

Approved 6 August 2019

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 16, 2019, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green (by phone), 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; Rhett Ogden, Recreation Director; Christina Oliver, Director of Community Development, Clint Smith, Fire Chief, and Bob Wylie, Finance Director

Dinner

Study Meeting

- 1.0 **Councilmember Summerhays moved to Adjourn to a Closed-Door Meeting to Discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember Vawdrey seconded.**
- 1.1 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 2.0 At 6:30 pm the Mayor and City Council members attended the Children's Parade.

Business Meeting

- 1.0 **Call to Order: Mayor Troy K. Walker**
- 2.0 **Thought/Prayer and Pledge of Allegiance**
- 2.1 Rhett Ogden 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 Erika Doty, resident, commented on the Draper area clean air initiative. She said it was important information that residents needed to learn about improving the air. Idling in cars was a problem for the air pollution and teaching people to stop idling would lead to better air quality. She said this was not a political issue but an environmental issue.
- 3.2 Bob Clark, resident, commented there was little communication between the City leaders and the residents. He suggested the Council leaders listen better to the residents and represent their needs.
- 3.3 Michael Beierschmitt, resident, commented about the recent corner lot setback code change. He said the Council made changes to benefit a developer and not the residents. He said this was not fair and the City needed to follow the original code. The new code would adversely affect him and others. He noted a hearing officer ruled in their favor, but the Council ignored this ruling. He said this was an injustice and the Council needed to be held accountable.
- 3.4 Valerie Wheat, resident, commented she was in favor of the clean air initiative. She noted idling cars adversely affected the environment. This was a simple thing people could stop doing to improve the environment. She said this initiative would improve the air quality.
- 3.5 Kale Crosby, resident, commented that the water fountain at the Draper Cycle Park was broken and he requested that it be fixed.

** *Councilmember Green joined the meeting by phone at 7:18 p.m.*

4.0 Consent Items

- a. **Approval of June 18, 2019 and July 2, 2019 City Council Meeting Minutes**
- b. **Approval of Resolution #19-34, adopting the Draper City Clean Air Initiative**
- c. **Approval of Resolution #19-41, reappointing Dave Cloward and Janet Simonich to Tree Commission**
- d. **Approval of Resolution #19-42, reappointing Adam Crayk, Nate Crowther, and Doug Anderson to Parks, Trails, and Recreation Commission.**
- e. **Approval of Resolution #19-43, reappointing Gary Ogden as an alternate member to Planning Commission.**
- f. **Approval of Resolution #19-44, Hidden Canyon Estates Phase 4 Traverse Ridge Special Service District (TRSSD) Annexation Plat, for the approval of the annexation of Hidden Canyon Estates Phase 4 into the Traverse Ridge Special Service District (TRSSD).**
- g. **Approval of Edelweiss Phase 7 Final Plat, on the request of Nate Shipp, representing MREC DAI Edelweiss, LLC, for approval of Phase 7 final plat of the Edelweiss development located at approximately 2025 East Stoneleigh Drive.**
- h. **Approval of Edelweiss Phase 8 Final Plat, on the request of Nate Shipp, representing MREC DAI Edelweiss, LLC, for approval of Phase 8 final plat**

of the Edelweiss development located at approximately 2025 East Stoneleigh Drive.

4.1 Councilmember Vawdrey moved to approve the consent items. Councilmember Summerhays 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: Resolution #19-45, amending the City Council Meeting Rules and Procedures pertaining to voting on motions.**

5.1 Mayor Walker explained this item would address how Councilmembers should abstain from votes. He noted there were times members had abstained when they should not. This amendment would make Councilmembers vote yes, no, or recuse themselves. The Councilmembers would no longer be able to abstain.

5.2 Councilmember Weeks said this was disturbing to her. She said this item was made after she abstained from the motion to change the code pertaining to corner lots. She read a text message from Councilmember Green encouraging her to attend a meeting and calling her out for not supporting the code change.

She continued to explain she abstained from voting because she felt it was unethical. She said voting would undermine a decision of the judicial branch of the government. She suggested that the Council and Mayor were influenced by the developer to make these changes and it was unethical to entertain the code change. She said the code was ignored by the City to benefit the developer and asked that there be an official investigation. She said this would be due to the ethical implications of the code change.

Mayor Walker stated the only job of Councilmembers was to vote on these items. He said abstaining from votes put the responsibility for the item on those who did vote. He explained this was not fair.

Councilmember Weeks asked Mr. Barker if there were other cities that did not let their Councilmembers abstain. Mr. Barker said there were none of which he was aware.

Councilmember Lowery asked Councilmember Weeks why she did not vote no. Councilmember Weeks responded this was an active case in the State legislature and it was not appropriate to entertain the item. Councilmember Lowery suggested a “no” vote would have had the same affect.

5.3 Councilmember Vawdrey said she liked the motion and it was important for Councilmembers to cast a vote. Councilmember Lowery said abstaining left some mystery to why someone did not vote on an item. She said their responsibility was to be transparent. Councilmember Summerhays said he agreed they needed to have a yes or no vote.

Councilmember Lowery said the danger of abstaining was that it could cause a tie. Councilmember Weeks said this was a rare occurrence. Mayor Walker said his purpose was for transparency and to avoid ties.

5.4 Councilmember Lowery moved to approve Resolution #19-46, amending the City Council Meeting Rules and Procedures pertaining to voting on motions. Councilmember Vawdrey seconded the motion.

5.5 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey. Councilmember Weeks abstained. The motion carried 4 to 0 with a majority vote.

6.0 Public Hearing: Ordinance #1398, Money Zoning Map Amendment

6.1 This item was continued to the August 6, 2019 City Council meeting.

** *Councilmember Green left the meeting at 7:38 p.m.*

7.0 Public Hearing: Provide Local Consent for a Full-Service Alcohol License to Cultivate Craft Kitchen

7.1 Christina Oliver, Director of Community Development, presented the staff report as well as an aerial map depicting the restaurant's location. She noted that the business adhered to the State's requirements for obtaining the license.

7.2 Councilmember Lowery asked what type of restaurant this was. Ms. Oliver asked the owner to discuss the restaurant.

7.3 Matt McKay, applicant, stated this was a chef-to-table restaurant. Councilmember Lowery stated there were a lot of local farms in the area. Mr. McKay said he was interested in working with the local growers.

7.5 Mayor Walker opened the public hearing. No comments were made, so he closed the public hearing.

7.6 Councilmember Lowery moved to approve the Local Consent for a Full-Service Alcohol License to Cultivate Kitchen. Councilmember Weeks seconded the motion.

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

8.0 Public Hearing: Provide Local Consent for a Full-Service Alcohol License to Sweet Lake Biscuit & Limeade.

- 8.1 Christina Oliver, Director of Community Development, presented the staff report as well as an aerial map depicting the restaurant's location. She noted that the business adhered to the State's requirements for obtaining the license.
- 8.2 Mayor Walker opened the public hearing. No comments were made, so he closed the public hearing.
- 8.3 Councilmember Weeks moved to approve the Local Consent for a Full-Service Alcohol License to Sweet Lake Biscuit & Limeade. Councilmember Summerhays seconded the motion.**
- 8.4 A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

9.0 Council/Manager Reports

- 9.1 Councilmember Lowery asked about the drinking fountain at the Cycle park. Mr. Ogden said he did not have any updates at this time but would investigate the problem. Councilmember Lowery asked about the all-abilities park. Mr. Ogden stated that the plans were completed and it was being reviewed. Councilmember Lowery asked about the White Building, to which Mr. Ogden responded it was nearly completed.

Councilmember Lowery asked about a memorial bench. Chief Smith said he was working with the family for whom the bench was intended and explained that they planned on placing it at the Maple Hollow trail head.

- 9.2 Councilmember Vawdrey said she drove on Lone Rock Road and noted the speed was too high as there were dangerous bends in the road. She asked staff to consider a slower speed. Councilmember Summerhays stated that other cities had reduced speed limits recently. He said this could help the problem.
- 9.4 Mayor Walker asked staff to consider pedestrian-activated lights on South Mountain Road, as they influenced traffic. Mr. Cooley said staff would investigate the matter, noting that pedestrian-activated lights were expensive but effective.

Mayor Walker asked about the status of the trail connecting the TRSSD to the Jordan River. Mr. Cooley stated the trail was already paved and nearly completed.

- 9.5 Councilmember Lowery asked for a follow-up on the money spent on the roads for the TRSSD and water lines. Mr. Cooley said most of the repairs would be done this year. The water line would be completed by next summer.
- 9.6 Mr. Cooley reported staff was working on updating the City's waste and recycling contracts. They did not want to implement an opt-out option. He noted the recycling market was improving and they were working on presenting the City with a new plan by the next Council meeting.

9.7 Mr. Ogden asked for direction on the tree project and wanted to know if the City planned on burying the canal. Councilmember Weeks said the residents planned on using large businesses to help bury the canal. Councilmember Lowery said it was best to get multiple sources of funding. Mr. Ogden said this project would take priority because of its scale. Mr. Cooley said they would put together a timeline and possible estimates.

9.8 Mr. Oliver said the City website was now setup with a program that allowed residents to post their comments and their locations on a City map. If the comments were not productive, they would not be posted. She noted there were two open houses in August.

Councilmember Weeks asked if the master plan was on the website. Ms. Oliver responded they were working on completing the plan to have it available as soon as possible. She noted Y2K's survey was almost complete and they would share the information when it was available.

10.0 Adjournment

10.1 Councilmember Weeks moved to adjourn the meeting. Councilmember Summerhays seconded the motion.

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

10.3 The meeting adjourned at 8:08 p.m.