

Approved February 19, 2019

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 5, 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

Dinner

Study Meeting

Scott Cooley, Director of Public Works, led a discussion on a cross section of 700 West and a decision to hold an open house. There was also some discussion regarding the road design and potential safety issues. Councilmember Lowery stated public input was only helpful if limited options were presented. The Council discussed limiting the impact of the road on the surrounding residents. After reviewing curb, gutter, and sidewalk, it was decided they would present plans at the open house and explain to the residents that deviations to the City's standards could not be made.

David Dobbins, City Manager explained that Council Meeting items were being noted on a spreadsheet program, which was helpful in organizing the assignments. This program was available as an app that Councilmembers could install on their phones and computers. Councilmember Green suggested having a meeting where they discussed these items in lieu of a retreat. It was decided they needed to set apart a time to discuss these items.

2.0 Presentation by Lime on Scooter program – Nate Curry

This presentation was continued to at date certain of February 19, 2019.

3.0 Council/Manager Reports

3.1 Councilmember Weeks reported the roundabout on 13200 East was congested, and asked if there were plans to expand the roundabout. Mr. Dobbins answered affirmatively, explaining that there were plans to use RDA funds to expand the roundabout next year.

Councilmember Lowery asked about the Rosegate building on Bangerter Highway. She explained the parking lot was always full for the nearby County park, and this was especially problematic with snow removal. Mr. Dobbins stated the property in question was owned by the County; therefore, it was the County's responsibility to handle snow removal.

** *The Council adjourned to a closed session to discuss litigation.*

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Deacon Paul Graham of the St. John the Baptist Catholic Church offered the prayer.

2.2 Fire Chief Clint Smith led the Pledge of Allegiance.

3.0 Approval of Proclamation – Honor the Blue Month

3.1 **Councilmember Green moved to approve the Proclamation, Honor the Blue Month. Councilmember Weeks seconded the motion. The Proclamation was approved unanimously.**

3.2 Councilmember Green and Mayor Walker expressed their thanks to the Police Department. Mayor Walker recognized Bill Rappleye for his work honoring the department.

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 Tony Nelson, resident, explained that the Council approved several resolutions in relation to the FrontRunner Station in 2015. He asked why money was still being given to Draper Holdings if they no longer held the property. He also asked why several developers had not paid their property taxes. The City was awarding these entities contracts while they were still delinquent in their property taxes. He asked the Council to require that all developers be current in their taxes before awarding any new projects.

Mr. Nelson also requested that the Planning Commission minutes be available as required by law.

5.0 Consent Items

- a. **Approval of January 22, 2019, City Council Meeting Minutes**
- b. **Approval of Jenson Farms Sewer Easement**
Approve Jenson Farms sewer easement on City Property. Staff: Russ Fox
- c. **Approval of a Small Cell Master License Agreement with Verizon Wireless (VAW) LLC.**
- d. **Approval of Interlocal Cooperation Agreement with Salt Lake County entering into an Interlocal Cooperative Agreement with Salt Lake County to allow Draper City to participate in the Salt Lake County Urban Wildlife assistance program.**

5.1 Councilmember Weeks moved to approve the consent items. Councilmember Lowery seconded the motion.

5.2 Councilmember Weeks thanked Chief Eining for his work to remove all the gas chambers from Draper.

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

6.0 Discussion: Ordinance #1374 and Ordinance #1375, Mountain Ridge Estates MPC Zone Change, Zoning Text Amendment and Development Agreement

6.1 Bruce Baird, speaking for the applicant, explained that he would give an update on the development. He reported that they had met with the neighbors about project changes. Using the aid of a PowerPoint Presentation, he reviewed said changes which addressed drainage, grading limits, open space, and the limits of disturbance. He asked that the Council continue this item so they could address all these issues.

*** Councilmember Summerhays recused himself from this discussion. He left the meeting at 7:12 pm.*

6.2 Councilmember Green said he did not feel there was any evidence the current use should be changed. There was also no evidence to change the density and to create a master plan community zone. He was also not in favor of the design for the retaining walls. Mr. Baird said he understood Councilmember Green’s concerns and could not argue against the concerns at this time.

Councilmember Lowery identified where the trails were located on the map. She asked Mr. Honeycutt to discuss how the design was like the Tall Woods development. Kyle Honeycutt, representing the applicant, explained there were differences between the two, but they were trying to preserve the natural vegetation. He said they would try to address specifics with staff and explained that the intent was to create natural lots.

Councilmember Green said he did not think this was the only way to develop the subject area. Mr. Baird stated they had eliminated half the lots and were able to develop the

property more naturally. He explained they wanted to eliminate as many retaining walls as possible.

- 6.3 Councilmember Lowery asked why a portion could not be preserved as open space. Mr. Baird explained that they did not want to go into detail until they had a more complete plan. He said they were willing to address all the legitimate concerns of the Council. He explained he was not being dismissive of Councilmember Green's concerns. They would not scale back the project further than they already had done.

Councilmember Vawdrey thanked the development team for their time working on this project. She said she understood they could not appease everyone. Councilmember Lowery thanked Mr. Honeycutt for listening to everyone's concern.

- 6.4 **Councilmember Lowery moved to continue Ordinance #1374 and Ordinance #1375, Mountain Ridge Estates MPC Zone Change, Zoning Text Amendment and Development Agreement as a Public Hearing to a date certain of March 5, 2019. Councilmember Weeks seconded the motion.**

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

- 7.0 **Public Hearing: Ordinance #1380 and #1381, Veranda West Transit Station District Text Amendment and Master Area Plan, on the request of Adam Lankford, representing Wasatch Residential Group, for the Veranda West Transit Station District Text Amendment and Master Area Plan on the property located at approximately 13638 South 600 West, covering 32.81 acres of land.**

- 7.1 Jennifer Jastremsky, Planner, explained UDOT no longer had use for this area and wanted to sell the subject property. This property would be designated a TSD zone. She said the TSD zone had a different intensity than other zones and a different set of requirements would need to be followed. She discussed the design, traffic, and code requirements.

** *Councilmember Summerhays returned to the meeting at 7:40 pm.*

- 7.2 Councilmember Lowery asked about the trail transition through the development. Ms. Jastremsky explained that the TSD code required public trails to be a part of the open space. She noted the Planning Commission recommended approval on this item.

Councilmember Weeks said the biggest concern of the residents was parking and maintaining a sense of community. She asked if more commercial could be included, and suggested adding some restaurants and grocery stores. Ms. Jastremsky said staff and elected officials could have this conversation with the applicant. Councilmember Weeks asked if they could include a maximum number of units, to which Ms. Jastremsky responded the requirements were set by the code.

7.3 Councilmember Green asked what the vested rights were. Ms. Jastremsky explained that the TSD zoning required the developer to designate a sub-zone. Councilmember Green said he had questions about market research for commercial businesses due to the changing economy.

7.4 Councilmember Summerhays asked about hotels. Ms. Jastremsky showed the Council the map of the project and the potential options for commercial buildings.

7.5 Adam Lankford, applicant, said the Boyer Company and the Gardner Company were partners on the commercial component of the project. He said they wanted to build on the success of the area. Their goal was to create an office campus that would still be busy at night. He explained the mix use was beneficial to positive economic growth and flexibility.

Councilmember Green asked if any of the street frontages could be used for retail. Mr. Lankford said they planned on building retail around the property, noting that the retail situation had drastically changed recently.

Councilmember Lowery expressed concerns with the residents being isolated. Councilmember Weeks was concerned about the number of stacked flats and said there was not enough parking and retail. Mr. Lankford explained that they were including the amount of retail they thought was sustainable; however, they were willing to make changes if the market changed.

Mr. Lankford said he disagreed that there was no sense of community. He explained people wanted to live and work in their properties. Several amenities were included to make the area pleasant. Additionally, they had not received a lot of complaints about parking.

7.6 Councilmember Summerhays suggested including a parking structure. Mr. Lankford said they had guidelines for including a parking structure, but businesses and residents were a good use for shared parking.

7.7 Mayor Walker opened the public hearing.

7.8 Tony Nelson, resident, said he agreed they needed more restaurants. He was not against the development, but it needed to have more amenities for the residents. He did not agree this was good enough for the City.

7.9 James Dilliam, resident, expressed his concern about having nefarious people living in the apartments. He said they needed a better sense of community.

7.10 Mayor Walker closed the public hearing.

7.11 Councilmember Green moved to continue Ordinance #1380 and #1381, Veranda West Transit Station District Text Amendment and Master Area Plan, to a date certain of March 5, 2019. Councilmember Vawdrey seconded the motion.

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

8.0 Public Hearing: Resolution #19-07, amending the Fiscal Year 2018-2019 General Fund Budget.

8.1 Jared Zacharias, Finance, gave a summary of items on the general fund budget. In reference to the Police annex, Councilmember Weeks asked if the funding from the police impact fees was just for the officers' use of the building. Mr. Zacharias responded that some of the city staff may be able to use the expansion. Councilmember Green asked which fund paid for the Police Department, and he was informed that Department was funded 76% from the General Fund and 24% from the police impact fees.

Councilmember Weeks asked if the trailer for Parks and Recreation was for lawnmowers. Mr. Ogden stated the biggest need was for fertilizer.

Mr. Zacharias explained that there were staff changes to change two part-time positions to one full-time position. He said this would not change the cost to pay for the position. Councilmember Green asked which position this was. Mr. Zacharias said they worked in the Parks and Recreation department.

Councilmember Weeks asked where the new crossing guards would be located, which Chief Eining subsequently identified.

8.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed public hearing.

8.3 Councilmember Green moved to approve Resolution #19-07, amending the Fiscal Year 2018-2019 General Fund Budget. Councilmember Weeks seconded the motion.

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

9.0 Action Item: Jenson Farms Final Plat Conditions Modifications. Modifications to the Jenson Farms final plat conditions of approval so they match the approved development agreement.

9.1 Maryann Pickering explained there were no changes and this action would be to have the conditions of the Development Agreement and Approval match. Councilmember Summerhays asked if she had any problems with the issue, to which Ms. Pickering responded in the negative.

9.2 Councilmember Green moved to approve the Jenson Farms Final Plat Conditions Modifications. Councilmember Vawdrey seconded the motion.

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

10.0 Action Item: Approval of Draper City Council/Staff Interaction Policy

10.1 David Dobbins, City Manager, explained that he made some minor changes to the above-stated policy. He explained some language changes staff made in the document. They also addressed compliance for violations.

10.2 Councilmember Weeks suggested that the repercussions for violations be in steps. Councilmember Green said the repercussions needed to be proportional.

Councilmember Vawdrey said this gave opportunities to the Council to judge the situation. Mr. Dobbins explained that the document gave the Council and Mayor more than one option. Councilmember Lowery said they could add an option that was just a verbal reprimand; everything would be policed by the Council.

Councilmember Weeks asked how this was balanced, noting that personal feelings could move the Council to be harsher on some Councilmembers more than others. Councilmember Summerhays suggested that new Councils could make changes to the document. Mr. Dobbins said this would be self-enforcing and City staff played no part.

Councilmember Lowery suggested adding a verbal warning as an option.

10.3 Councilmember Green moved to approve the Draper City Council/Staff Interaction Policy adding informal verbal warning as a sanction. Councilmember Lowery seconded the motion.

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

11.0 Council/Manager Reports if needed

11.1 David Dobbins, City Manager addressed the claim brought forth to by Tony Nelson. He explained the City owed the original developers money, who then sold it to The Boyer Company. The conditions of the contract included that the money owed would be split between the buyer and the seller.

12.0 Adjournment

12.1 Councilmember Green moved to adjourn the meeting.

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

12.3 The meeting adjourned at 8:41 p.m.

