeks about the sidewalks. Councilmember Summerhays said he also agreed that the Council needed to review City Code.

[7:51:36 PM](#)

9.9 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey voting “yes,” and Councilmember Weeks voting “no.” The motion passed 4-to-1.

[7:51:47 PM](#)

10.0 **Action Item: Resolution #18-34, Adopting the Tentative Budget for Fiscal Year Ending June 30, 2019, and setting the public hearing for June 5, 2018**

[7:52:04 PM](#)

10.1 Mr. Wylie expressed his gratitude to the Council and staff for their help with the budget. He then reviewed the highlights of the budget and said the City had not received a property tax increase. The budget included salary increases for City personnel. There were no rate increases to the enterprise funds. Mr. Wylie reviewed the new positions that were added and stated the City had a budget of over \$100 million. Expenses for each department were presented to the Council for review, and Mr. Wylie noted there would be a public hearing on June 5th concerning this Tentative Budget.

Councilmember Green asked if there needed to be a separate motion to the resolution because of the proposed rate increases to the elected officials. Mr. Wylie answered affirmatively. Mr. Dobbins suggested making this a part of the Council’s motion.

[8:00:24 PM](#)

10.2 Councilmember Green moved to approve Resolution #18-34, adopting the FY 2018-19 Tentative Budget and setting the public hearing date for June 5, 2018. The public hearing will also include a review of compensation for public officials. Councilmember Vawdrey seconded the motion.

[8:01:08 PM](#)

10.3 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

[8:01:50 PM](#)

10.4 Councilmember Weeks noted they were not giving themselves a raise by voting on this resolution. She explained this would result in a public hearing.

8:02:03 PM

11.0 Action Item: Review the Conditions and Terms of the Real Estate Purchase Contract between DJ Investment Group and Draper City for Surplus Property Generally Located at 14600 South Upper Corner Canyon Road

8:02:21 PM

11.1 Russ Fox, Assistant City Manager, indicated that back in January, the City surplused property near SunCrest. It was approximately a one-half acre piece of property. The City then began negotiations of the real estate purchase contract. He reviewed the discussion the City Council had on January 9, 2018. The purchase price for this property was \$9 per square foot, for a total of \$212,913. Part of the initial offer to purchase the property was that the developer would extend the road from the north end of the Hidden Canyon Estates road to the Peak View Trail Head when the subdivision was built. There were some questions regarding whether the road would include curb and gutter. The discussion was that it not include curb and gutter because there was no storm drain to connect to. There was also discussion whether to make the road wider to accommodate pedestrian and bike traffic, so the motion was made to widen the road to 29 feet. Mr. Mast had agreed to that condition. The main thing before the City Council regarding the purchase agreement is really the term. Number 2a of the agreement basically says that the City will approve the final subdivision plat that includes this property. What normally happens when the City surpluses a piece of property is--the property is surplused, then it is purchased, and then the development will move forward. The only thing that makes this a little different is that the City will not sell the property until after the final subdivision plat has been approved. Essentially, this makes the City the applicant, or a part of the ownership of the subdivision plat. Mr. Mast is in attendance tonight to talk about the reasons he would like that in the purchase agreement. Mr. Fox then advised the trail head access road will be 29 feet in width and does not include curb, gutter and sidewalk due to the lack of storm drain facilities. Mr. Fox then compared the two development plans, and reiterated that the additional property will not allow for any additional lots. Both of the plans have ten lots, and this additional property will just increase the size of the lots.

8:05:52 PM

11.2 Councilmember Vawdrey asked if there was precedence for not completing a sale like that. Mr. Fox explained the most recent one was at the last City Council meeting with the Morgan Land Use Change. The City had surplused a piece of property behind that property, and that piece that was not zoned OR. The applicant had to complete the purchase of that property before they submitted the request for a rezone so it was not the City being the applicant for the rezone request. That is an example of other areas where the City surplused property, and the purchaser just incorporated the property into theirs. The City Council can do a condition that basically says that before they finalize the plat, or something like that, the purchase price will be completed so the City is not one of the applicants.

11.3 Councilmember Weeks said she is a little bit concerned. As the City Council talked, and she reviewed the minutes, she and Councilmember Lowery were very concerned about the sidewalk, where the sidewalk would be located on the road, and they spoke about a road. She assumed the road was going to have curb and gutter. It was her understanding that the

roads up in SunCrest that do not have curb and gutter, like Deer Ridge and some of the other roads, seem to have fallen apart quite easily because of the winter. She questioned whether or not Mr. Mast is putting curb and gutter all the way to the end of lot 9, which is a downward slope. She also asked where the water would be flowing. Mr. Robbins explained how the water would drain from the subdivision to the south. The storm drain that is part of the subdivision would not be able to pick up that water and carry it to the north.

Councilmember Weeks said when they were speaking about a road, and they were definitely talking about sidewalks, she assumed a road meant curb and gutter. She is not comfortable putting a road in the SunCrest area without curb and gutter because history has taught her that the roads do not hold up.

- 11.4 Mr. Fox explained there was a discussion regarding the curb and gutter, and it was decided the road did not require the curb and gutter because it was to be used as an access to a trailhead. This is similar to what the City did for the Potato Hill Trail Head. This is mainly more of an access to a trail head versus a road that has traffic that will continue down directly to Highland Drive.

Councilmember Weeks said she was also concerned about the City waiting to receive the money until the developer approached Phase 9. She said the price of land could change, and the developer should pay for the land first. She expressed her opinion that if Mr. Mast wants the land, he needs to pay for the land. She questioned why they would go through this process and possibly wait five to ten years when they do not know what the price of land is going to be. She said that does not seem like that is something that the City would normally do. She stated Mr. Mast would not sell her a lot if she told him she could not pay for it for five years until she cashed in her IRA and asked him to hold the lot at that price for five years. Mr. Fox explained that is why this is being brought before the City Council.

8:11:26 PM

- 11.5 David Mast, developer, said there was an agreement for no sidewalk or curb and gutter because there was no purpose for it. He told Councilmember Weeks that he knows she does not like him; however, she is wrong with everything she said. The preliminary plat will be before the City in about two weeks. He did what he said in that he increased the size of these lots. He did not add lots like what the City Council approved with Edelweiss. Councilmember Weeks asked Mr. Mast if they were talking about his development or Edelweiss because she is a little confused. She reiterated that she is talking about sidewalks.

Mayor Walker asked Mr. Mast to make his presentation to the entire Council.

Mr. Mast clarified that his proposal is reasonable, so he wants to wait until he has final plat, and he should have that in about five to six weeks. This is not with Phase 9 or Phase 19. This would be after the engineers have come up with the redlines. This is what the City Council wanted, and this is what they got. He reiterated that this is what he bartered for. He would increase the size of the lots and not increase the number of lots. He said to say

the all the roads to trail heads in Draper City have sidewalks, curb, and gutter is blatantly false. The City has a good deal here, and that is what they are forgetting. If they do not want this, he will tell his engineer to take that piece off.

- 11.6 Councilmember Lowery said she remembers discussing the sidewalk. She said she does still think a sidewalk would be nice to have here because she believes this is going to be a trail head that will be very well used and well loved. She thinks they are going to see a lot of residents, not just from this neighborhood, but also from greater SunCrest coming down to use it. She noted she believes the road itself will be busy with a lot of cars. Not today, and maybe not in six months, but she thinks it will be used. She expressed her opinion that this will be a really great and popular trail head. She stated she hopes that it is because they need that to divert traffic from other trail heads.
- 11.7 Mr. Mast asked a question from the audience, to which Mayor Walker explained that Mr. Mast was no longer on the record to speak. Mayor Walker asked Councilmember Lowery to continue.

Councilmember Lowery commented that she is still in favor of having the sidewalk added. She does see the point about the curb and the gutter and how that it is not typical at these junctions, but she does still feel the need for the sidewalk.

- 11.8 Councilmember Weeks stated she does not mind if Mr. Mast takes three months or even up to six months such as October 31st in order to give the City the money for this lot. However, she would have an issue if it took three years to give the City the money for this lot. She asked whether, in the motion, they can put a deadline on what day the City expects to be paid with this money, like October 31st, and also include they are requesting a sidewalk. Mr. Fox explained a deadline was in the terms of agreement. He said they could request a sidewalk, but it would act as a counter offer.
- 11.9 Councilmember Weeks stated she is concerned about the longevity of the road without the curb and gutter and asked staff how long they think it will last.

Mr. Robbins responded that the road would not be a travel road like a subdivision road. Curb and gutter would probably be better, but he does not think it is needed in this instance. Councilmember Weeks stated she does not want to build a road and then the City has to go back and fix it within a couple of years because it was not done properly. Mr. Robbins replied that the City did make the requirement that the road be twenty-nine feet wide, which is ample for two-way traffic. It would have two twelve-foot travel lanes and a five-foot bike lane.

Councilmember Weeks stated her question is that she remembers talking about the sidewalks, and she assumed the sidewalk was included in the motion..

- 11.10 In response to comments Mr. Mast made from the audience, Mayor Walker requested that Mr. Mast sit down. Mayor Walker advised it is out of order to keep talking to Councilmember Weeks while she is talking.

Mr. Mast indicated Councilmember Weeks is talking incorrectly, to which Councilmember Weeks explained she is a City Councilmember, and she is allowed to ask questions.

Mayor Walker again asked Mr. Mast not to comment from the audience.

- 11.11 Councilmember Weeks said she remembers specifically Councilmember Lowery talking about the sidewalk, where the sidewalk was going to be, if it was going to be on one-side of the street, or if it was going to be on either side of the street. Councilmember Weeks stated that is concerning to her because she guessed she misunderstood what a road meant at that time. She thought a road meant curb, gutter, and sidewalk. She must have misunderstood what he was talking about, but she does remember talking about a sidewalk, and that was part of the deal with the land.
- 11.12 Councilmember Green stated he does remember a sidewalk discussion as well. He asked if there was a way to listen to the record concerning the sidewalk. Mr. Fox said they would have to listen to the tape. The minutes are an abridged version of that discussion.
- 11.13 Councilmember Summerhays stated the problem he sees is that it is a catch-22. If Mr. Mast says no, the City is not going to get the road. It will go away, and the City will never see it.

Councilmember Weeks said she did not mind making the deal with the road, but she does mind not having him pay within a certain period of time. That is setting a precedent that she does not want to go down. Councilmember Summerhays expressed his opinions that Mr. Mast will pay.

Mayor Walker clarified the Council can make whatever motion they think they can pass.

- 11.14 Councilmember Green motioned to end the discussion. Councilmember Summerhays seconded the motion.**

8:20:51 PM

- 11.15 Councilmember Weeks moved to approve the conditions and terms of the real estate purchase contract with DJ Investment Group, with the understanding that the payment of \$212,913 be made before October 31, 2018. Councilmember Summerhays seconded the motion with the inclusion that the 29-foot asphalt road would be in there.**

8:22:03 PM

- 11.16 Councilmember Vawdrey asked Mr. Fox if the City would be an applicant on the agreement with this timeline. Mr. Fox answered in the affirmative.
- 11.17 Councilmember Weeks asked if Mr. Mast does make the application for the plat prior to October 31st, when he would be obligated to pay the \$212,000. Mr. Fox explained the proposed terms dictated the payment was to be made when Mr. Mast received final subdivision plat approval.

Councilmember Weeks then asked Mr. Fox to estimate when that would be done. Mr. Fox said it depends on when his application is submitted. It would be a two to three month process. Councilmember Weeks stated she should put her timeline up to when this proposal is approved. She does not want him to wait until October 31st in order to give the City the money if they have provided final plat approval.

11.18 Mike Barker, City Attorney, indicated if that is the direction the City Council is going, the motion can be made upon approval of the plat or October 31st whichever is sooner. That way, if Mr. Mast gets the plat done in September, that would trigger the payment requirement.

11.19 Mayor Walker said the question is whether the City wants to be an applicant in the process.

Mr. Dobbins clarified the City would not be the applicant. They are just part of the application. Anyone who owns property within that area would just have to sign the plat. The City is not the applicant, and they are not defending the application. They will just provide a signature on the plat.

11.20 Councilmember Weeks asked what they would do if they did not like something in the final plat. Mr. Dobbins explained the City still retains full authority. The only thing that is different is the City would sign the final plat because they own property within the plat.

8:24:55 PM

11.21 Councilmember Weeks amended the motion to approve the purchase agreement on the condition that the City is paid at the time that the final plat is approved or October 31, 2018, whichever is sooner. Councilmember Summerhays seconded the motion.

11.22 David Dobbins recommended the Council make a term for this to be signed so that it does not sit in perpetuity. For example, if it is not executed within 30 days, it is null and void. Otherwise, the City could have this agreement that would sit until it is executed. Just in case Mr. Mast did not agree with the conditions, he will know he has a deadline.

11.23 Councilmember Lowery stated she thinks Mr. Mast is going to be okay with this, but she still feels like they did ask for the sidewalk, and he did agree to the sidewalk. She would like to amend this to add the sidewalk.

8:26:24 PM

11.24 Councilmember Lowery amended the motion to include a sidewalk alongside the road. Councilmember Weeks seconded the motion and stated she does remember that he said he was going to put a sidewalk on one side of the road and not the other.

8:26:57 PM

11.25 A roll call vote was taken with Councilmembers Green, Lowery, and Weeks voting in favor. Councilmembers Vawdrey and Summerhays voted “no.” The motion passed 3-to-2.

11.26 Mayor Walker asked whether the City Council wanted to add the condition recommended by the City Manager. Councilmember Weeks said absolutely.

8:27:16 PM

11.27 Mayor Walker restated the motion to include language stating that the \$212,913 be paid on or before October 31st or at final plat approval, whichever is sooner, and this revised agreement should be signed within 30 days of this meeting. The motion would also include the sidewalk.

11.28 Councilmember Weeks noted the Mayor had re-stated the motion well. .

11.29 Councilmember Summerhays said he would not second this motion if the sidewalk was in there. Councilmember Lowery then seconded the motion.

11.30 Councilmember Summerhays said he did not think they would get the paved road at 29 feet. He stated he thinks it will disappear if the put the sidewalk in there.

Councilmember Green explained this is a condition of the sale of that extra piece of parcel. Mr. Mast would not be able to do lot 9 without doing the road. Mayor Walker indicated Mr. Mast was fine with that. He would just go back to the other plan and not do the road.

Mr. Dobbins clarified that Mr. Mast could do all the lots. They would just be smaller lots.

8:29:13 PM

11.31 A new roll call vote was taken with Councilmembers Green, Lowery, and Weeks voting in favor. Councilmembers Vawdrey and Summerhays voted no. The motion carried with a majority vote of 3-to-2.

8:29:29 PM

12.0 Action Item: Resolution #18-30, Amending the Consolidated Fee Schedule Pertaining to False Alarm and Amphitheater Rental Fees

8:29:45 PM

12.1 Mr. Wylie explained they were interested in combining existing fees. He discussed the fees and how they were to be distributed.

8:31:24 PM

12.2 Councilmember Green moved to approve Resolution #18-30. Councilmember Weeks seconded the motion.

8:31:46 PM

12.3 A roll call vote was taken with Councilmembers Green, Lowery, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted “no.” The motion passed 4-to-1.

8:32:00 PM

13.0 Public Hearing: Ordinance #1323, Amending the Draper City Municipal Code to Make the Appeals and Variance Hearing Officer the Appeals Body for Site Plan and Conditional Use Applications and Amending the Scope of Review on Appeals to Match State Law

8:32:21 PM

13.1 Mike Barker, City Attorney, explained the State Code required the City to adopt an ordinance that assigned an appeal authority to hear appeals regarding the application of land use ordinances. He explained how the current system operated, and said the goal was to make the appeal process more consistent. The proposed Ordinance would bring the City into compliance with Utah State law.

Councilmember Weeks stated she hoped this would help make the process of appeals clearer. She thought the current code was ambiguous. Mr. Barker concurred with her remarks.

8:36:37 PM

13.2 Mayor Walker opened the public hearing. Seeing none, he closed the public hearing.

8:36:52 PM

13.3 Councilmember Vawdrey moved to approve Ordinance #1323. Councilmember Green seconded the motion.

8:37:10 PM

13.4 Councilmember Vawdrey said this was an important change.

8:37:12 PM

13.5 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:37:32 PM

14.0 **Action Item: Resolution #18-36, Approving a Telecommunications Franchise Agreement with ExteNet Systems, Inc.**

8:37:48 PM

14.1 Mr. Barker explained this was a similar franchise agreement to other recent agreements. He said ExteNet assisted wireless carriers in setting up small cell systems. This agreement would allow them to install fiber optic systems to facilitate this process. The agreement would last ten years with a standard fee of 3.5% of the annual gross receipts. He said this complies with local and State requirements and would benefit the City.

8:39:01 PM

14.2 Councilmember Summerhays asked if this would include all phone companies. Mr. Barker explained this was for a specific future carrier. Councilmember Summerhays said the cell coverage was poor in Draper and wanted this to benefit the other cell carriers. Mr. Barker

noted this agreement would allow the installation of the fiber optic lines that can be used in the future by any cell carrier.

Councilmember Summerhays asked Richard Lee, ExteNet employee, if this agreement would benefit the other cell carriers. Mr. Lee explained they were a neutral host provider and currently they were working with one provider. However, in the future multiple carriers could use their infrastructure. He noted this would benefit the City by installing more towers for cell coverage. Councilmember Summerhays asked if ExteNet would expand their coverage to smaller areas. Mr. Lee responded their company did not have specific plans but they would increase the size of the network.

8:45:06 PM

14.3 Councilmember Green moved to approve Resolution #18-36. Councilmember Weeks seconded the motion.

8:45:24 PM

14.4 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:45:34 PM

15.0 Recess to a Municipal Building Authority Meeting

8:45:40 PM

15.1 Councilmember Lowery moved to recess to the Municipal Building Authority Meeting. Councilmember Summerhays seconded the motion.

8:45:48 PM

15.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:53:00 PM

16.0 Council/Manager Reports

8:53:04 PM

16.1 Councilmember Summerhays reported there was discussion about roads at recent retreat. They discussed how to improve traffic, and the suggestion was made to install a turn lane at 13200 South and Fort Street.

***** Mayor Walker left the meeting at 8:53 pm.**

8:54:37 PM

16.2 Councilmember Green asked for an update on the Ten-Year General Plan. Christina Oliver responded the plan was intended to be completed by 2018. She said there were components with development that need to be addressed. Ms. Oliver said staff anticipated they would have a draft on the Town Center zone ready by the end of May or beginning of June.

*** *Mayor rejoined the meeting at 8:55 pm.*

8:55:35 PM

16.3 Councilmember Weeks asked the Council and staff to look into the Code concerning deviations. Mayor Walker asked if there were two other Councilmembers that wanted to inquire on the matter. There were no other interested individuals.

Councilmember Weeks asked Mr. Barker if the City Code 17-3-404 allowed her to request a sidewalk. Mr. Barker explained the Planning Commission approved deviations as a part of the site plan. He said the applicant would be entitled to preliminary plat approval if they met the elements of the Code. He said the developer's deviation met the Code because of the Planning Commission's site plan approval. Councilmember Weeks clarified the Council cannot make changes to an approved deviation. Mr. Barker said the Code needed to be fixed.

Councilmember Weeks asked if staff needed the Council to address the Code's issues. Mr. Dobbins said they were in process of rewriting the Code. Mayor Walker noted if they changed the Code conditions they could have other problems. He said their current system worked by trusting the Planning Commission's judgement.

Councilmember Weeks said the City had too many deviations, and she was interested in enforcing the elements of the Code that were being removed by deviations. Councilmember Lowery said the issue the City faced was that the remaining properties were difficult to develop. She gave some examples where the deviations were necessary. Councilmember Weeks said developers could limit their units to allow for sidewalks.

Mayor Walker said the Planning Commission's role was to evaluate plans for enforcing City Code. He said a bigger set of problems would occur if they changed the Code. He reiterated the deviations were arising due to the challenging nature of current development projects.

*** *Councilmember Summerhays left the meeting at approximately 9:00 pm.*

9:02:01 PM

16.4 Councilmember Weeks reported she was having a difficult time getting booths for the Draper Foundation at Draper Days. She suggested the City take back control over Draper Days. Councilmember Vawdrey asked if the registration was online. Councilmember Weeks answered in the affirmative and explained she did not hear back from Draper Days personnel. Councilmember Vawdrey said volunteers ran Draper Days, which caused difficulties. She said she would speak to the volunteers regarding Councilmember Weeks's concerns.

9:03:50 PM

16.5 Councilmember Weeks suggested the City put on the next ballot term limits on the Council and the Mayor. She noted there were other cities in the country that had term limits. Mayor

Walker asked if there were two more Councilmembers that wanted to support term limits on the next ballot. There were no other interested individuals.

9:05:04 PM

16.6 Mr. Dobbins reported the Draper Days foundation wanted to include a third day. He said this would be difficult due to funds and staff. Councilmember Green said he was not in favor of a third day.

Mayor Walker said while he loved Draper Days, he thought a third day was excessive. Mr. Dobbins said he would relay the Mayor and Council's feedback to the foundation.

9:07:35 PM

16.7 Glade Robbins, Public Works Director, reported staff had a traffic study completed and found a need for a traffic signal on Fort Street and 13200 South. He discussed the price and asked if there was an interest to install the traffic signal. Councilmember Weeks said she was content with the stop sign.

Mayor Walker clarified the signal would only be for peak hours and it would flash red the rest of the day.

Councilmember Green asked about the price of the signal. Mr. Robbins said it would cost \$150,000 to \$180,000 to install a traffic signal. It was discussed that there was not any money budgeted for the signal. Councilmember Green said he was concerned about the cost and if there was a better use of the money.

Mayor Walker asked Mr. Robbins to provide the Council with the traffic study report.

9:09:58 PM

16.8 Mr. Robbins reported on the street lights in Suncrest. He noted the original information given on the street lights was not correct. He explained the type of light that was recently installed. Councilmember Lowery asked if they used a white light and wanted to know if there were hood options. Mr. Robbins said he would provide them with all options.

9:10:54 PM

16.9 Rhett Ogden, Parks and Recreation Director, reported the Arts and Crafts Festival would be held the following Saturday. He said there would be another activity that night as well. Councilmember Green asked when they planned on moving the white building. Mr. Ogden said they currently did not know what to do with the building in question.

9:11:34 PM

16.10 John Eining, Police Chief, asked for feedback on the Communities that Care program.

9:11:54 PM

16.11 Clint Smith, Fire Chief, reported the City chose to participate in the State Wildland Fund. He said they were required to create a Community Wildlife Protection Plan, and he noted that the plan was presented to the residents.

9:11:56 PM

16.12 Chief Smith noted there was a vacancy in his department and they were going through the process of hiring a new Battalion Chief. He said the new hire would begin this month.

9:14:12 PM

16.13 Mayor Walker reported residents were asking to lower the speed limit on 700 West. Mr. Robbins said they would need to do a speed study to see if the street warranted a lower speed limit. The consensus of the Council was this is a necessary study.

9:15:10 PM

17.0 Adjournment

9:15:10 PM

17.1 Councilmember Weeks moved to adjourn the meeting. Councilmember Green seconded the motion.

9:17:23 PM

17.2 A roll call vote was taken with Councilmembers Green, Lowery, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

17.3 The meeting adjourned at 9:17 p.m.