

*Approved August 7, 2018*

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 17, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy K. Walker (arrived at 7:00 p.m.), and Councilmembers Mike Green, Tasha Lowery, Alan Summerhays (left the meeting at 9:30 p.m.), Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Scott Cooley, Public Works Director/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 Town Center Zone and Planning Commission Update**

1.1 Christina Oliver, Community Development Director, updated the Council on the status of the Town Center Zone amendments. They have held two open houses and have received valuable feedback from the residents.

1.2 Russ Fox, Assistant City Manager, gave a brief history of when the Town Center zone was originally adopted.

1.3 Ms. Oliver indicated staff is recommending a quick fix to the City Code regarding the following elements of the Town Center zone:

- Architectural Style
  - Establish an Architectural (or Design) Review Board and define the styles allowed
- Parking
  - Eliminate on-street development parking allowance for the time being
- Use
  - Eliminate live/work

Ms. Oliver indicated the staff is committed to creating a new vision to bring to the City Council, and they will produce a Design Standards and Guidelines Handbook. This could require additional funds from the City.

Ms. Oliver then reviewed the last Planning Commission meeting with the Council.

1.4 The City Council and staff discussed ideas and parameters for the zone.

**\*\* Closed-Door Meeting to Discuss Litigation**

**\*\* Councilmember Lowery moved to convene to a closed-door 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.**

**\*\* A closed-door meeting was held from 6:41 to 6:50 p.m.**

## **2.0 Council/Manager Reports**

2.1 These were taken care of at the end of the Business Meeting.

### **Business Meeting**

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

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

2.1 Dan Boles offered the prayer.

2.2 Chad Carpenter led the Pledge of Allegiance.

#### **3.0 Recognition: Former and Present Miss Draper and Miss Outstanding Teen**

3.1 Mayor Walker recognized the following individuals and thanked them for their service:

Miss Draper 2017-18 - Whitney Carr

Miss Draper 2018-19 - Alexsys Campbell

Miss Draper Outstanding Teen 2017-18 - Olivia England

Miss Draper Outstanding Teen 2018-19 - Grace Mead

Miss Draper Director - Sierra Hall

Miss Draper Outstanding Teen Directors - Lisa Armstrong and Mandi Brady

Judge's Chair for Miss Draper and Miss Draper Outstanding Teen - Stefani Walker

Whitney Carr took a few minutes to share her favorite experiences as Miss Draper.

#### **4.0 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.

4.1 Erin Preston, wife of the late Fire Marshal Bryan Thatcher, thanked the City and especially the Draper Fire Department for their support after the unexpected death of her husband.

## 5.0 Consent Items

- a. **Approval of July 10, 2018, City Council Meeting Minutes**
- b. **Approval of Edelweiss Phases 5 & 6 Final Plats**
- c. **Approval of Jenson Farms Final Subdivision Plat**
- d. **Approval to Amend Ordinance #134**

\*\* *Councilmember Weeks left the meeting at 7:23 p.m.*

### 7:22:49 PM

5.1 **Councilmember Green moved to approve the consent items. Councilmember Summerhays seconded the motion.**

### 7:23:09 PM

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

### 7:23:33 PM

6.0 **Public Comment: Resolution #18-38, Draper Urban Deer Control Plan**

\*\* *Councilmember Weeks returned to the meeting at 7:24 p.m.*

### 7:24:05 PM

6.1 John Eining, Police Chief, explained deer were coming down into the community and causing damage to people's property. He said the law prohibited residents from resolving this issue. The City needed to create an ordinance that would help prevent property damage. The deer population was growing quickly and there was a possibility they would become aggressive or spread diseases. They needed the ordinance to mitigate the damage and the nuisance they caused. He discussed the different methods they were proposing to remove the deer. The ordinance did not permit people to hunt deer in Draper. He explained the ordinance would only be used with permission of a property owner and the Division of Wildlife Resources would regulate the ordinance.

### 7:35:31 PM

6.2 Councilmember Weeks asked how much this would cost the City. Chief Eining said the cost would be \$2,000 per location and would include setting up computers, cameras, and monitoring the area. Councilmember Weeks asked if \$10,000 would cover the cost of four locations. Chief Eining explained they would set up in a location for an extended period of time. Councilmember Weeks said she was concerned with the residents' response to teams setting up on their land. Chief Eining said his department would give the residents more information once the ordinance was approved.

### 7:38:55 PM

6.3 Councilmember Green asked how this service would be procured. Chief Eining said the State used a specific organization that was proficient at deer removal. Councilmember Green asked how bad this problem would be without intervention. Chief Eining said the

growth rate would exceed the death rate by a large margin. Councilmember Green clarified if they did not act they would be in a situation that would be out of hand.

7:41:42 PM

6.4 Councilmember Lowery asked what a healthy deer population was. Chief Eining said the amount of deer that was acceptable was in the study. There were also concerns of deer congregating on one property and causing extensive damage. He noted they were able to limit the population in the mountains but there was no ordinance for deer removal within City limits.

7:43:57 PM

6.5 Councilmember Green asked if there was a way to charge the residents for using this ordinance. David Dobbins, City Manager, explained they could add this to the fee schedule, thereby requiring the City to add this as an agenda item and have another hearing.

7:44:22 PM

6.6 Councilmember Weeks explained she had lived in Draper for 20 years, in a neighborhood east of Highland. She noticed the deer population had decreased. She asked if they knew if the deer were migrating back and forth in the mountain. Chief Eining said the amount of deer depended on the location. The areas with the deer problems have a large amount of damage. Councilmember Weeks noted Ballard's Orchard had been there for more than 20 years. Chief Eining explained the damage had been increasing and they wanted a plan to stop the deer. Councilmember Green noted the residents were able to take care of the problem before the City incorporated and prevented residents from acting. Chief Eining clarified there was no option for the City to address the deer problem; an ordinance was needed in order for action to be legally taken. He explained this would not be open season on deer in Draper.

Councilmember Weeks asked Chief Eining to clarify what is meant by the term "substantial damage." Chief Eining said it was his opinion to define the damage as substantial. Councilmember Weeks explained the damage needed to be more than \$2,000, since that was what they were budgeting for each location.

7:48:58 PM

**6.7 Mayor Walker opened the floor for public comment.**

7:50:25 PM

6.8 Jeff Rasmussen, resident, said agriculture was difficult in the City and they could not set up a retirement home for deer. They were damaging crops and posing safety issues. He noted other cities had passed resolutions on deer abatement and he felt the presentation from Chief Eining was very reasonable. He said the deer had caused thousands of dollars of damage to his home and property.

7:54:24 PM

6.9 Bonney Thom, resident, said she stayed in the area as a choice and understood there were consequences to living on the bench. She stated deer were a nuisance and would go after

crops regardless of fencing. She was of the opinion that the residents should be responsible for their own deer abatement and did not want the City to pay for their removal. She explained she was responsible for removing a beaver den on her property.

**7:57:47 PM**

6.10 Richard Ashton, resident, stated there was a social contract indicating that the governed will obey the laws and the government will provide security to private property. He noted there was nothing the residents were allowed to do about the deer. He urged the Council to vote in favor of the proposal because there was nothing he could personally do about the deer population. He stated there were thousands of dollars of damage to private property from deer. Furthermore, he was concerned about this issue becoming a potential danger to his grandchildren.

**8:00:37 PM**

6.11 Hollis Hunt, resident, stated that Richard Ashton was a neighbor. He commented they chased deer off their property only to relocate to their neighbors. He said there was no deer problem 39 years ago. This was a recent issue due to growth in the foothills. He said their attempts to deter the deer were unsuccessful. He was upset they could not have flowers or crops due to their insatiable hunger. Deer are a problem and the proposal makes sense. He urged the Council to adopt the proposal.

**8:03:35 PM**

6.12 James Alger, resident, explained he was against the ordinance. He noted the people that moved to the area were enticed to do so because of nature. He said the deer were a selling point for real estate.

**8:07:32 PM**

6.13 Wendy Anderson, resident, said she has lived in Draper for 66 years. She said it was normal for deer to be on the mountain. They put up a fence to deter them and other animals from their property. She said it was the responsibility of the residents not the City's to deter the deer. People moved to Draper because of nature, and it would be an abuse of power on the part of the Council if they adopted this ordinance.

**8:10:35 PM**

6.14 Wayne Ballard, resident, thanked the City Council for their time and effort. He said he was in support of the resolution because there had been a lot of damage done recently. They have lived there for a long time and the problem was increasing.

**8:12:33 PM**

6.15 Frederick Pack, resident, noted diseases were associated with deer population. He asked the Council to research the potential disease risks and how deer populations affected surrounding areas.

**8:14:17 PM**

6.16 **Mayor Walker closed the floor for public comment.**

**8:14:25 PM**

6.17 Councilmember Summerhays said he planted apple trees 35-40 years ago, and the deer had severely damaged them. He said they still ate his trees after he put up a fence. He explained they trapped, shot at, and made noise to remove them; however, nothing was effective.

**8:17:59 PM**

6.18 Councilmember Lowery asked Chief Eining if they could include a process to ensure other steps were taken before they used City funds to remove the deer. Chief Eining explained there were several reasons this would be difficult.

**8:19:04 PM**

6.19 Councilmember Green stated he lived on the mountain and would see deer outside his home. He said if they did not act now the problem would grow. The plan needed to include a fee to avoid abuse of the resolution.

**8:20:52 PM**

**6.20 Councilmember Green moved to approve Resolution #18-38 with the condition that a fee schedule be set up with a public hearing on what the fee should be. Councilmember Summerhays seconded the motion.**

**8:21:29 PM**

6.21 Councilmember Weeks said she agreed with the fee schedule. She stated that she wanted more specifics on the resolution.

**8:22:20 PM**

6.22 Councilmember Summerhays stated deer abatement took place several years ago. At that time, archers came into the area and removed the deer.

**8:23:12 PM**

6.23 Councilmember Vawdrey said it was their responsibility to help the residents.

**8:23:20 PM**

6.24 Councilmember Lowery agreed with Councilmember Vawdrey and said they needed to trust the Police Chief.

**8:23:45 PM**

**6.25 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey voting in favor. Councilmember Weeks voted no. The motion carried with a majority vote of 4 to 1.**

**8:23:58 PM**

**7.0 Public Hearing: Evans Square II Plat Amendment**

**8:24:31 PM**

7.1 Jennifer Jastremsky, Planner, explained she would discuss the application timeline of the project. The development had been through the approval process since 2016. She

discussed the rezone, text amendment, the site plan, and the conditional use permit. The development would be condominium-style with a HOA. There would be 15 total units. Staff and the Planning Commission were recommending approval.

#### 8:28:15 PM

7.2 Councilmember Weeks mentioned she had expressed concerns with parking the last time this proposal was reviewed. Ms. Jastremsky explained the developer was not adding more units and they were changing to condominiums. Councilmember Weeks asked why they were not concerned with parking. Ms. Jastremsky said they designed the property differently and the proposal met the parking requirements as per City ordinance.

#### 8:29:50 PM

7.3 Jeremy Peterson, applicant, stated he had nothing further to add. He asked for questions. Councilmember Green asked why the application was seven months late. Mr. Peterson explained there had been some misunderstandings throughout the application process.

#### 8:30:40 PM

7.4 Councilmember Lowery asked if he was notified when the site plan expired. Mr. Peterson responded in the affirmative. Councilmember Lowery asked how long it took to renew the site plan after said notification took place. Mr. Peterson responded they completed the application a few weeks after notification was received.

#### 8:31:23 PM

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

#### 8:31:45 PM

7.6 Tony Nelson, resident, asked the Council to vote against the proposal. He explained the proposal was not supposed to be before the Council tonight because the Planning Commission was outside the scope of their authority when they reevaluated the site plan according to the City code. He explained this in a letter he sent to the Council, of which he read a portion. He said he was not in favor of the City bending the code for a developer and asked the Council to rescind the Planning Commission's recommendations.

#### 8:34:52 PM

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

#### 8:35:00 PM

7.8 Councilmember Green asked Mr. Barker to explain the impact of the moratorium on the development. Mr. Barker said the moratorium was placed in the town center zone in response to another project that was not meeting the spirit of that particular area. This prevented new development applications similar to this one. He explained the code allowed the Planning Commission jurisdiction of site plans. The Commission determined this was not a new application but a continuation of the original.

Councilmember Green asked if the developer had relied on the previous decision to justify starting construction. Mr. Barker said he assumed this was the case. Councilmember

Green asked how far along they were on construction. Mr. Peterson responded they were quite a way through construction.

**8:37:58 PM**

7.9 Councilmember Weeks asked if there were retail units on the bottom of the condominiums. Mr. Peterson answered in the affirmative. Councilmember Weeks asked how large these spaces were, to which Mr. Peterson responded the units were 582 square feet.

**8:38:32 PM**

7.10 Mr. Peterson commented their request tonight was to amend the plat from town homes to condominiums.

**8:38:57 PM**

7.11 Councilmember Summerhays asked if it was okay to vote “yes” because the Planning Commission and staff were recommending approval. Mr. Barker recommended they consider the application on its own merits.

**8:39:39 PM**

7.12 Councilmember Green noted all the components of the site plan met the code. Mr. Barker explained what was presented to the Planning Commission did not vary from what was originally approved.

**8:40:14 PM**

7.13 **Councilmember Vawdrey moved to approve the Evans Square II Plat Amendment. Councilmember Green seconded the motion.**

**8:40:33 PM**

7.14 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey voting in favor. Councilmember Weeks voted no. The motion carried with a majority vote of 4 to 1.**

**8:40:46 PM**

**8.0 Public Hearing: Fox Landing Preliminary Plat for Phases 2 & 3**

**8:41:15 PM**

8.1 Dan Boles, Head Planner, explained this item had been reviewed a few times since 2015. This was a 75-lot single family subdivision. The applicant needed approval for Phases 2 & 3. The first had already been approved and began development. The development agreement allowed the 75 lots and was reviewed by the Planning Commission, which recommended approval.

**8:44:25 PM**

8.2 Derek Wright, applicant, thanked Mr. Boles and staff. He explained they were amending the agreement in order to add a parcel.

**8:45:16 PM**

8.3 Councilmember Weeks asked if the development was along the Jordan River. Mr. Wright answered in the affirmative.

**8:45:34 PM**

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

**8:46:02 PM**

8.5 Councilmember Summerhays asked when they planned on starting 700 West. He was informed that property acquisition would take place next year with construction starting by 2020.

**8:46:31 PM**

8.6 **Councilmember Weeks moved to approve the Fox Landing Preliminary Plat for Phases 2 & 3. Councilmember Green seconded the motion.**

**8:47:02 PM**

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

**8:47:15 PM**

9.0 **Public Hearing: Ordinance #1339, Harmony Hills Text Amendment**

**8:47:35 PM**

9.1 Jennifer Jastremsky, City Planner, explained institutional care zones were created in 2007. The amount of uses for this zone was limited. The applicant was requesting the zone to allow preschools. She said this would be effective in improving the elderly's standard of living by enriching their lives and decreasing loneliness. She said staff did not see a problem with the request; their biggest concern was traffic and parking. However, the conditional use permit allowed staff to review applications to ensure adequate parking and safe traffic.

**8:50:00 PM**

9.2 Councilmember Green asked if a traffic study was required as a part of the conditional use permit. Ms. Jastremsky answered in the negative. She said it was not standard but upon review the Planning Commission could require one.

**8:50:28 PM**

9.3 Connor Pardoe, applicant, said they wanted to address why they wanted to have a preschool in this zone. He noted the elderly interacted well with preschoolers and it benefitted both parties. He did research and found this had been implemented in Seattle successfully. He said there were studies that showed this was beneficial.

**8:53:07 PM**

9.4 Councilmember Green asked how they planned to address traffic. Mr. Pardoe responded they were working with their architects to create a turnaround and additional parking.

**8:53:47 PM**

9.5 Councilmember Weeks said she was concerned about the building's position to the main road. She said Pioneer Road was narrow and would back up during rush hour. There was not a turn lane and it was a steep driveway. She asked Mr. Barker if they were limited to the two proposed classrooms. Mr. Barker said they could create a conditional use to limit the size.

**8:55:26 PM**

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

**8:55:50 PM**

9.7 Ed Ross, resident, stated he lived across the street from this facility. He noted the property was zoned differently two years ago. He explained he was concerned with the setbacks and the potential traffic. He asked the Council to deny the proposal.

**8:58:34 PM**

9.8 Charles Ryan Frost, resident, stated he was a neighbor to the property in question. He said there was a chance of diseases spreading and this was not safe. He asked staff if the Utah Department of Health addressed the potential health concerns. He was also concerned about the traffic due to the limited lanes. He urged the Council to vote against the proposal.

**9:01:57 PM**

9.9 Frederick Pack, resident, stated he lives close to the proposed development. He explained they moved into the area and did not think there would be a large development near their home. This was not what they anticipated or wanted. He said he was concerned for the safety of his family. He said the increased traffic would be dangerous.

**9:03:50 PM**

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

**9:03:53 PM**

9.11 Derk Pardoe, applicant, understood there were concerns from the neighbors. He stated the traffic would not be as bad as they anticipate. He explained these types of facilities did not create a lot of traffic.

**9:05:40 PM**

9.12 Councilmember Lowery said this was not the first time the neighbors raised concerns regarding the project. They were concerned with the property not being developed how it originally was presented. She was concerned with the traffic and that the applicant had made missteps with the neighbors. Mr. Pardoe responded he was willing to speak with his neighbors. He said he had not been aware of their concerns. He apologized and said he would provide his contact information.

**9:07:34 PM**

9.13 Councilmember Summerhays said he remembered when they zoned this originally. He said this was a completely different plan than originally presented. He noted the roads were dangerous through this area and the large building made it more difficult to navigate.

**9:08:58 PM**

9.14 Councilmember Weeks said she agreed with the comments from Councilmember Summerhays. She said she was concerned with the size of the parking and the street.

**9:09:26 PM**

**9.15 Councilmember Summerhays moved to deny Ordinance #1339, Harmony Hills Text Amendment. Councilmember Weeks seconded the motion.**

**9:09:44 PM**

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

**9:10:03 PM**

**10.0 Public Hearing: Ordinance #1338, Novarad Healthcare Clinic and Imaging Text Amendment**

**9:10:50 PM**

10.1 Ms. Jastremsky explained there were three areas in the City zoned CI. The applicant was requesting the City permit medical and dental uses in one of the zones. She explained staff did not anticipate any detriment from having these uses added to the location. She discussed the allowed signage on the property. She stated that the Planning Commission recommended denial.

**9:15:08 PM**

10.2 Councilmember Weeks thanked Ms. Jastremsky for providing visuals.

**9:15:16 PM**

10.3 Councilmember Vawdrey asked how the staff felt about the intended use change. Ms. Jastremsky responded they did not find any problem with the change. The offices would fit into the area.

**9:15:44 PM**

10.4 Councilmember Summerhays asked if the State or County had any regulation on the signage. Ms. Jastremsky responded the State had regulation for billboards.

**9:16:07 PM**

10.5 Councilmember Weeks said she liked the intended use but was not in favor of the massive size. She asked if they were only voting on the sign. Ms. Jastremsky responded the ordinance included both the sign and the change in the text amendment.

**9:16:56 PM**

10.6 Dr. Gibby, applicant, introduced himself and his company.

\*\* *The City Council took a break at 9:21 p.m.*

\*\* *The meeting resumed at 9:30 p.m.*

\*\* *Councilmember Summerhays left the meeting at 9:30 p.m.*

**9:30:56 PM**

10.7 Dr. Gibby and his staff gave a brief demonstration to those present about their technology and how their virtual goggles work.

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

**9:39:38 PM**

10.9 Steve Cvetco, resident, said he has lived in Draper for 25 years. He stated that Dr. Gibby was a responsible man and he was excited about the company.

**9:40:28 PM**

10.10 James North, resident, asked what the reason was for compromising the City's rules to accommodate the proposed sign. He thought the standard sign was sufficient.

**9:42:04 PM**

10.11 Jay Gibb, resident, stated he was in favor of the building and sign because it would not be out of the ordinary for the area.

**9:43:00 PM**

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

**9:43:10 PM**

10.13 Councilmember Weeks expressed concerns with the sign. She noted she got a lot of complaints about the Larry H. Miller sign. She asked if they could continue this item and address the issues with the sign. Mr. Barker answered in the affirmative.

**9:43:58 PM**

10.14 Councilmember Green said he was in favor of approving the business but thought the sign was too big.

**9:44:36 PM**

10.15 Councilmember Lowery asked the applicant if they were amenable to dividing the issue. Dr. Gibby stated they are working with a tight time table. He said they would be willing to raise the height of the sign. He stated they would walk away if they were forced to make the sign smaller. They needed to have some exposure.

Councilmember Weeks said she was concerned because this was the first time seeing the project. Dr. Gibby stated they were willing to work on a solution with the Council. He said they did not want to fight with the City. He explained they needed the visibility and had other options if they could not have this sign. He noted other signs in the area were smaller than what they were proposing.

**9:49:18 pm**

10.16 Councilmember Green asked Mr. Fox which sites allowed for 70 foot signs. Mr. Fox stated the 'A' site allowed 45 foot signs, 'B' site allowed 30 foot signs, and 'C' allowed 70 foot signs. Councilmember Green asked why they picked these heights. Mr. Fox responded they were based off of sign studies and the sign code.

**9:51:21 PM**

10.17 Councilmember Weeks and Councilmember Green asked Dr. Gibby to specify how big he wanted the sign. Dr. Gibby said they would be willing to go as low as 70 feet. Mr. Barker explained the code allowed the City to approve the sign with modifications after the public hearing.

**9:55:47 PM**

10.18 Mayor Walker asked why they required this type of billboard. Dr. Gibby explained the purpose of the billboard was to advertise their company.

**9:57:18 PM**

**10.19 Due to the lack of a motion, this item will be continued to the August 7, 2018, City Council meeting.**

**9:57:40 PM**

**11.0 Public Hearing: Ordinances #1334 and 1335, LHM Lone Peak Parkway South Zone Change and Text Amendment**

**9:58:25 PM**

11.1 Dennis Workman, Planner, explained Larry H. Miller wanted to increase the size of Lone Peak Parkway CSD by seven acres. He discussed the zone change and the text amendment. The Planning Commission was recommending approval. He noted there was discussion about buffering a transition area between commercial and residential.

**10:02:24 PM**

11.2 Councilmember Weeks said she was concerned the parking lot portion could be turned into a multi-family plat. She explained the permitted use allowed multi-family and asked if there was another code that gave the developer the same use without multi-family housing. Mr. Workman responded the developer could request to have multi-family as a conditional use. He said he did not have an answer to prevent this from happening.

**10:04:18 PM**

11.3 Councilmember Green asked how many units they could build. Mr. Fox stated there was no cap. The amount was determined by the lot area and parking requirements. He said they could argue to limit the amount.

**10:05:02 PM**

11.4 Councilmember Weeks asked if the developer could have 20-units per acre. Mr. Workman reiterated there was no cap. There was subsequent discussion on the possibility of the developer building multi-family housing.

**10:06:52 PM**

11.5 Jeff Randall, applicant, explained the property was currently owned by the school district. Their goal was to keep the property commercial. He said they believed the traffic problems would be alleviated by their proposal. They were proposing 1,500 parking stalls for the dealership. He said he understood the concerns associated with multi-family housing. He said they would be willing to include restrictions in the development agreement to ensure compliance.

**10:10:40 PM**

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

**10:11:07 PM**

11.7 Councilmember Green said he wanted to discuss the conditions they should place in the text amendment. Mr. Dobbins explained the City's options to include in the text amendment. Mr. Randall noted the homes needed to have 30 percent landscaping with a 20-foot buffer limiting the homes to about 15 homes per acre. Councilmember Green thought this was a good step down from commercial into residential. Mr. Randall noted one of the biggest concerns from the neighbors was lighting and this would allow for some step down lighting, thereby creating a buffer.

**10:12:49 PM**

11.8 Councilmember Weeks asked if the maximum for townhomes per acre was 12 homes. Mr. Dobbins answered in the affirmative. He said they could limit the amount of homes to the 12 homes per acre.

**10:13:58 PM**

**11.9 Councilmember Green moved to approve Ordinances #1334 and 1335, LHM Lone Peak Parkway South Zone Change and Text Amendment with the following conditions:**

- **The Southerland parcel is the only parcel allowed for multi family**
- **Multi-Family homes are only two stories and will comply with the entire town home zoning requirements.**

**Councilmember Vawdrey seconded the motion.**

**10:14:44 PM**

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

**10:14:56 PM**

12.0 **Public Hearing: Providing Local Consent for a Single-Event Permit for Leatherheads Sports Grill “Rocking Summer Nights”**

**10:15:21 PM**

12.1 Christina Oliver, Community Development Director, explained the business was requesting a single-event permit.

**10:16:54 PM**

12.2 Jeni Rasmussen and Jay Gibb, applicants, explained they were interested in hosting an outdoor performance. They asked if anyone had any questions for them.

**10:17:58 PM**

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

**10:18:15 PM**

12.4 Councilmember Green moved to provide local consent for a Single-Event Permit for Leatherheads Sports Grill “Rocking Summer Nights”. Councilmember Weeks seconded the motion.

**10:18:38 PM**

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

**10:18:47 PM**

13.0 **Public Hearing: Providing Local Consent for a Limited-Service Alcohol License for Side of Aloha**

**10:18:58 PM**

13.1 Ms. Oliver explained this was a new restaurant that would serve wine and beer. The application met all the requirements set by the State regarding alcohol.

**10:19:32 PM**

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

**10:19:42 PM**

13.3 Councilmember Lowery moved to provide local consent for a Single-Event Permit for a Limited-Service Alcohol License”. Councilmember Green seconded the motion.

**10:20:10 PM**

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

**10:20:17 PM**

**14.0 Discussion: Ordinance #1340, Small Wireless Facilities**

**10:20:35 PM**

14.1 Mike Barker, City Attorney, explained this was a new section to the City code. Wireless carriers were increasing their coverage by installing small wireless facilities around the City. He explained the small facilities covered more areas of the City by being more numerous throughout the City. These facilities were previously only regulated at the federal level. However, House Bill 189 allowed municipalities to pass an ordinance to collect taxes from these facilities. He explained these facilities were a permitted use in all zones subject to limited discretion by the City. Mr. Barker explained some carriers wanted to locate on Rocky Mountain Power poles, street lights, and traffic signal poles. The City was not allowed to limit where the various providers located their facilities. Mr. Barker discussed the fee structure and the license agreement. He explained the design requirements, application process and appeals process.

There was subsequent discussion about the design. Mr. Barker asked the Council to discuss and evaluate the ordinance.

**10:38:47 PM**

14.2 Richard Lee, Xtenet Systems, explained they were a neutral net provider. The poles they were proposing were 35 feet high. He said the poles in the residential area would be 27 to 30 feet high. They would attempt to use existing poles before installing their own. He explained they did not think the amount of poles would be excessive. He said he would be happy to meet with the Councilmembers to discuss the designs.

**10:42:17 PM**

14.3 Councilmember Lowery asked if the design would be consistent. Mr. Lee explained their goal was to be visually consistent. Councilmember Lowery asked how they would handle the standard Draper lights. Mr. Lee responded they would not use the nicer street lights for their facilities.

**10:45:03 PM**

**15.0 Recess to a Redevelopment Agency Meeting**

**10:45:18 PM**

**15.1 Councilmember Weeks moved to recess to a Redevelopment Agency Meeting. Councilmember Green seconded the motion.**

**10:45:34 PM**

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

**10:50:32 PM**

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

Councilmember Weeks reported town homes on 700 West were delayed. She explained the developer could not cut through the road to install the utilities. She asked Mr. Cooley to address this situation. Mr. Cooley said he did not know about the issue but would address it as soon as possible.

Councilmember Weeks asked if money was allocated to the Mehraban wetlands. Mr. Dobbins said they did set aside money and the money was allocated to the pond. Councilmember Weeks noted there was a problem with phragmites in this pond. Mr. Dobbins said they would look into the issue.

Councilmember Weeks questioned whether the crosswalk on Pioneer Road would be repainted. Mr. Cooley reported staff was in process of repainting the crosswalk. Councilmember Weeks wondered if flashing lights could be installed for safety. Mr. Cooley stated he would discuss the matter at the traffic committee meeting.

Councilmember Weeks explained there was interest in an ambassador program, and suggested the City could give the ambassador a scholarship. She noted this was popular with other cities.

**10:55:40 PM**

**\*\*** Councilmember Lowery asked if they had followed up with the Rosegate parking issue. Mr. Dobbins said staff was in the process of following up with Rosegate's new management. Councilmember Lowery asked if Rosegate would be regular apartments. Mr. Dobbins answered in the negative.

Councilmember Lowery asked if the Council supported the all-abilities playground. After subsequent discussion, the Council consensus was that they were in favor of looking into options and costs. Ms. Oliver explained what was needed in order to follow through on the project.

**10:57:45 PM**

**\*\*** Councilmember Vawdrey said she received calls about people getting wet due to the sprinklers turning on in parks during the fireworks show. She suggested they discuss this in the future.

**10:58:22 PM**

**\*\*** Mayor Walker explained Mr. Barker had been reaching out to citizens giving them information concerning the Moda Town Center. He said he was concerned that Mr. Barker did not have an ethical obligation to the citizens. He said his obligation was to the City Council and did not need to interpret things to the citizens. Mr. Barker was not the public's lawyer. Councilmember Green agreed and said he had to explain to people at his job that he represented the State of Utah, not the citizens. He suggested Mr. Barker craft an automated email explaining his obligations.

Councilmember Lowery said she appreciated Mr. Barker's enthusiasm. Councilmember Green suggested they consider hiring an individual whose primary responsibility is to interface with the public. Mayor Walker asked if the Council supported this. The Council agreed.

Mr. Barker stated he was trying to provide the needs of the residents. He said he understood the Mayor's concern and would discontinue this practice.

Mayor Walker thanked public safety staff for Draper Days.

**11:08:22 PM**

**16.0 Adjournment**

**16.1 Councilmember Green moved to adjourn the meeting. Councilmember Weeks seconded the motion.**

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

16.3 The meeting adjourned at 11:08 p.m.