

Approved April 21, 2020

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 7, 2020, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey

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; Christina Oliver, Director of Community Development; Clint Smith, Fire Chief; and Bob Wylie, Finance Director

ELECTRONIC MEETING

This meeting was held via electronic means

This meeting was held as an electronic meeting pursuant to Draper City Resolution #14-54. As restrictions take place across the State for limiting public gatherings, we want to make sure everyone interested in participating in City Council meetings can do so in a manner that they feel most comfortable. Individuals could participate by:

1. Listening through the Draper City Website: <https://www.draper.ut.us/95/Agendas-Minutes>
2. Emailing comments to public.comment@draper.ut.us by 5 p.m. on the day of the meeting. These will become part of the public record.
3. Requesting the Zoom Meeting ID from public.comment@draper.ut.us by noon, April 7, 2020, to be able to speak during the Public Hearing portions of the meeting.

Study Meeting

1.0 Council/Manager Reports

- 1.1 Councilmember Tasha Lowery asked if Scott Cooley, Public Works Director, could provide an update on the Bangerter Parkway project.

Scott Cooley, Public Works Director, said that they are currently doing concrete work such as the median barrier, as well as sidewalks, curb and gutter. Once that is complete, hopefully, next week, they will start milling the entire roadway to be able to pave the road. Councilmember Lowery asked if the concrete barriers underneath the bridge will be removed at the end of the project or if they were permanent. Mr. Cooley said they were permanent. Councilmember Lowery asked if they were there to add stability to the bridge. Mr. Cooley said they served as a crash barrier to protect vehicles from crashing into the support of the bridge. He said that it had to be tall because of the proximity of the barrier to the structural elements of the bridge.

- 1.2 Councilmember Marsha Vawdrey wanted to know about the Community Connect interface utilized by the Fire Department. She wanted to know how that information was going to be used and protected. She said that people are feeling a little nervous right now about government overreach on their lives.

Clint Smith, Fire Chief, said that the Community Connect platform is a 100 percent secure site that uses the same level of encryption as banks. The information that would be requested would not be used by anyone but the Fire Department in responding to the particular addresses of citizens who have given their information. He explained that the site was tied into the First Due platform which inputs information from the county assessors database to the Fire Department's GIS data to help the department build and has as much information at their disposal to be more effective in their response to a resident's call (fire or medical). He also stated that because the security of the information he met with Laura Oscarson, City Recorder, to ensure that the records would be considered private and protected and would never be able to be released.

He explained the type of information that they were requesting, personal information such as name, email and phone number; information about the type of dwelling, the sprinkler system, and if there are fuel storage tanks, etc., the number of residents per household; if there were mobility challenges for any of those residents; the number of pets and pictures of those animals; and a COVID-19 tile to self-report if anyone in the household has been diagnosed with the disease or been exposed. Chief Smith said that ultimately the information is to allow the Fire Department to offer the best care possible, particularly during this time of heightened risk.

Councilmember Tasha Lowery shared her experience of creating a profile. She said that it was quick and easy to do. She said that she appreciated the inclusion of pets. She also stated that she appreciated that residents can opt-in if they want to, but are not required if they don't.

- 1.3 Russ Fox, Assistant City Manager, provided an update on the City's outreach regarding COVID-19. He said that they have continued their weekly email updates that were sent out every Wednesday. He said that they primarily provide business resources as well as a survey of the business community. Draper also has a COVID-19 specific webpage of resources for businesses that aggregates information from Salt Lake County and the State's websites. Also, the City has been doing social media highlights of different businesses. The businesses themselves provide the information to the City through a Google Form which the City then posts. Initially, they had been going out once a day, but because of the popularity, they are now going out twice a day.

Utilizing the database of businesses who have applied for licenses through Draper City, staff has reached out with a survey to check-in and get feedback on the needs of local businesses. Overall, they have 1,200 businesses in the City and have had a good initial response rate.

Mr. Fox then reported on some of the results of the survey:

- Of those who took the survey, 46.2% of the individuals affiliated with the businesses were Draper residents.
- Nearly every industry type was represented, but retail was the primary business type representing
- 18.7% of all the businesses that responded were retail, followed by restaurants.
- 34.1% of the businesses that responded had been in business for more than 10 years.
- 31.9% of businesses had to lay off employees as a result of COVID-19.
- Only 34.4% of businesses found Ordinance #1430 that waived fees associated with banner signs helpful compared to 53.3% that did not find it helpful.
- The primary needs and concerns of respondents included: paying rent, paying employees, access to capital, cash flow, the supply chain, and bankruptcy.
- When asked what other resources might be helpful, respondents stated the area that the City could assist with was increased marketing needs.
- 65.6% of businesses said they would be interested in having their business highlighted on the City's communication platforms.

In response to these results, Mr. Fox outlined things the City could consider. First, he suggested social media advertising paid by the City to help with businesses' increased marketing needs. Also, they could consider including links to businesses on the City website. He also said there could be some city-sponsored physical signage.

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Consent Items

- Approval of March 10, 2020, City Council Meeting Minutes**
- Approval of March 19, 2020, Special City Council Meeting Minutes.**

2.1 Councilmember Tasha Lowery moved to approve the consent items. Councilmember Fred Lowry seconded the motion.

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

3.0 Public Hearing: Ordinance #1426, amending portions of Chapter 9-18G of the Draper City Municipal Code as it pertains to the Lone Peak Commercial Special District. (Legislative Action) On the request of Price Realty Group to amend various sections of Chapter 9-18G (Lone Peak Commercial Special District) of the Draper City Municipal Code. The project is located near the northwest corner of 12300 South and Lone Peak Parkway and is zoned CSD-LP (Lone Peak Commercial Special District)

- 3.1 Maryann Pickering, Planner, explained that the applicant owns the properties within the CSD and is the primary development in the area. It was the applicant who proposed the CSD which was approved in June of 2012. The applicant requested the text amendment to update some standards which were no longer up-to-date or compatible with the development process. A similar text amendment process was approved by the Council in July of 2019.

Modifications to the standards would address areas including standards that are outdated or not compatible with current development processes, updates on the design and materials allowed for retail and office, parking requirements, landscaping amounts, and plant type buffers, lighting standards and policies surrounding pylon and monument signs, and allowing the zoning administrator to administratively approve all site plans in the CSD.

Proposed changes would include new standards for outdoor art located on private property within the CSD; increasing the width of drive approaches in the CSD from 36 feet to 50 feet to accommodate businesses' trucks for Lone Peak Biotech; permitting an archway sign over the entire span of the street (similar to Draper Peaks), and one additional sign exhibit.

Ms. Pickering displayed a rendering of the type of sign the applicant was requesting and explained that the sign was intended to be architecturally compatible with the new Lone Peak Biotech buildings. She explained that it met the code so by adding the exhibit, the Council would be permitting staff to review it against the code. The Planning Commission unanimously recommended approval with one change: a clarification that trash enclosures would be decorative masonry or concrete. That change had been incorporated.

Ms. Pickering then displayed images of where the proposed sign and arch would be and explained that they both met the minimum height requirement of the Fire Department. She said that both she and the applicant were available for questions.

- 3.2 Councilmember Marsha Vawdrey asked about the number of changes the applicant requested and asked Ms. Pickering to explain how all of this came about. Ms. Pickering explained that it was primarily due to the Lone Peak Biotech building that was under construction. The applicant felt that because the CSD was seven or eight years old it was outdated with older style architecture. They hoped to be able to update the entire business park. Staff felt that all the changes were like other CSDs that had been approved within the City recently.

Councilmember Vawdrey asked if she felt that the archway was appropriately set back from the traffic signal. Ms. Pickering said that because the Draper Peaks arch had some lighting on it that was confusing. However, this arch's color and distance from the signal would not cause the same problems.

Councilmember Tasha Lowery asked for clarification if the archway only went into the Biotech building. Ms. Pickering said no. The arch would span 225 West and would also be in front of the Starbucks slated for construction.

- 3.3 Councilmember Fred Lowry wanted to know if this was only the second entrance with an arch in the City. Ms. Pickering confirmed that the only other arch she was aware of was Draper Peaks.

Councilmember Lowry wanted to know the impacts of approving the arch. He wondered if it would lead to additional requests. Ms. Pickering said that was possible and that it would be a good question of the applicant as to why they were requesting it.

- 3.4 Councilmember Marsha Vawdrey asked if the Council approved the additional sign exhibit if it needed to be included in the proposal. Ms. Pickering said yes it would need to be included. Staff would recommend this as exhibit D1.

- 3.5 Steve Price, the applicant, explained the history of the park and stated that it began as Dale Ballard's park in 1991 which he continued to construct in three phases in 1993, 1997 and 1998. He continued to outline the park's expansion since under his ownership. He said that this is the only life science, bioscience and medical science park in this time zone. This means that it provided unique services. He cited that one of the nine COVID-19 testing options recently approved by the FDA came from one of the park's tenants Spectrum Solutions. He said with the new buildings under construction currently they felt they needed to create a more cohesive feel of the architecture of the building while differentiating the types of businesses housed in them. The archway and signage were intended to create a corporate identity. He explained the archway would fall over a private road that was paid for by the Commercial Special District (CSD) and mentioned that they also paid for the stoplight.

- 3.6 Mayor Walker opened the meeting for public comment, no one chose to speak so Mayor Walker closed the meeting for public comment.**

- 3.7 Councilmember Marsha Vawdrey moved to approve Ordinance #1426, amending portions of Chapter 9-18G of the Draper City Municipal Code as it pertains to the Lone Peak Commercial Special District with items added: (1) the drive approach would be separated by 200 feet minimum, (2) the archway would be subject to the City engineer's approval and (3) exhibit 1D be added to the approval. Councilmember Tasha Lowery seconded the motion.**

Councilmember Marsha Vawdrey stated that she felt that this would be a beautiful addition to that area.

Councilmember Tasha Lowery said that she liked the idea of modernizing that area and she felt that it was great to continue attracting more business and job opportunities there.

- 3.8 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**

- 4.0 Public Hearing: Ordinances #1424 and #1425, EPG Pony Express Development Agreement Request, Land Use Map Amendment, and Zoning Map Amendment**

(Legislative Action) A request by C. Ryan Dickson, representing Exeter Draper PSA, LLC, for approval of a Development Agreement, Land Use Map Amendment from Residential Low/Medium Density and Community Commercial to Business/Light Manufacturing, and a Zoning Map Amendment from the RA1 (Residential Agricultural, 40,000 square foot minimum lot) Zone to M1 (Light Manufacturing) for the redevelopment of the Greenfield Farms Subdivision into a warehouse distribution development. The project is located on multiple properties - the Greenfield Farms Subdivision (all of Wheatfield Circle; all of Wheatfield Way; 79, 101, & 123 W Golden Harvest Road).

- 4.1 Pete Kane, Planner, explained that the item before the Council was three application requests. The first was for a 22-lot, single-family residency subdivision called Greenfield Farms. The subdivision was created in the 1970s and is located south of Golden Harvest Road and West of Pony Express Road and I-15 and north of 13100 South and east of the Jordan-Salt Lake Canal and the Lone Peak Parkway. The application was for a development agreement, a land use map amendment and a zoning map amendment to redevelop the site into two warehouse distribution buildings.

Mr. Kane then provided some context of the neighborhood. First, he showed an image facing south down Pony Express Road that demonstrated the proximity of I-15 to the current subdivision. Next, he showed a viewpoint looking east that looked onto Lone Peak Parkway that showed a Utility Transmission Corridor and a destination commercial zoning district near the adjacent to the subdivision. Mr. Kane also showed images taken within the subdivision at Wheatfield Way and Wheatfield Circle to get a sense of the style of the neighborhood. Following this, he showed the neighborhood from the same place from a different direction to show that both I-15 and the Utility Transmission Corridor were visible from within the subdivision.

Mr. Kane displayed a concept plan of the redevelopment of the property with the two warehouses structures, updated parking, and access points. He clarified that although there was a parking lot on the concept plan between Lone Peak Parkway and the Utility Corridor, that was not an item under discussion. Also, Mr. Kane stated that the three requests before the Council were a first step in redeveloping the property. The applicant still needed to do a site plan and review process for the siting of the buildings, parking lots and access ways, as well as do a vacating of the subdivision and roadways that currently exist within the property.

Mr. Kane displayed the proposed landscape plan as well as some renderings of the proposed distribution buildings that were intended for the development. He noted that the Greenfield Farms subdivision was the last residentially zoned area along the I-15 corridor in Draper. He then addressed the three requests:

1. **Zoning Map Amendment:** The area was zoned RA1, residential agricultural with a 40,000 square foot lot minimum. The applicant requested this be rezoned M1, light manufacturing zone. The zoning map revealed that to both the north

and south the property under discussion was surrounded by commercially zoned areas. To the north-west, there was already an M1 zoning district as well.

2. **Development Agreement:** The developers requested a development agreement because it would modify the permitted use for the M1 zone as it applied to the subject property. It was not a request to change M1 zoning city-wide, but just on that property under discussion and would maintain all other regulations and requirements for M1 districts as they apply to the subject property. Essentially the development agreement would be modifying some of the permitted uses making many of the uses more restrictive except for general retail. The rationale with this was based on the fact that areas to the north and south were already commercial districts where retail was already a permitted use.
3. **Land Use Map Amendment:** The subject property had two land use designations. Twenty of the properties had a designated land use of Community Commercial, with two properties having Residential Low-Medium Density land use. The applicant requested all 22 properties have the Business/Light Manufacturing land use. The Light Manufacture (M1) zone is the preferred zoning district under that land use. The current Community Commercial land use is similar to most of the properties in the surrounding area except for one property that has an Industrial Manufacturing land use to the northeast.

The Planning Commission reviewed the requests on Thursday, April 2, 2020, and recommended approval on all three requests with a vote of five to zero. Both Mr. Kane and the applicant were available for questions.

- 4.2 Councilmember Fred Lowry stated that Mr. Kane offered a very thorough presentation. He stated that he knew that the property to the west was not part of the application, but wanted to know more about the concept behind the parking lot.

Mr. Kane said that the applicant plans to secure the rights to that land to be able to put a parking lot there as additional parking for trailer parking should they have overflow needs. Because it fell within the utility corridor, structures would not be able to be developed on that plot of land. Because of this, although it is currently zoned residential, residential homes would not be able to be built there.

Councilmember Lowry also asked if any sort of traffic study had been completed to understand traffic flows or if that type of study would be anticipated later. Mr. Kane said that a traffic study would be part of the site plan review process that would address the proximity of access points, the load ability on surrounding roadways and the flow of traffic.

- 4.3 Ryan Dickson, applicant, thanked the Council for allowing the public to engage in civic matters during these times and stated that was outstanding. He said that as developers they were excited about the project and Draper. They studied the best use and what the demands of the area are in Draper and believed the project fits in nicely with those metrics. He said that it was a pretty remarkable process to engage with 22 homeowners to be able to bring this process together. He wanted to commend them for coming together to be able to do

this project. In response to Councilmember Fred Lowry's question about traffic, Mr. Dickson stated they had already completed a traffic study and were willing to share those findings.

- 4.4 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**
- 4.5 Councilmember Tasha Lowery moved to approve Ordinances #1424 and #1425, EPG Pony Express Development Agreement Request, Land Use Map Amendment and Zoning Map Amendment. Councilmember Fred Lowry seconded the motion.**
- 4.6 Councilmember Tasha Lowery stated that they have all seen a lot of change going on in the neighborhood and she said it speaks to this project that all the neighbors have joined together to see it come to fruition. She said that she thinks there was a lot that could happen here with the surrounding development and buildings. She said she felt this project made sense at the proposed location.
- 4.7 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**
- 5.0 Public Hearing: Resolution #20-15, amending the Fiscal Year 2020 Budget (Legislative Action) Approve Resolution #20-15, amending the Draper City Budget for Fiscal Year 2020.**
- 5.1 Bob Wylie, Finance Director, explained that the item brought before the Council was the re-opened budget for nine items:
1. **FY20-34** (Oak Vista Waterline & PRV): Staff requested additional funding of \$800,000 for the Oak Vista Waterline and PRV project due to increased construction costs. The capital project was approved in the original FY2020 budget (CIP20-06) for \$900,000. Funding for the request would come from the Water Fund, Fund Balance.
 2. **FY20-35** (Highland & Vestry Traffic Signal): Staff requested additional funding for the Highland Drive & Vestry Traffic Signal. The capital project was approved in the November 2019 re-opened budget (CIP20-14) for \$200,000 using General Fund money. After the engineering review and a traffic study, it was determined that the right turn lanes were needed. Due to increased cost, an addition \$440,000 was requested. After further review, the project could be funded by Transportation Impact Fees and B&C funds. The overall project would cost \$640,000. \$410,000 would come from the Transportation Impact Fees, \$100,000 from B&C funds (CIP19-27) with the remaining \$130,000 from the original General Fund allocation. \$70,000 of the original General Fund money would be transferred back.

3. **FY20-36** (Reoccurring CIP Projects): Draper City has several reoccurring Capital Improvement Projects (CIP) that staff has requested funding for in the current FY2020 budget. The funding for these projects would come from unallocated funds from previously closed projects totaling \$571,300. The closed projects and unallocated funds include: \$146,300 from Building Maintenance (CIP0075), \$150,000 from Fire Apparatus Replacement (CIP18-27), \$80,000 from Playground Replacement (CIP19-01), \$75,000 from Traffic Calming Devices (CIP20-21), \$100,000 from Parks Pavements Program (CIP20-23), and \$20,000 from Closed Project Contingency (CIP20-24).
4. **FY20-37** (City Hall Parking Lot Expansion): Staff requested \$300,000 in funding to expand the parking lot at City Hall. Currently, the east side of the rear parking lot where the dumpster and recycling bin are located does not have asphalt. The project would grade, prep and cover the area with asphalt. Funding for the request would come from the General Fund Balance Appropriation.
5. **FY20-38** (Infill Study): Staff identified a need to review all current development in Draper City and create infill master plans that are geographically based, rooted in national best practices, and eventually adopted as an ordinance. Funding of \$150,000 would come from the General Fund Balance Appropriation.
6. **FY20-39** (City Hall Building Improvements): The current budget has a capital project for City Hall Building Improvements (CIP19-020). This project account, with a current balance of \$143,100, is used for building remodel and upgrades. Staff requested an additional amount of \$400,000 be added which would come from reallocating Road Project (CIP19-35) funds which have been present since last year.
7. **FY20-40** (Fleet Replacement): Staff requested \$200,000 of additional funding to replace vehicles within the Fleet Division in the General Fund. The request will help in the annual replacement of 13 vehicles that are scheduled in FY2021's budget. Funds for this request would come from a General Fund Balance Appropriation.
8. **FY20-41** (East Jordan Canal Trail – CIP0013): The City received bids for the north segment of the East Jordan Canal Trail from Carlquist Drive to Willow Spring Drive. The lowest bid came in over the existing budget. Because of this, the City staff requested additional funding to award the full project. After additional funding of \$40,000 from Park Impact Fees, the project will amount to \$317,785.
9. **FY20-42** (Fire Department): As the City continues to add more large office and residential buildings, the Fire Department needs a reserve aerial apparatus. The Unified Fire Authority is selling an apparatus that would be a good reserve for the City and is available for purchase now. The funding amount of \$140,950

would cover several items: \$90,000 for a 1999 75' Pierce Aerial, \$39,655 for small equipment, \$3,542 for radios and chargers, \$2,390 for lettering and striping, and \$5,363 for Firecom headsets.

- 5.2 Councilmember Marsha Vawdrey asked for clarification of the funding sources for the reoccurring CIP projects. She wanted to know if those were items that they just set money away for every year.

Bob Wylie, Finance Director, said that was correct. He explained that the City tries to match the current depreciation the City has on the current fire trucks, etc. to ensure they have funding in the future to replace those items.

- 5.3 Councilmember Cal Roberts wanted to know the thought process behind the Infill Development Study. He wanted to know if that was a project that they would bid out to a contractor and what the process and timeline for that project would be.

Bob Wylie, Finance Director, said that project would be put out through an RFP process. He said he was unsure of the timeline of the project. He asked Christina Oliver, Director of Community Development, if she knew the timing of the project. He explained that because the money would be placed in a CIP, it could be carried over from one fiscal year to another.

Councilmember Roberts then asked what the useful life was for vehicles in the fleet in how often they needed to be replaced.

Mr. Wylie said it depended on the type of vehicle. This was determined by the fleet manager who maintained a replacement schedule. Police cars were on a six-year replacement program, whereas parks vehicles were replaced every ten years. He said that although he doesn't currently have the fleet replacement schedule he could provide it to the Council. He also said that when new vehicles are purchased older vehicles were surplus and the amount of their sale was recouped in the General Fund.

Lastly, Councilmember Roberts asked about the aerial apparatus to better understand the logic of the request.

Clint Smith, Fire Chief, explained the City currently only has one real apparatus that runs out of Station 21 on 12300 South. Any time the apparatus goes down for repairs or service, the City has no reserve apparatus to provide that service within the City. Draper thus becomes reliant on neighboring cities like South Jordan, Sandy or Unified Fire. Having a second apparatus would provide the Fire Department with depth to be able to continually provide that service internally to residents. He explained the Fire Department has been shopping around for a while to buy a second apparatus and just happened to discover this one for sale, in good shape and at a good price.

Councilmember Roberts asked about the useful life of the piece of equipment and what the cost was to purchase the piece of equipment new.

Clint Smith, Fire Chief, said although the apparatus was a 1999 model it recently had a full retrofit and rebuild with the motor and transmission replaced in it in 2013. The department felt that because it would be used in reserve capacity that it would have a lot of useful years of capacity in it. When the United Fire Association (UFA) surplused the piece of equipment their maintenance team recommended they keep it and surplus some newer pieces of equipment. To purchase a new aerial apparatus today costs between 1 and 1.2 million dollars.

- 5.4 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**
- 5.5 Councilmember Vawdrey moved to approve Resolutions #20-15, amending the Fiscal Year 2020 Budget. Councilmember Tasha Lowery seconded the motion.**
- 5.6 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**
- 6.0 Action Item: Ordinance #1427, adopting a Temporary Land Use Regulation regarding Draper City Municipal Code Section 9-27-090 temporarily prohibiting the filing of new development applications that would create or develop a flag lot. (Legislative Action)**
- 6.1 David Dobbins, City Manager, explained that the Council and staff had previously discussed flag lots and issues concerning setbacks and building heights. In the past, the Council had approved these lots only to have them developed in ways they didn't like. Moving forward the City had two options: (1) continue to allow flag lots under the current code while staff works to amend the code, or (2) add a moratorium on new flag lots until the new code is written. He stated that this action item differed from what the Council approved in the budget for the infill survey as it would give staff six months to implement the new regulation without the worry of someone coming in with a new flag lot.
- 6.2 Councilmember Fred Lowry asked what was the staff's timeline to be able to review the flag lot issue. David Dobbins, City Manager, said that they could come up with the basic components of the new code in a few months. He said the code would have to go to the Planning Commission and the City Council with a public hearing before approval. He estimated three months. Councilmember Lowry said he thought it was wise for the City to review this issue.
- 6.3 Councilmember Tasha Lowery agreed with Councilmember Lowry that a consensus was needed so that they could standardize these types of approvals.
- 6.4 Councilmember Marsha Vawdrey also agreed and felt that they should try and move the item forward as quickly as was reasonably possible.

6.5 Councilmember Fred Lowry wanted to verify that they do not currently have any applications regarding flag lots. David Dobbins, City Manager, said that was correct.

6.6 Councilmember Marsha Vawdrey moved to approve Ordinance #1427, adopting a Temporary Land Use Regulation regarding Draper City Municipal Code Section 9-27-090. Councilmember Fred Lowry seconded the motion.

6.7 Councilmember Marsha Vawdrey restated that she felt this was an important action item but emphasized they should try and resolve it as quickly as possible. Councilmember Tasha Lowery agreed.

** *Councilmember Roberts left the Zoom meeting at 8:05 p.m.*

6.8 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, and Vawdrey, voting in favor. The motion passed 4-0 with Councilmember Cal Roberts no longer on the Zoom platform.

7.0 Action Item: Ordinance #1428, amending Title 12 of the Draper City Municipal Code Regarding Flood Damage Prevention (Legislative Action). The modifications being considered in Title 12 include adopting the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), correcting language found in the current code, and updating Title 12 to comply with current standards.

7.1 Brien Maxfield, Engineering Department, oriented the Council as to why the update was requested. He said it was spurred by the City's participation in the National Flood Insurance Program (NFIP). He explained that the program was operated by the Federal Emergency Management Agency (FEMA) that offers low-cost flood insurance to individual homeowners and business owners that are adjacent to or within flood zones. One of the criteria of the program is that the community adopts the specific standards that are a part of the program and the specific studies and maps associated with it. He said that the primary purpose of tonight's update was to adopt the new NFIP maps that were updated for Utah County. He said that Salt Lake County was currently in the process of being updated. Although they were unsure when FEMA would update the Salt Lake County Maps when they were updated they would require another amendment.

The code changes Mr. Maxfield recommended would satisfy FEMA's requirement to adopt the updated NFIP maps, reflect required updated standards, and amend some existing grammatical errors in the code. Also, the approval of Ordinance #1428 would change the designation of the floodplain administrator to the City Engineer, Scott Cooley, from the Director of Community Development, Christina Oliver. The action would also establish that the development permit language required by FEMA was equivalent to the Land Disturbance Permit determined in DCMC 18-2-010 of the City's code and bring Title 12 of the City code into compliance with the City's variance and appeal procedures. Lastly, building standards would be updated to be in accordance with those outlined by FEMA for dwellings in or adjacent to a floodplain.

** *Councilmember Roberts rejoined the Zoom meeting at 8:09 pm.*

7.3 Councilmember Fred Lowry moved to approve Ordinance #1428 amending Title 12 of the Draper City Municipal Code regarding Flood Damage Prevention. Councilmember Marsha Vawdrey seconded the motion.

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

8.0 Action Item: Resolution #20-19, Approving, Ratifying and Extending the Mayor's Proclamations of a Local Emergency (Administrative Action)

8.1 Mike Barker, City Attorney, explained that on March 12, 2020, Mayor Walker in his capacity as Draper City's Chief Executive Officer issued a Proclamation of Local Emergency. Subsequent to that the Mayor signed five more proclamations that have addressed issues ranging from personnel policies, interim succession, limiting gatherings, amending the City Council meetings and rules to take advantage of Governor Herbert's Open and Public Meeting Act, and adopting Salt Lake County's Public Health Order 2020-03 to make it effective throughout the Draper City limits. Mr. Barker explained that the Mayor has the initial authority to declare a state of emergency, however, state code requires that the legislative body, the City Council, review that within 30 days of him taking that action.

The request is for the City Council to ratify and adopt the proclamations Mayor Walker has made to ratify the actions that staff has taken in furtherance of those proclamations, and also to authorize the Mayor to continue to exercise his statutory authority to manage the City's response to the COVID-19 pandemic.

8.2 Councilmember Fred Lowry asked Mr. Barker what were the consequences or next steps if the Council did not approve or extend the state of emergency.

Mr. Barker said that one consequence was no longer having access to funds. He said that perhaps equally as important was that it would impact the City's ability to respond in a timely and quick manner to a situation that has changed quite rapidly from day-to-day. Mr. Barker explained that one of the first proclamations Mayor Walker made after declaring the state of emergency was to authorize the City Manager to adopt temporary personnel policies. That had been important because since declaring the emergency on March 12, 2020, the federal government passed a law regarding COVID-19 leave.

David Dobbins, City Manager, stated that if they do not approve the proclamations in this manner than the City Council would have to adopt all the changes. For this to happen additional City Council Meetings would need to be scheduled with these as action items where the Council would have to vote on each one.

8.3 Mayor Walker said that this was unprecedented action for him as Mayor. He explained that Draper City took the lead on this type of action because they believed residents had

some direct exposure at City Hall. He said that the key thing he wanted the Council to know was that he was 100 percent cognizant of the economic upheaval that COVID-19 has caused not only the City's economy but the local, state and national economies. He said that he was also aware that no one knew how the pandemic would play out in regards to the number of infected people who would turn into hospitalized people, who would turn into deaths as a result of COVID-19. He believed they had been fortunate in the State of Utah to not experience as high of numbers as was predicted. He recognized concerns regarding civil liberties and constitutional rights but wanted the Council to know that as Draper's Mayor he was focused on trying to make actions at the minimal level and still protect residents. He recommended they continue the state of emergency for at least another 30 days or until the County lifts its order to give the City the flexibility to respond. He commented on the fact that although the County order was stricter than the State order, though not by much, he felt that it was still flexible enough that people could accomplish what they needed to and keeps the public in mind in the case of a more serious outbreak, sickness and loss of life.

- 8.4 Councilmember Cal Roberts asked how the expanded emergency powers comport with the county's order. He wanted to know if they were not already bound to do these things by the county.

Mayor Walker said that Draper City was bound by the County health department's order that is accompanied by criminal penalties of a Class B misdemeanor on the first offense and a Class A misdemeanor on the second offense. However, the City has some unique things they have to do at a City level, such as how they handle City public safety and personnel issues. He stated that all decisions on public safety were made in consultation with the Police Chief, Fire Chief and, City Attorney. Although Draper has experienced cooperation from its residents, when the police officers have had to intervene, they have been able to do so with gentle warnings to disperse and without issuing citations.

Councilmember Cal Roberts stated he appreciated the quick decisiveness given the context of the situation and what was happening in Salt Lake, within the state and nationwide. He asked if there was any sense of the impact this would have on the City's sales tax base.

David Dobbins, City Manager, said that staff has not modeled that impact yet because they don't know the length or severity of the pandemic. He said that some cities have estimated that if the pandemic lasts for another month there would be a 20 percent reduction in the annual sales tax. The staff has begun to look at how that would affect the annual budget in 2021 as they have funding through 2020. However, 2021 would be a challenge to project because the City is so dependent on sales taxes for its budget.

- 8.5 Councilmember Tasha Lowery said that the ability to respond in a timely and quick manner to rapidly changing conditions cannot be overvalued. She said that she feels the City has been able to do so because of the emergency order. She also said that she felt the communication from the Mayor and Mr. Dobbins had been excellent.

8.6 Councilmember Marsha Vawdrey moved to approve Resolution #20-19, approving and ratifying and extending the Mayor’s Proclamations of a Local Emergency. Councilmember Tasha Lowery seconded the motion.

8.7 Councilmember Marsha Vawdrey stated her appreciation for Mayor Walker; David Dobbins, and the rest of the City’s staff. She cited their dedication, professionalism, and judgment. She offered her full support.

8.8 Councilmember Tasha Lowery agreed with Councilmember Vawdrey and stated that the City also appreciates the leadership provided. She said she had heard from several residents that staff has gone above and beyond to reach out and be communicative with residents during such an uncertain time.

8.9 Councilmember Mike Green stated that he was very skeptical of moving forward. He said that he would go with the resolution at this time, but he had serious concerns that they were shifting the burden on businesses when the burden should fall on the government as to if they stay open or closed. He also stated he was skeptical of Salt Lake County Mayor Wilson’s order. He said he appreciated everyone’s support.

8.10 Councilmember Cal Roberts responded to Councilmember Green. He said that the challenge was that given the context of what the City’s partners were doing at the County, State, and Federal level there wasn’t a lot the City could do. He said that although he’s supportive he is also very mindful of the impact this is having on families economically.

Councilmember Mike Green clarified that his point was not to take away from the Mayor. He felt the Mayor was doing a terrific job.

Mayor Walker thanked the Council for their support and acknowledged their concerns. He said that he has never had something this stressful to work on and wanted to commend City staff for their assistance and leadership. He said that there is no question in his mind that Draper City has the best staff.

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

9.0 Recess to a Draper City Redevelopment Agency Meeting.

9.1 Councilmember Vawdrey moved to recess to a Draper City Redevelopment Agency Meeting. Councilmember Tasha Lowery seconded the motion.

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

10.0 Adjournment

- 10.1 Councilmember Green moved to adjourn the meeting. Councilmember Tasha Lowery seconded the motion.**
- 10.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**
- 10.3 The meeting adjourned at 8:36 p.m.