

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 19, 2019, 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

**EXCUSED:**

**STAFF PRESENT:** David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; 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 Presentation: Lime Scooter Program by Nate Currey**

Mr. Currey was invited to give a presentation on the Lime Scooter Program. He gave an overview of the company and discussed the costs of its scooters. He noted the scooters were carbon neutral and helped reduce pollution.

Mayor Walker said the biggest issue was the scooters being left scattered everywhere. He asked if they had a solution. Mr. Currey said they were aware of this issue and suggested creating drop-off spots to mitigate the problem.

Council Member Weeks commented on the safety issues associated with scooters. Mr. Currey agreed with her concerns, and explained that they would encourage scooter riders to use bike lanes in the street to avoid pedestrians. Mr. Currey added the scooters were geolocated and they could control them with this technology.

Council Member Weeks asked how much the City would receive for allowing the scooters. Mr. Currey responded that on average, they would pay the City \$.07 per ride. This was flexible depending on where they implemented the program.

Council Member Lowery asked about the impact to the police department. Mr. Currey responded that the impact would be similar to that of bicycle usage.

Council Member Green asked if they carried insurance. Mr. Currey responded that the user agreement covered them from liability other than mechanical failure of the machines.

**2.0 Council/Manager Reports**

Mr. Dobbins reported that the Parks and Trails Committee was applying for a grant to improve the City's trails and provide added protections from wild land fires. He noted the grant had a matching component, and they would solicit other entities for this money.

### **3.0 Adjourn to a Closed Meeting to discuss Litigation, Acquisition and/or Personnel**

#### **Business Meeting**

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

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

2.1 Pastor Nate, from Corner Canyon Church, offered the prayer.

2.2 Chief Clint Smith led the Pledge of Allegiance.

#### **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.

3.1 No one came forward, so Mayor Walker closed the public comment period.

#### **4.0 Consent Items**

- a. Approval of February 5, 2019, City Council Meeting Minutes.
- b. Approval of Resolution 19-08, reappointing Matt Evans to the Tree Commission.

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

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

#### **5.0 Action Item: Ordinance #1371, Day Dairy CSD Text Amendment, on the request of Adam Lankford, representing Wasatch Residential Group, for approval of a text amendment to 9-18E of the Draper Municipal Code to allow additional housing in the CSD-DD zone.**

5.1 Dan Boles, Planner, explained the applicant had made some changes to the text amendment, which he subsequently reviewed.

5.2 Councilmember Weeks asked if the parking issues had been fixed. Mr. Boles identified where the access points were located on the site plan. He said the applicant could speak more to the parking issues.

Councilmember Lowery asked when the development began construction. Mr. Boles responded the development began around 2014. Council Member Lowery asked how big the open space was. Mr. Boles presented the rendering of the open space to demonstrate its size.

5.3 Adam Lankford, applicant, explained they had reduced their units from the original plan and added some retail. Additionally, parking circulation was modified to address the parking concerns. They to create a mixed-use development where residents could work, live, and play. Councilmember Weeks asked about the amount of parking. Mr. Lankford showed where additional parking spaces would be added.

Councilmember Summerhays asked about the vacant building. Mr. Lankford responded that a tenant recently occupied half the building. He explained their commercial group was looking for tenants for the plaza.

Councilmember Lowery asked if they were open to using the space for community events. Mr. Lankford responded in the affirmative.

**5.4 Councilmember Green moved to approve Ordinance #1371, Day Dairy CSD Text Amendment. Councilmember Summerhays seconded the motion.**

5.5 Councilmember Weeks thanked the applicant for their changes in the new text amendment.

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

**6.0 Lone Peak Canyon Final Subdivision Plat, on the request of David Mast, for the Final Subdivision Plat for Lone Peak Canyon, located at approximately 2540 East 14720 South**

6.1 Jennifer Jastremsky, Planner, presented the staff report as well as an aerial map of the subject property. She noted that the applicant wanted to change the roads to be public.

6.2 Councilmember Green asked if this was a part of the TRSSD, to which Ms. Jastremsky responded in the affirmative. Therefore, the TRSSD would be responsible for the road's maintenance. Scott Cooley, Public Works Director, stated they were conducting an inspection and would build the roads to code.

Councilmember Summerhays asked if Ms. Jastremsky had any concerns. Ms. Jastremsky responded in the negative.

6.3 Councilmember Green moved to approve the Lone Peak Canyon Final Subdivision Plat. Councilmember Summerhays seconded the motion.

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

7.0 Action Item: consideration of Resolution #19-09, a Letter of Intent with B&D Development. B&D Development is considering the construction and operation of a new facility that would allow Draper City to divert its solid waste from the landfill. B&D Development says it can significantly increase the amount of waste that is recycled instead of going into the landfill and can do this at no cost to Draper City residents. Approving the non-binding Letter of Intent would indicate the City's willingness to initiate formal discussions with B&D Development. The City would also work closely with Trans- Jordan, which currently manages the City's solid waste, to determine what impact this would have on its operation

7.1 David Dobbins, City Manager, explained B&D approached the City with this offer to handle Draper's solid waste. The recycling markets had changed, and they needed to adjust to continue to generate revenue. He suggested the City consider this as an option.

Councilmember Lowery asked what Rocky Mountain Recycling's response to this offer was. Mr. Dobbins responded they had not reached out to Rocky Mountain Recycling. Council Member Lowery said she was concerned the residents would be upset that they were not recycling their recyclables. Mr. Dobbins explained recycling was a market-based program. He said there was no place to take some recyclables other than the dump.

Councilmember Summerhays noted the problem with recycling in some locations of the City was wind. Residents placed their cans in places that would slow down the waste workers. Councilmember Weeks said she was not confident their recycling was being recycled.

7.2 David Chang, Reno Mahe, and Steve Price, with B&D Development introduced themselves. Mr. Price was communicating by telephone. Mr. Mahe explained they wanted to answer questions and discuss their offer.

Councilmember Summerhays asked what they would do with cardboard. Mr. Price responded Mexico would take their cardboard. He said it would be processed as fuel otherwise.

Councilmember Summerhays asked where they would build the transfer station. Mr. Price said this depended on which cities would be involved. Mr. Mahe said they were looking at locations near Herriman. They planned on putting the station in a strategic location.

Councilmember Weeks asked if Clear Sky would serve as a subsidiary. Mr. Mahe responded they had nothing to do with Clear Sky; they were no longer a company. Councilmember Weeks asked if Mr. Price was a founder of Herhof, and Mr. Price said no.

He explained the company had been purchased and reorganized, and he had the direction to operate in the United States, but the current company was owned by a Greek company.

Councilmember Green said he was surprised by the company's process, and that he was impressed with the company. Councilmember Weeks noted the company was a German company; they had filed for bankruptcy and it was then purchased by a Greek company. She asked if the German government subsidized the waste management companies. Mr. Price responded in the negative. He explained the government did have strict regulations on how waste was managed.

Councilmember Weeks asked if they would incinerate the waste. Mr. Price responded in the negative. Rather, they would remove all the hazardous materials. Council Member Lowery asked if they had plants in the United States, to which Mr. Price responded in the negative. He said they were in the process of building a bio-gas plant in Yuma and Hawaii. This facility would be for dry waste. Councilmember Weeks asked why their company was denied by a City Council in Hawaii. Mr. Price stated that the project did not move forward due to cultural and political restraints. Mr. Mahe explained they were in the process of completing a deal with a city in Florida. He suggested they call and speak with this municipality. Councilmember Weeks asked if they had a contract they could examine, to which Mr. Price responded in the affirmative.

Councilmember Lowery asked if they had businesses interested in the pellets they produced. Mr. Price said he was purchasing power plants to sell the pellets to himself. He explained the pellets were non-toxic and were more environmentally friendly.

Councilmember Weeks asked how they knew the pellets would sell. Mr. Price explained that coal power plants on the east coast were already using the pellets. Councilmember Weeks asked how they would guarantee this would not cost the tax payers. Mr. Price responded they had become more technologically advanced in the last few years. He said they had improved their process and were buying power plants to sell the pellets to themselves to ensure viability. Councilmember Weeks asked who would subsidize the initial costs. Mr. Price stated that Newlipso would be financially responsible.

Councilmember Lowery asked if they met with the State's environmental agencies. Mr. Price responded in the affirmative. He explained the State noted their emissions were less than required.

Councilmember Green asked if there were competitors. Mr. Dobbins responded in the negative. He said staff was only seeking the Council's guidance on how to proceed.

Councilmember Weeks asked if they sought opportunities in California. Mr. Price responded they worked with Santa Barbara, but they chose to continue to use landfills. Councilmember Summerhays noted Santa Barbara used a lot of wind and solar energy.

- 7.3 Mark Hooyer, Trans-Jordan Interlocal Agency, said he had drafted a letter listing his concerns with the Herhof organization. Utah was the cheapest place to put waste into a

landfill. Herhof was interested in Utah as its first location for its facilities. The industry was moving away from burning and he was concerned with the pellets being viable. Mr. Hooyer said he was also concerned with the shipment of the waste to the facility.

Councilmember Green suggested the City only send Herhof its recycling. Mr. Hooyer responded this was not their business model; Herhof wanted all of the City's waste. He did not think this technology was the solution. He continued explaining that if they lost their business, they would not be able to subsidize dumping at Trans-Jordan.

Councilmember Lowery asked if they had a solution for the recycling issues. Mr. Hooyer responded they had called together summits to discuss recycling. He explained they brought the major agencies together to discuss solutions. Their goal was to create transparency.

Councilmember Green asked why the issue was adversarial between Trans-Jordan and the Herhof organization. Councilmember Lowery concurred with Councilmember Green's question. She said she wanted them to give the City a solution. Mr. Hooyer said he did not feel that Trans-Jordan was being adversarial; rather, he was trying to warn them of the costs.

Mr. Dobbins explained that no one was leaving Trans-Jordan or Rocky Mountain Recycling; they were only trying to find solutions to the problems. Councilmember Weeks asked if B&D would be willing to only take the recycling. Mr. Price responded they needed both to create the pellets.

Councilmember Weeks asked how they could continue to stay in Trans-Jordan and no longer send them waste. Mr. Dobbins explained that they needed to draft a letter of intent. Councilmember Weeks said she did not want to sign anything without knowing what the agreement was.

Mayor Walker clarified the letter of intent would indicate the City would be changing its agreement with Trans-Jordan. Mr. Dobbins concurred.

Mr. Hooyer said he would see the letter of intent as a break in their agreement; they would no longer view Draper as a partner. He explained that the waste management in Europe was different than in Utah. This provided Herhof a better environment to be profitable.

7.4 Dave Newton, Trans-Jordan Board, said they had been looking for solutions to avoid filling landfills. He said there were not a lot of good answers and they did not want the City to rush into a decision. He explained there had been instances in the State where investors and cities lost money on rash decisions.

Councilmember Green asked if they were investigating new technologies. Mr. Newton responded in the affirmative. Councilmember Green said they wanted to be partners with entities that were interested in new technologies.

Mr. Dobbins explained the letter of intent was non-binding. This would put the City into discussions with B&D. He said he needed guidance from the Council on how to proceed. They would then decide on a request for bids.

**7.5 Councilmember Lowery moved to continue Resolution # 19-09, a Letter of Intent with B&D Development to March 5, 2019. Councilmember Green seconded the motion.**

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

**8.0 Councilmember Summerhays moved to adjourn to closed meeting. Councilmember Lowery seconded the motion.**

**9.0 Adjournment**

**9.1 Councilmember Summerhays moved to adjourn the meeting at 8:46 pm. Councilmember Lowery seconded the motion.**

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

**9.3 The meeting adjourned at 8:46 p.m.**