

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 4, 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, and Marsha Vawdrey

EXCUSED: Councilmember Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Scott Cooley, City Engineer; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, and Bob Wylie, Finance Director

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**Dinner/Study Meeting**

**1.0 Discussion: Fireworks**

1.1 Fire Chief Clint Smith and Police Chief John Eining discussed the current fireworks restrictions and asked whether the City Council wanted to increase the restricted area for next year. The City Council was fine keeping the current restrictions in place with a zero tolerance for violations.

**2.0 Update: Fire Department**

2.1 Chief Clint Smith reviewed the medical statistics for the first year the Fire Department was in service. They handled 2,890 medical calls and 832 fire calls. He expressed a need to have two Fire stations on the west side of Draper.

Mayor Walker thanked Chief Smith and the Fire personnel for all of their work in making the transition to the Draper City Fire Department such a great success.

**3.0 Planning Commission Update**

3.1 Christina Oliver, Community Development Director, reviewed the recommendations from the August 23, 2018, Planning Commission meeting for the City Council.

**4.0 Council/Manager Reports**

4.1 These reports took place at the end of the Business Meeting.

**\*\* Adjourn to a Closed Meeting to Discuss Litigation, Property Acquisition, and Personnel**

**\*\* Councilmember Lowery moved to adjourn to a closed meeting to discuss litigation. Councilmember Vawdrey seconded the motion.**

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

\*\* The closed meeting started at 6:30 p.m. and ended at 6:51 p.m.

## Business Meeting

### 7:01:48 PM

#### 1.0 Call to Order: Mayor Troy K. Walker

### 7:02:09 PM

#### 2.0 Thought/Prayer and Pledge of Allegiance

### 7:02:20 PM

2.1 Sam England offered the prayer.

### 7:02:45 PM

2.2 Ellie Stoker led the Pledge of Allegiance.

### 7:03:14 PM

#### 3.0 Recognition: Zack Bytheway for the Life Saving Efforts for Walt Rosemann

### 7:03:31 PM

3.1 Mayor Walker recognized Zack Bytheway for saving the life of Walt Rosemann. He read a letter recounting the event. Mayor Walker also recognized Mr. Rosemann for his volunteer efforts for the City.

### 7:10:38 PM

#### 4.0 Oath of Office: Draper Mayor's Youth Council

### 7:11:55 PM

4.1 Rachele Conner, City Recorder, administered the Oath of Office to the Mayor's Youth Council Members.

### 7:15:48 PM

#### 5.0 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.

### 7:17:47 PM

5.1 Steve Maddox, developer, explained they had entered into a development agreement with the City. He said the property had been left in a poor state with crushed material and had

become a nuisance to the City. He said they wanted to amend the development agreement to clean and remove the materials. He said he also wanted to have a future discussion about developing a cemetery, in lieu of residential housing.

#### **7:19:48 PM**

5.2 Tony Nelson, resident, explained the land the City purchased for the Public Works building was being sold for much lower than its fair market value.

#### **7:23:00 PM**

5.3 Renea Wiegand, resident, asked when the City planned on fixing the roads in the Suncrest area. She noted her road was in poor condition, and stated her development was the only one in the City with bad roads.

#### **7:25:44 PM**

##### **6.0 Consent Items**

- a. **Approval of August 21, 2018, City Council Meeting Minutes**
- b. **Approval of Ordinance #1348**, Amending Draper City Municipal Code 7-5-300, pertaining to the feeding of undomesticated wildlife, including deer, elk, and moose
- c. **Approval of Agreement #18-194**, Funding agreement with the Draper Community Foundation
- d. **Approval of Resolution #18-66**, Reappointing Mike Carlson to the Youth Council Advisory Board
- e. **Approval of Resolution #18-68**, Supporting Salt Lake Chamber's Housing Gap Coalition's Efforts
- f. **Approval of the Draper Mill Townhomes Final Plat**

#### **7:26:38 PM**

6.1 **Councilmember Vawdrey moved to approve the consent items. Councilmember Green seconded the motion.**

#### **7:26:52 PM**

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

#### **7:27:03 PM**

7.0 **Public Hearing: Ordinance #1345, Town Center (TC) Zone Update City-Initiated Text Amendment to Modify Portion of Chapter 9-11-090 of the Draper City Municipal Code as it Relates to the Town Center (TC) Zone**

#### **7:27:26 PM**

7.1 Maryann Pickering, Planner, explained this item was continued to this meeting. She said the item was returned to the Planning Commission and they forwarded a positive recommendation. There were no changes to the proposed text.

**7:28:15 PM**

7.2 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

**7:28:47 PM**

7.3 Councilmember Summerhays asked if they could hire some experts to consult on the best use of the zone. He did not want the density to be high, too far away from the TRAX station.

**7:31:14 PM**

7.4 Councilmember Lowery agreed this was an important discussion to have.

**7:31:38 PM**

7.5 Christina Oliver, Community Development Director, said this had been discussed and explained the City would need to allocate funds to examine the density.

**7:31:55 PM**

7.6 Councilmember Green asked if they would decide boundaries tonight or if staff needed time to study and adjust. Ms. Oliver responded they would need time to study and adjust. She said they would hire outside consultants. They also needed a utility and transportation assessment.

Councilmember Lowery said they did not want the moratorium to end and have a high-density project.

**7:32:42 PM**

7.7 David Dobbins, City Manager, stated if the Council approved this proposal tonight then up to 25 units per acre could be developed. The boundaries would need to be adjusted if the Council did not want this density.

**7:33:14 PM**

7.8 Councilmember Green concurred with Mr. Dobbins that they needed to decide the boundaries. Mike Barker, City Attorney, noted the moratorium was already over and they had 180 days to update the code. The developers would then be entitled to build.

Mr. Dobbins explained the Council could determine the areas in which it was in favor of allowing up to 25 units per acre. He said then they could wait on the consultants for the additional information. Councilmember Green said he was comfortable allowing the 25 units per acre closer to the TRAX station, and subsequently identified the area in question using the aid of an aerial map. The Councilmembers then discussed the various areas in the Town Center Zone and the density they were comfortable with for specific areas.

**7:38:22 PM**

7.9 Russ Fox, Assistant City Manager, suggested they delineate the density by streets. There was further deliberation on the density. Using a green marker on a map, the group clarified where the Council was comfortable with the 25 units per acre being located.

**7:42:20 PM**

7.10 Ms. Oliver noted the 25 units per acre they were allowing also included the commercial spaces.

**7:45:32 PM**

7.11 Councilmember Lowery moved to continue this item for two weeks. Councilmember Summerhays seconded the motion.

**7:46:04 PM**

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

**7:46:50 PM**

8.0 **Public Hearing: Ordinance #1349, Chandler Pointe at South Mountain Gate Text Amendment, on the Request of Andrew Blonquist, Representing Miller Harrison Lawyers, for a Text Amendment to DCMC Section 9-27-200 Concerning Gating**

**7:47:15 PM**

8.1 Jennifer Jastremsky, Head Planner, explained the City gate ordinance only included communities that had gates at all access points. She said they needed to update the code to include emergency gates. The changes included dimension requirements and design re-equipment. Staff forwarded a recommendation of approval.

**7:51:12 PM**

8.2 Councilmember Lowery asked if Chief Smith had any issues. Chief Smith answered in the negative.

**7:51:36 PM**

8.3 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

**7:51:55 PM**

8.4 Councilmember Lowery moved to approve Ordinance #1349. Councilmember Vawdrey seconded the motion.

**7:52:14 PM**

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

**7:52:24 PM**

9.0 **Public Hearing: Ordinance #1350, Highline-CSD Text Amendment, to Amend DCMC Section 9-18K to Modify Office Standards, by Reducing the Minimum Height From Six Stories to Four Stories, and Add New Concept Plans for the Office Buildings to the Text of the Highline Commercial Special District**

7:53:04 PM

9.1 Ms. Jastremsky explained the developer wanted to change the minimum height requirements for their buildings. The developer was also adding a new concept plan for the office building to the CSD. The developer was requesting that staff approve the site plan model. The Planning Commission did not include this in their positive recommendation. Ms. Jastremsky noted this would only be appropriate for the commercial portion.

7:56:12 PM

9.2 Councilmember Green asked if the Council could direct staff to approve the site plan. Ms. Jastremsky answered in the affirmative.

Councilmember Lowery asked why the Planning Commission did not include this in their recommendation. Ms. Jastremsky explained the Commission did not think it was necessary. Councilmember Lowery asked why the applicant was requesting staff approval of the site plan, to which Ms. Jastremsky responded it would save time.

Councilmember Green noted the site plan would still need to obtain approval from the Planning Commission, and stated he did not understand how staff's approval would save the developer time. Ms. Jastremsky explained the Zoning Administrator would approve the plan in this instance, thereby shortening the overall approval process. The Commission would still have the option of reviewing the site plan.

7:58:22 PM

9.3 Mark Murdock and John Bankhead, applicants, explained the height change was being requested so as to include more density in the project. He then presented a video depicting the nature of their proposal. He said the square footage would not vary from the original CSD.

8:02:03 PM

9.4 Councilmember Vawdrey stated the parking structures were farther away from the buildings. Mr. Murdock explained the distance would be 300 to 500 feet away. He said they were also concerned with landscaping and open space within the development.

8:03:10 PM

**9.5 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

8:03:34 PM

**9.6 Councilmember Green moved to approve Ordinance #1350 and include the language to allow the zoning administrator to approve the site plan. Councilmember Lowery seconded the motion.**

**8:04:14 PM**

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

**8:04:25 PM**

10.0 **Public Hearing: Resolution #18-67, Amending the Current Fiscal Year 2018-19 General Fund Budget**

**8:05:14 PM**

10.1 Jared Zacharias, Assistant Finance Director, presented the budget amendments and gave a brief explanation on the following: (1) various fund adjustments, including money left over from completed projects; (2) Lone Peak Parkway; (3) Suncrest Park; (4) park impact fees; (5) park strip landscaping; (6) the bids received for City Hall were higher than originally expected; (7) water study; and (8) a request from the Fire Department to fund an Administrative Assistant position.

**8:14:08 PM**

10.2 Mayor Walker opened the public hearing.

**8:14:25 PM**

10.3 Renea Wiegand, resident, asked about the \$350,000 for the Traverse project. She noted there were extra funds available and suggested using them to repair roads in Suncrest.

**8:16:02 PM**

10.4 Mayor Walker closed the public hearing.

**8:16:13 PM**

10.5 Councilmember Green moved to approve Resolution #18-67. Councilmember Summerhays seconded the motion.

**8:16:30 PM**

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

**8:16:40 PM**

11.0 **Action Item: Agreement #18-203, Approval of a Real Estate Purchase Contract between The Staker Company and Draper City for Previously Surplussed Property Located Generally at 75 East Sivogah Court**

**8:17:00 PM**

11.1 Russ Fox, Assistant City Manager, explained that the City would be surplussing 4.94 acres for \$700,000, and identified the subject property using the aid of an aerial map. He said they would need to rezone the property to include it into the Highland development.

**8:18:52 PM**

11.2 Councilmember Lowery expressed concerns with the location of the Public Works Department. Mr. Dobbins said staff currently did not have a response to this concern.

**8:19:09 PM**

11.3 Councilmember Summerhays said they had not yet procured a space from the State for a fair price. He said this was concerning because there were few spaces left in the City.

**8:20:36 PM**

11.4 Councilmember Lowery noted they would not be able to afford many spaces within the City for \$700,000. She said this sale was premature.

**8:21:10 PM**

11.5 Duane Rasmussen, applicant, noted the Council had previously seen an approved portion of their site plan. He said this portion was an appropriate place to expand their development. He noted this land was not currently used by the Public Works Department, and said it was great location for the Public Works Building. He said he understood the Council's concerns and was offering the appraised amount.

**8:23:24 PM**

11.6 Councilmember Summerhays agreed with Councilmember Lowery that it was premature to surplus the property. He noted it had been difficult to find another piece of property in the City. He asked Mr. Fox if they could use the property to park vehicles. Mr. Dobbins described how the property could be accessed.

**8:26:43 PM**

11.7 Councilmember Lowery moved to deny Agreement #18-203. Councilmember Summerhays seconded the motion.

**8:27:03 PM**

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

**8:27:24 PM**

12.0 **Recess to a Redevelopment Agency Meeting**

**8:27:38 PM**

12.1 Councilmember Summerhays moved to recess to a Redevelopment Agency Meeting. Councilmember Vawdrey seconded the motion.

**8:27:52 PM**

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

\*\* *The meeting recessed at 8:26 p.m.*

\*\* *The meeting resumed at 8:31 p.m.*

### 8:32:25 PM

#### \*\* Council/Manager Reports

\*\* Councilmember Summerhays reported the road by Channing Hall Charter School was only using one lane and was therefore causing traffic issues. He suggested they use some of their landscaping to add another lane to ease traffic in this area. Mr. Dobbins said they would speak with the school to make the request. Councilmember Summerhays suggested they also widen the road by the high school near the canal to ease traffic in that area as well. Councilmember Summerhays also reported that he owned several businesses in the City and the property taxes had doubled. He was concerned with the impact this had on businesses.

Mayor Walker noted they could not do anything with the charter school because it was private. Councilmember Summerhays noted Mr. Dobbins would request they add the lane. Mayor Walker asked if anyone would inquire into the traffic issues raised by Councilmember Summerhays. Councilmember Lowery said she would investigate the issue and explained this was a problem coming from one direction.

### 8:41:29 PM

\*\* Councilmember Lowery reported Mr. Stedman wanted to donate a pavilion to the Suncrest park. Mr. Ogden said he would get in contact with Mr. Stedman.

### 8:41:49 PM

\*\* Mr. Dobbins asked if the Council wanted him to speak with Mr. Maddox about the potential cemetery. The Council agreed to investigate the offer.

He noted the TRSSD had received approximately \$1 million from City funds for B&C roads; however, the funds have not been used. Mayor Walker said the TRSSD was potentially derelict in their duty. Councilmember Green suggested reevaluating the board and electing a Councilmember to the board. Councilmember Lowery suggested denying funds going forward. Mr. Dobbins said they might not have a valid agreement for this year. The TRSSD would not have access to the \$1 million or otherwise transfer the money back to the City.

Councilmember Summerhays asked if they had made a motion to take the funds back. Mayor Walker answered in the negative, and explained they could put this on an upcoming agenda. Councilmember Summerhays was concerned that this was making the City look bad.

Scott Cooley, City Engineer, suggested they take the money back. He said the longer they waited the worse the roads would deteriorate. Mayor Walker asked how the Council wanted to proceed with the TRSSD. The Council agreed to discuss their relationship with the TRSSD.

### 8:47:00 PM

#### 13.0 Adjournment

**8:47:09 PM**

**13.1 Councilmember Green moved to adjourn the meeting.**

13.2 The meeting adjourned at 8:46 p.m.