

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 23, 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; Hazel Dunsmore, Human Resource Director; Russ Fox, Assistant City Manager; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Adjourn to a Closed-Door Meeting for Litigation Update - Jody Burnett, Outside Legal Counsel

1.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Green seconded the motion.

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

***The closed-door meeting began at 6:04 p.m. and ended at 6:39 p.m.*

2.0 Discussion: Field House Options

2.1 Martin Jensen, Salt Lake County, indicated they are currently in the design phase of the aquatics facility. The project has \$22 million in the budget; however, the cost is \$23 million if they include the field house. The County cannot set the money aside to build the field house at a later date. If it is not done this year, the extra funding will go towards a different project. The City has until July 1, 2018, to approve the additional \$1 million in funding. The City would enter into an Interlocal agreement with Salt Lake County, and the City would be given 25 percent of prime time field use for City programming for approximately 15 years. They could look at extending the agreement at the end of the 15 years.

3.0 Report: Semi-annual Report on City Deposits and Investments

3.1 Lourdes Ramos, City Treasurer, briefed the City Council on the status of the City's deposits and investments.

4.0 Discussion: Small Cell Towers

4.1 This item was taken care of at the end of the business meeting.

Business Meeting

[7:06:06](#)

1.0 Call to Order: Mayor Troy K. Walker

[7:06:16](#)

1.1 Mayor Walker excused Councilmember Weeks from the meeting. Councilmember Weeks recently suffered the unexpected loss of her husband. Mayor Walker expressed condolences on behalf of the entire City Council.

[7:06:40](#)

2.0 Thought/Prayer and Pledge of Allegiance

[7:06:56](#)

2.1 Tanner Shallenberger offered the prayer.

[7:07:30](#)

2.2 Clint Smith, Fire Chief, led the Pledge of Allegiance.

[7:08:03](#)

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.

[7:08:45](#)

3.1 Reed Gibby, resident, discussed street connectivity throughout the City and said it is difficult to navigate around the City for drivers and public transit services. He said while the Transportation Master Plan addresses some of the City's connectivity needs, there need to be more separations over the interstate. He concluded by expressing appreciation to the Mayor and Council for the time they spend in serving the City.

[7:11:15](#)

3.2 Christian Hardman, resident, mentioned a bus stop on Minuteman Drive where speed limit signs have not been posted. He was concerned for the safety of children living in the area who wait at this bus stop. He suggested a speed bump, or some other safety device, be installed to address the matter.

[7:12:55](#)

4.0 Consent Items

a. **Approval of January 9, 2018, City Council Minutes**

b. Approval of Resolution #18-02, Adopting the 2018 City Council Assignment List

[7:13:01](#)

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

[7:13:15](#)

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

[7:13:25](#)

5.0 Public Hearing: 6th Street Cottages Preliminary Plat, Request for Approval of a Preliminary Plat for a 19-Lot Subdivision on 5.27 Acres Located Generally at 12447 South 600 East. The Property is Zoned R4 with a Development Agreement.

[7:13:49](#)

5.1 Dennis Workman, Planner, presented the staff report and an aerial map of the subject property. He said 19 homes will be platted, but only 16 new homes will be created. Tonight's approval will be for 19-lot preliminary plat. Mr. Workman reported that the Planning Commission forwarded a positive recommendation on January 11, 2018. At the same meeting, the Planning Commission also reviewed and approved the site plan for this project. Lots 1, 2 and 3 have existing homes which need to be included in the proposed subdivision. According to the development agreement, the two lots on Pioneer Road will be perpetually limited in size to a third acre; the lot on the south end of the subject property will be perpetually limited in size to a half acre. Mr. Workman reviewed the road improvements that will take place throughout the subdivision, which will include the installation of curb, gutter and sidewalk. He said there will be no need for a street dedication to take place at 600 East and Pioneer Road. However, there will be a dedication of approximately 1500 feet between 600 East and 12500 South.

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5.2 In response to a question from Councilmember Summerhays, Mr. Workman explained that a total of 19 homes will be recorded with the plat. He said the Planning Commission only reviewed 16 homes on the site plan; the site plan only takes in four acres, but the preliminary plat takes in 5.72 acres because of the three, existing homes. They continued to deliberate points previously made during Mr. Workman's presentation.

[7:19:54](#)

5.3 Ryan Daw, applicant, stated this product is similar to what is being constructed on Park Place; the only difference is the homes in this project will be slightly smaller in size. The price point will be in the range of \$550,000 to \$650,000. The homes will be approximately 3,800 square feet without basements, and will have two and half car garages.

[7:21:16](#)

5.4 Councilmember Vawdrey inquired about a pavilion associated with this project. Mr. Daw indicated the pavilion in question was moved to the corner of Lots 7 and 8, which is a more

feasible area since it is in the middle of the development. Mr. Daw identified the exact location of the pavilion on the aerial map shown during Mr. Workman's presentation.

[7:22:30](#)

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

[7:23:01](#)

5.6 Councilmember Vawdrey moved to approve the 6th Street Cottages preliminary plat. Councilmember Lowery seconded the motion.

[7:23:25](#)

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

[7:23:36](#)

6.0 Public Hearing: Eastgate Subdivision 2nd Amended Plat, Request to Amend the Eastgate Subdivision Amended Plat by Subdividing One Parcel into Three, to Allow for Future Ownership Changes. The Property is Zoned CR and is Located Generally at 12101 South State Street.

[7:24:00](#)

6.1 Mr. Workman presented the staff report, an aerial map of the subject property, as well as an image depicting the current plat. He said the new parcels will be identified as Lots 104, 105 and 107. The plat amendment will have the following effects:

- It will allow the Draper Spectrum to sell Lots 104 and 105, for which purchase agreements are currently being negotiated.
- It will place the pylon sign on its own parcel (Lot 107).
- Lot 102 will become Lot 106.

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6.2 Cindy Cobbley, applicant, stated she represents Draper Spectrum. The plat amendment will provide her client with the ability to continue to improve this area and provide additional capital for the main building. The changes will maintain the integrity of the area.

[7:26:40](#)

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

[7:26:58](#)

6.4 Councilmember Green moved to approve the Eastgate Subdivision 2nd amended plat. Councilmember Summerhays seconded the motion.

[7:27:22](#)

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

[7:27:32](#)

7.0 Public Hearing: Ordinance #1303, Vacating, Realigning, and Rededicating a Portion of Upper Corner Canyon Road Generally Located Between 14750 South and 14600 South

[7:27:56](#)

7.1 Russ Fox, Assistant City Manager, presented the staff report and an aerial map of the property in question. He identified the alignment originally recorded and explained there have been changes applied throughout the years. As the road was constructed, it was moved adjacent to a property which he identified on the map. He reviewed the process required for rededicating the aforementioned portion of Corner Canyon Road.

[7:26:23](#)

7.2 Councilmember Green asked why the rededication process was necessary; he wondered if the misalignment occurred as a result of wear and tear over time. Mr. Fox explained the detention basin was built in this area, which pushed the road off to the east.

[7:30:12](#)

7.3 Councilmember Summerhays asked whether this is due to an erosion problem. Mr. Fox indicated it was not.

[7:30:32](#)

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

[7:30:48](#)

7.5 Councilmember Vawdrey moved to approve Ordinance #1303, vacating, realigning, and rededicating a portion of Upper Corner Canyon Road. Councilmember Summerhays seconded the motion.

[7:31:03](#)

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

[7:31:12](#)

8.0 Action Item: Resolution #18-05, Adopting the Draper City Sidewalk Maintenance Policy

[7:33:00](#)

8.1 Glade Robbins, Public Works Director, presented the aforementioned maintenance policy. He stated the City's sidewalks have been divided up into five different sections, and one of those sections will be surveyed each year to determine what defects need to be corrected. He noted there are approximately 220 miles of sidewalk in the City that need to be inventoried. Most of the issues that occur are caused by nearby trees uprooting and breaking up the concrete.

[7:34:17](#)

8.2 Councilmember Summerhays asked if in some cases, cracked sidewalks can be grinded back down. Mr. Robbins explained the different types of defects that will be noted when an inventory takes place. He presented images depicting different levels of damage and described maintenance needs for each scenario. The level of work needed would vary based on the severity of the defect. Councilmember Summerhays asked if there was a standard depth of cracking that warrants total sidewalk replacement. Mr. Robbins answered affirmatively, and stated it is typically an inch and a half. Councilmember Summerhays asked if staff has coordinated with the Tree Commission in setting forth policies on where trees should be planted in relation to sidewalk placement. There was further deliberation on the matter.

[7:38:28](#)

8.3 Councilmember Vawdrey referred to an image Mr. Robbins showed during his presentation where a sidewalk was removed in order to cut down tree roots, and asked if this was an effective procedure. Mr. Robbins answered affirmatively, and said typically the process will protect new sidewalks for five to eight years. In some cases, cutting the roots will cause the tree to die.

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8.4 Mr. Robbins continued stating a report will be distributed annually after the sidewalk survey has been completed.

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8.5 Councilmember Green asked whether they were installing the ADA ramps as they replace the sidewalks. Mr. Robbins answered affirmatively.

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8.6 Mayor Walker asked what the mechanism is for residents to report defective sidewalks to the City. Mr. Robbins replied that residents should call the Public Works Department.

[7:40:12](#)

8.7 Councilmember Summerhays moved to approve a Resolution #18-05, adopting the Sidewalk Maintenance Policy. Councilmember Green seconded the motion.

[7:40:31](#)

8.8 Councilmember Vawdrey said the proposed policy will be helpful in maintaining the City's sidewalks.

[7:40:47](#)

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

[7:41:00](#)

9.0 Action Item: Ordinance #1302, Amending Section 10-3-020 of the Draper City Municipal Code (DCMC) Regarding Building Permit Applications

[7:41:18](#)

9.1 Mr. Fox presented the staff report and explained this issue has arisen since the City purchased some new software a couple of years ago. The system is tied into the parcel information the City receives from the County Recorder's office. The current code indicates a person can apply for a building permit after a subdivision plat has been recorded. However, language needs to be added stating that after a subdivision has been recorded and the parcel information has been sent by the County Recorder, the data needs to be inputted into the City's GIS database. He said this will help staff track building permit applications.

[7:42:27](#)

9.2 Councilmember Summerhays asked if this will delay the permitting process. Mr. Fox said no. He explained staff receives parcel information from the Council on a bi-monthly basis. He said the protocol of inputting data into the GIS database after it is received from the County is already being followed; the proposed ordinance would simply formalize this operation.

[7:44:10](#)

9.3 Councilmember Green moved to approve Ordinance #1302, amending the Section 10-3-020 of the DCMC pertaining to building permits. Councilmember Lowery seconded the motion.

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9.4 Councilmember Summerhays asked if the code amendment would increase the cost of building permits. He was told it would not.

[7:45:00](#)

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

[7:45:40](#)

**** Discussion: Small Cell Tower**

[7:45:50](#)

** Mike Barker, City Attorney, said Draper, along with other cities in Utah, has been approached by applicants requesting to install small cell technology. He presented an image of a small cell tower, in addition to a chart depicting data traffic on the internet which will dramatically increase between the years 2016 and 2021. Small cell technology is designed to meet the demand for data by targeting gaps in capacity. Mr. Barker said he attended a meeting today hosted by a small cell company that contracts with Sprint. The industry has looked at possible solutions, including the deployment of more macro sites, adding capacity to existing sites, and constructing small cell towers. Small cell towers pull data off of macro sites, which frees up macro towers to handle voice calls. Macro towers are usually 100 feet tall, whereas small cell towers may co-locate on existing poles; new poles are 35 feet tall, at most.

Mr. Barker explained typically a small cell site contains four pieces of equipment: multidirectional antennae, a radio transmitter that is contained in a box, power to the site, and a backhaul device that connects small cell and macro towers to each other. He said telecommunication companies either use radio transmission or fiber optic technology; for example, Verizon Wireless uses fiber optic technology.

Mr. Barker stated companies prefer to co-locate small cell towers to existing utility poles; as such, carriers have agreements with Rocky Mountain Power. They are working with UDOT for the same type of access. The next preference for carriers is to co-locate on existing street lights and traffic signals. As a last resort, they would erect new poles. Mr. Barker explained as these carriers have worked with Utah municipalities, they have been met with strong resistance to the idea of erecting new poles. He said the challenge will be in writing an ordinance that provides the City's preferred aesthetic. He then presented several images of different small cell towers throughout the country, and there was subsequent deliberation on the matter.

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** Councilmember Summerhays described the connection issues he has within his own home. Mr. Barker stated he has heard from several residents who have had similar complaints.

He continued saying the applicants with whom he has spoken have all indicated a willingness to work with the City's aesthetic preferences. Another challenge the City will face is deciding where these structures will be permitted versus those that will be under a conditional review. The Council will also need to consider fees, pending State legislation and 9-1-1 accessibility. Mr. Barker explained the current model is to access the City's rights-of-way.

[7:58:31](#)

** Councilmember Summerhays asked if more street lights could be installed in Draper, in areas that are particularly dark at night. He stated these small cell towers might be the solution to addressing the City's issue with street lights.

[7:59:43](#)

** Councilmember Green asked if there will be a transparent process to ensure all entities in the industry will have an opportunity to use these small cell towers. Mr. Barker answered affirmatively. He added that he has sent drafts of this ordinance to various industry representatives for their input. In addition, Mr. Barker noted these ordinances are regulated by the Telecommunications Act of 1996.

[8:00:50](#)

10.0 Council/Manager Reports

[8:00:56](#)

10.1 Councilmember Green asked for a report on what traffic control devices can be used on Minuteman Drive. Mr. Dobbins explained the Traffic Committee will look at it and report back to the City Council.

[8:01:37](#)

10.2 Councilmember Summerhays asked staff to look at areas that need the street lights and speed limit signs.

[8:03:17](#)

11.0 Adjournment

[8:03:20](#)

11.1 Councilmember Green moved to adjourn the meeting. Councilmember Lowery seconded the motion.

[8:03:31](#)

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

[8:03:43](#)

11.3 The meeting adjourned at 8:03 p.m.