

Approved March 27, 2018

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 6, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Christina Oliver, Community Development Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

APPEALS

6:00:00 PM

1.0 Land Use Administrative Appeal: Moda Lone Peak Site Plan and Conditional Use Permit, at the Request of Kelle Land and Little Dutch Boy Bakery to Appeal the Approvals Granted by the Planning Commission Regarding the Moda Lone Peak Site Plan and Conditional Use Permit. The Property is 2.01 Acres in the TC (Town Center) Zone and is Located at Approximately 12332 South 970 East

Land Use Administrative Appeal: Moda Town Center Site Plan and Conditional Use Permit, at the Request of Kelle Land to Appeal the Planning Commission Decision for the Moda Town Center Site Plan and Conditional Use Permit Located on 1.74 Acre Site at 12553 South Fort Street in the TC (Town Center) Zone

6:00:34 PM

1.1 David Dobbins, City Manager, advised the City has received a request from the appellant to continue the appeal hearings.

6:00:56 PM

1.2 Councilmember Green moved to continue the appeals hearings to March 15, 2018, at 5:00 p.m. Councilmember Weeks seconded the motion.

6:01:37 PM

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

Study Meeting

6:01:54 PM

1.0 **Council/Manager Reports**

6:02:12 PM

- 1.1 Councilmember Summerhays said he met with the Arena Board and they would have a rodeo and a motor cross this year. He said additional money from the State would be allocated to put up a fence.

6:03:05 PM

- 1.2 Councilmember Lowery stated she received a request for a crosswalk from Wheadon Farm Park to the South Community Church. Glade Robbins, Public Works Director, asked where they planned on placing the crosswalk. Councilmember Lowery said she would find out the location and relay the information to Mr. Robbins.

6:04:27 PM

- 1.3 Councilmember Green asked if they could find a way to allow non-profits to use the amphitheater for a reduced cost. Rhett Ogden, Parks and Recreation Director, stated there was no policy regarding non-profit organizations' use of the City's facilities. He said if the City uses the facility they would not be charged, but any outside organization would be charged.

Councilmember Weeks said the City helped the philharmonic orchestra get organized so there was some ambiguity if they were a part of the City. Councilmember Green suggested they make a fee waiver application so they could evaluate cases. Councilmember Weeks said she would support this and they agreed to work on a plan.

Mayor Walker said the Council should consider the fact that the money the City gave to the philharmonic orchestra was under unique circumstances.

6:08:17 PM

- 1.4 Councilmember Weeks said street lights at 13200 South and Highland Drive had burned out. She suggested they install reflectors on an island in that location to draw attention to the island. She said a street light on New River Drive needed to be fixed.

Councilmember Weeks said there was a request for installing a paved road to the Corner Canyon trail. Councilmember Summerhays, Weeks, and the Mayor discussed the area. Mr. Ogden said he would like to know the cost. Councilmember Weeks asked staff to put together a cost estimate. Councilmember Green said he was supportive but he would like to know more details. Mr. Ogden suggested a location of where the road could possibly go.

Councilmember Weeks asked if the Council would support recognizing teachers with certificates. She said this would happen in May. The Council agreed to support recognizing teachers during a City Council meeting.

6:17:20 PM

- 1.5 Mr. Barker said he received a complaint from Ken Jensen. He explained Mr. Jensen was concerned about encroachment of his property. Mr. Jensen was interested in purchasing the adjacent property from the City. Councilmember Weeks asked what Mr. Jensen would do with the property. Mr. Barker said the owner would keep the property as open space.

Councilmember Weeks said she was concerned with him building on the property. Mr. Barker said they could have an agreement with him to prevent him from building.

Mr. Dobbins said if the Council was open to selling the property, they would have to go through the public hearing process. Councilmember Summerhays said he was content with going through the process.

Councilmember Vawdrey said she wanted the land to be public open space, and Councilmember Lowery agreed.

Councilmember Green said he would support this if there was a deed restriction on building on the property. He was also supportive of holding a public hearing on the matter. Mr. Barker said he would get more details from Mr. Jensen to present to the Council.

Councilmember Weeks asked if they would have to put the property up for bid. Mr. Barker explained all the details would be reviewed during the public hearing.

6:26:48 PM

1.6 Councilmember Vawdrey asked for the list of the public proposed trail plans.

6:27:12 PM

1.7 Mr. Dobbins stated there was a group trying to raise funds for an indoor tennis facility; however, they were not able to raise enough money. He asked if the Council wanted to make it a higher priority on their project list. Councilmember Weeks said she would like to put it on the list of their priorities. Mr. Dobbins explained the City is struggling to find funding for their current top priorities.

Councilmember Lowery said if people were donating money for the tennis courts they should not turn it away. She explained that the courts would fall under parks and trails. She said they could achieve a part of their goal of building the tennis courts by building an outdoor facility. Mr. Dobbins said if residents ask about the tennis courts he will tell them that the City is still trying to accrue money to pay for them.

Mr. Dobbins said Mr. Robbins had a follow up on street lights, and the Council would need to go into a closed session to discuss property acquisition.

6:30:16 PM

1.8 Mr. Ogden reminded the City Council of the open house for the SunCrest Park that would be held at the Suncrest clubhouse next Thursday.

6:30:56 PM

1.9 Glade Robbins, Public Works Director, went over details of the City street lights, and asked the Council what type of lights they were interested in installing.

Councilmember Weeks asked if the lights installed at Suncrest were brighter than the other lights. Mr. Robbins responded in the negative.

Councilmember Lowery asked if the Traverse Ridge Special Service District (TRSSD) Board would discuss these lights. She said they had received information that the residents were not happy with the current lights. She noted if they choose a light that was not the City standard, the TRSSD would be responsible for the cost. Councilmember Green said they should wait until the TRSSD met to make their decision.

6:38:50 PM

**** Adjourn to Closed-Door Meeting to Discuss Property Acquisition**

6:38:56 PM

**** Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss property acquisition. Councilmember Vawdrey seconded the motion**

6:39:07 PM

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

6:39:24 PM

**** *The Closed-door meeting began at 6:40 p.m. and ended at 6:49 p.m.***

Business Meeting

7:00:11 PM

1.0 Call to Order: Mayor Troy K. Walker

7:00:25 PM

2.0 Thought/Prayer and Pledge of Allegiance

7:00:42 PM

2.1 Caleb Weenig, Scout Troop #1239, offered the prayer.

7:01:09 PM

2.2 Porter Curtis, Scout Troop #1239, led the Pledge of Allegiance.

7:01:35 PM

3.0 Recognition: Corner Canyon High School Art Students for Their Art Projects Being Accepted into the Springville Museum All-State High School Show

7:02:26 PM

3.1 Mayor Walker recognized Corner Canyon High School art students: McClain King, Beck Seamons, Morgan Hart, Eleanor Larson, Spencer Johnson, and Lauren Wilson for their projects being selected into the Springville Museum High School Show. There were over 1,000 entries submitted and only 300 entries were selected.

7:06:16 PM

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.

7:07:11 PM

- 4.1 Cabot Curtis, resident, explained the residents in his neighborhood pay the TRSSD tax and he had not seen any benefit to this tax. He said some of the residents that use this tax were not paying into the fund. He asked the Council make steps to correct this situation.

7:09:57 PM

5.0 Consent Items

- a. **Approval of February 20, 2018, City Council Meeting Minutes**
- b. **Approval of February 23-24, 2018, City Council Retreat Minutes**
- c. **Approval of Resolution #18-18, approving a telecommunications franchise agreement with Zayo Group LLC**

7:10:22 PM

- 5.1 **Councilmember Vawdrey moved to approve the Consent Items. Councilmember Lowery seconded the motion.**

7:10:36 PM

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

7:10:46 PM

- 6.0 **Public Comment: Davies Zone Change and Development Agreement, Request for Approval of a Zone Change from RA1 to RA2 (Residential Agricultural 1-Acre to Residential Agricultural 1/2-Acre) and a Development Agreement for 2.43 Acres for Property Located Generally at 889 and 925 East Canyon Breeze Lane**

7:11:18 PM

- 6.1 Dennis Workman, Planner, presented the staff report and an aerial map of the subject property. He said the rezone would be appropriate for this area, and explained the Planning Commission forwarded a positive recommendation. He subsequently reviewed the highlights of the development agreement, and said staff supported the Planning Commission's recommendation of approval.

7:14:35 PM

6.2 Councilmember Weeks asked Mr. Workman to clarify if parcel C was not to be built on Canyon Breeze Lane. Mr. Workman answered in the affirmative. Councilmember Summerhays said the County set the rules for the amount of lots on this property. Mr. Workman said the lots have legally existed since 1991.

7:18:00 PM

6.3 Bruce Baird, applicant, said the developer does not want to have too many homes on Canyon Breeze Lane. He said they wanted to ensure they would not further subdivide the properties and they addressed this in the development agreement. Mr. Baird said they would not build on parcel C on the side of Canyon Breeze Lane and would enter into an agreement if there was further concern. He said they had addressed the public's concerns and met all the requirements that were expected of them as developers.

7:22:55 PM

6.4 Councilmember Weeks said according to the agreement, parcel C would be landlocked. Mr. Baird said they understood that was a possibility and explained their plans for the three parcels. Councilmember Weeks said she understood the original plan from the owner but this was something she needed to consider. Mr. Baird explained how their plan would make more sense considering the layout of the property.

7:26:54 PM

6.5 Mayor Walker opened the meeting for public comment.

7:27:30 PM

6.6 Kathy Kranz Dorbiala, resident, clarified how the homes would be situated on the parcels with the Council. She asked how the proposal of the 15 years stipulation would work. She wanted to know if the property to the east was developed, would it cause the parcels to subdivide early. She gave a brief historical overview of Canyon Breeze Lane; she requested they exclude access to Canyon Breeze Lane and the applicant keep the road free of debris.

7:31:20 PM

6.7 Bryce Davies, resident, stated he was in support of the change.

7:32:28 PM

6.8 Kent McKinley, resident, said he was concerned that the lot would be landlocked and thought that it will create problems down the road. He suggested the Council vote against the proposal.

7:34:13 PM

6.9 Bruce Jefferies, resident, asked if the Council would open the lane for a subdivision or keep it the one acre zoning. He indicated he was in favor of maintaining one-acre zoning.

7:36:09 PM

6.10 Vickie McKinley, resident, said the residents liked Canyon Breeze Lane the way it was and she was in not in favor of the change.

7:36:46 PM

6.11 Loe Pierce, resident, said she was in favor of the change.

7:37:12 PM

6.12 Mayor Walker closed the meeting for public comment.

7:37:22 PM

6.13 Mr. Baird explained there would be no change to the lot sizes allowed. He said they would put in the agreement that there would be little impact and ensure quality practices. He said they chose the 15-year period because it was a long time, but it was not “forever”. He said he had faith in the City Council that they would not allow anything out of place to happen.

7:40:16 PM

6.14 Mayor Walker asked Mr. Baird if he would be willing to waive his equitable rights. Mr. Baird answered affirmatively, and said he was willing to do this in the agreement.

7:41:02 PM

6.15 Councilmember Green moved to approve the Davies zone change with a development agreement subject to the two conditions as follows: 1) Using the best management practices to ensure the construction is done in a commercially practical manner and 2) the development agreement is amended to include a clause the waives any equitable claims to include easements by necessity and reciprocal implication. Councilmember Lowery seconded the motion.

7:41:44 PM

6.16 Councilmember Summerhays said the only way for Canyon Breeze Lane to grow would be to make the street public. He said nothing would change unless it became a public street.

7:42:56 PM

6.17 Councilmember Weeks asked how parcel C would eventually get access. Mr. Workman clarified the acreage of the areas adjacent to parcel C. Councilmember Weeks asked where the half acre parcels on Canyon Breeze Lane were located, which Mr. Workman subsequently identified. Councilmember Weeks asked how the back acre would gain access.

Councilmember Vawdrey said this was only a zone change; they were not creating parcels. Councilmember Weeks said they were creating parcels according to the development agreement. Mr. Workman explained what the plan would be for homes potentially on parcel C. There was subsequent discussion regarding the lot sizes on Roseville Lane.

7:47:05 PM

6.18 Councilmember Green said he made the motion because he preferred property owners to have control over their property. He said he did not think there were any major concerns that the development agreement did not already cover.

7:48:28 PM

6.19 Mr. Barker asked if they wanted the applicant to change the agreement. Councilmember Green said in his motion he would authorize Mr. Barker to create the language.

7:48:56 PM

6.20 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.

7:49:10 PM

7.0 **Action Item: Ordinance #1308 and #1309, Rockwell Park Land Use Amendment, Zone Change, and Development Agreement, Request by Ryan Simmons of the Boyer Company to Change the Land Use Plan from Community/Neighborhood Commercial to Residential High Density and to Change the Zoning from CC (Community Commercial) to RM2 (Residential High Density) and Approval of a Development Agreement on Approximately 5.8 Acres Located Generally at 258 East 13800 South**

7:49:45 PM

7.1 Maryann Pickering, Planner, said this request was considered and continued from last meeting. She said this item would return to the Planning Commission because many terms were modifications to zoning standards. A hearing was scheduled for March 27th and recommendations would be sent to the Council shortly thereafter. She requested that the Council continue this item to a date uncertain.

7:50:33 PM

7.2 Councilmember Lowery moved to continue this item to a date uncertain. Councilmember Vawdrey seconded the motion.

7:50:48 PM

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

7:51:03 PM

8.0 **Public Hearing: Village Shoppes @ Day Dairy Plat Amendment #2, Request by Matt Rindlisbacher for a Plat Amendment, Amending Lot 2 of The Park at Day Dairy Subdivision Amendment No. 1, on Approximately 10.92 Acres of Land at Approximately 523 East 12300 South. The Purpose of the Plat Amendment is to Create Two New Lots from the Existing Lot 2. The Property is Located in the CSD-DD (Commercial Special District Day Dairy) Zoning District**

7:51:42 PM

8.1 Ms. Pickering presented the staff report, and noted that the Planning Commission forwarded a positive recommendation.

7:52:48 PM

8.2 Councilmember Weeks clarified that they were not changing the zoning. Ms. Pickering confirmed this to be the case.

7:53:18 PM

8.3 Matt Rindlisbacher, applicant, gave a brief explanation of the project and said he was available to answer any of the Council's questions.

7:53:52 PM

8.4 Mayor Walker opened the public hearing.

7:54:02 PM

8.5 Gerald Romney, resident, said he was concerned the property access road would allow people to go through his driveway. He said he was also concerned about the cost of paving the road.

7:57:15 PM

8.6 Mayor Walker closed the public hearing.

7:57:24 PM

8.7 Mr. Rindlisbacher explained the road in question is a private road and they would have no rights to use that road.

7:58:17 PM

8.8 Councilmember Weeks thanked Mr. Rindlisbacher for answering Mr. Romney's question.

7:58:28 PM

8.9 Councilmember Weeks moved to approve the Village Shoppes @ Day Dairy plat amendment. Councilmember Lowery seconded the motion.

7:58:45 PM

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

7:58:56 PM

9.0 Public Hearing: Vista 600 West TSD Text Amendment and Master Area Plan, at the Request of Adam Lankford, Representing Wasatch Residential Group LLC, for Approval of a Text Amendment to the TSD (Transit Station District) Zone Designating Land Use Intensity Subzones and for the Approval of a Master Area Plan on 15.24 Acres of Land Located Generally at 496 West 13490 South

7:59:33 PM

9.1 Jennifer Jastremsky, Planner, said the TSD zone set minimum standards for density and height. The zone requires developers to make a text amendment to designate a sub zone. It also requires an approval for a master area plan. She went over other requirements that were unique to the TSD zone. She explained the office buildings the developer had planned and their parking structures, and noted they would also build pedestrian access to the

property. She reviewed materials, setbacks, height minimums for commercial and residential, landscaping, parking, and lighting. The Planning Commission forwarded a recommendation of approval.

8:05:38 PM

9.2 Councilmember Summerhays asked what kind of dwellings units they would build. Ms. Jastremsky recalled they would be apartment buildings; however, she advised the Council to verify this with the applicant.

8:05:56 PM

9.3 Councilmember Weeks asked how the current property was zoned. Ms. Jastremsky replied that it was for higher density and commercial use. It was designed to support the transit station. Councilmember Weeks asked if there would be retail businesses. Ms. Jastremsky said they were proposing some but not many retail shops.

8:08:32 PM

9.4 Adam Lankford, applicant, provided background on his company's involvement with the project. He explained this would be a mixed use area wherein people could work, shop, and live.

** *Mayor Walker left the meeting at 8:10 p.m.*

8:10:40 PM

9.5 Councilmember Weeks asked why they were asking for less density. Mr. Lankford said they were looking for a transition away from the transit station.

8:12:00 PM

9.6 Councilmember Vawdrey said she was not thrilled with the plans to match the parking garage aesthetics with the other UTA parking garage.

8:12:40 PM

9.7 Mayor Pro Tem Vawdrey opened the public hearing.

8:12:55 PM

9.8 Matt Erickson, resident, said he had to walk 15 minutes to the bus station. He said he agreed with Councilmember Weeks that there was not a sense of community in this area.

** *Mayor Walker returned to the meeting at 8:14 p.m.*

8:14:03 PM

9.9 Mayor Walker closed the public hearing.

8:14:15 PM

9.10 Councilmember Green moved to approve the Vista 600 West TSD text amendment and Master Area Plan. Councilmember Lowery seconded the motion.

8:14:38 PM

9.11 Councilmember Vawdrey said she did not want the language pertaining to the parking structure. Ryan Simmons, co-applicant, said the language to which she was referring could be stricken.

8:16:47 PM

9.12 Councilmember Weeks asked if Councilmember Vawdrey was happy with the language stricken. Councilmember Vawdrey answered in the affirmative.

8:17:03 PM

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

8:17:15 PM

10.0 Action Item: Amendment to Master Development Agreement for Hidden Canyon Estates, Mercer Mountain Estates and Lakeview Heights Properties, Dave Mast Requests the City Council Approve an Amendment to the Master Development Agreement to Allow for Changes to City Development Standards

8:17:32 PM

10.1 David Dobbins, City Manager, turned the time over to Dave Mast to explain his request.

8:17:46 PM

10.2 Dave Mast, applicant, said he would have his engineer explain some elements of this item.

8:19:35 PM

10.3 Greg Wilding, engineer, reviewed the details of the proposal, and explained they wanted to change the road design. They would like to reduce the design space for the roads and lower the speed limit, which will make building a more efficient process. He said they wanted to remove the sidewalks on the uphill sides of the roads to lower the amount of road they have to build. They would still keep a sidewalk on the other side of the road. He said they would explore installing speed bumps if the Council desired. He explained they would attempt to limit people's access.

8:26:12 PM

10.4 Councilmember Weeks said she was concerned about a sharp turn, and asked about the grade level. Mr. Mast explained there is a ridge line that grades to a 14% decline.

8:27:56 PM

10.5 Dave Mast made a comment concerning the roads.

Note: Mr. Mast spoke from the audience and his last comment was inaudible on the recording.

Councilmember Weeks asked why they wanted to remove the sidewalks. Mr. Wilding said they were trying to improve the configuration of the roads. They would have an easier time building the road with the sidewalk on one side of the road. Councilmember Weeks asked if they agreed to meet the City's standards at the time of property acquisition.

8:28:55 PM

10.6 Mr. Dobbins said, in speaking to Councilmember Week's comment, that this did not necessarily include the sidewalks. Councilmember Weeks discussed the grade with Mr. Dobbins and Mr. Mast. She was concerned with the dangers of the road being too steep.

8:32:58 PM

10.7 Councilmember Summerhays said Traverse Ridge was a 12% grade. There was further discussion about the grade, and Councilmember Green asked staff to review the proposal to ensure all safety guidelines have been met.

8:35:19 PM

10.8 Councilmember Summerhays moved to continue this item for further study. Councilmember Green seconded the motion.

8:36:08 PM

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

8:36:34 PM

11.0 Action Item: Resolution #18-20, Approval of an Interlocal Agreement with Salt Lake County to Contribute \$1.2 Million and Waive City Building Permit Fees and City Impact Fees for the Draper Recreation Center

8:36:52 PM

11.1 Russ Fox, Assistant City Manager, said this was an agreement to avoid fees for the recreation center.

8:37:58 PM

11.2 Councilmember Weeks moved to approve Resolution #18-20. Councilmember Vawdrey seconded the motion.

8:38:44 PM

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

8:38:57 PM

12.0 Action Item: Resolution #18-19, Amending the Consolidated Fee Schedule

8:39:10 PM

12.1 Bob Wylie, Finance Director, said there were five items to review.

8:40:16 PM

12.2 Councilmember Summerhays said there were several fees related to the fire department. He thought they were over taxed and they needed more oversight on the tire replacement for the fire trucks. Councilmember Summerhays explained the fees related to the hood suppression systems were excessive. Chief Smith explained these fees would not be for a business owner on an annual basis. He said they would be for acceptance testing on a brand new system. Chief Smith explained the fees related to the tires and the lock boxes.

Councilmember Vawdrey asked if the fee was a deposit when the lock box was returned. Chief Smith answered in the affirmative.

Chief Smith explained the necessity to dispose of the waste appropriately and that the fees were necessary to pay for the process.

Mr. Dobbins explained that the only fees being proposed were in red.

Councilmember Summerhays explained he was concerned with the amount of fees and the impact they would have on small businesses. It was explained to him that most of the fees would be one-time only, to be used for a new project.

Councilmember Weeks asked why they were raising the fee for passports. Rachelle Conner, City Recorder, said they were required to charge the fee as set forth by the State Department.

Councilmember Summerhays said there was a fee for burning that he did not like. The Council explained that was an existing fee and was not up for discussion.

8:56:30 PM

12.3 Councilmember Lowery moved to approve Resolution #18-19. Councilmember Green seconded the motion.

8:56:46 PM

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

****** *Councilmember Summerhays recused himself from this discussion due to him having a current alcohol license. He left the meeting at 8:57 p.m.*

8:57:00 PM

13.0 Discussion: Alcohol License Amendments

8:57:30 PM

13.1 Russ Fox, Assistant City Manager, reviewed the types of alcohol licenses the City currently has and allows.

9:02:50 PM

13.2 Mr. Barker stated that during the legislative session last year there was an extensive bill passed on the State's alcohol laws. Staff was working on a draft ordinance that would implement these changes. Further review will take place during the next meeting.

9:04:05 PM

13.3 Councilmember Weeks asked Mr. Barker to explain the variance that allowed licensing retailers within proximity of community facilities. Mr. Barker explained that if a facility was too close to a business that sold liquor, the State would not issue a license.

9:05:48 PM

13.4 Mr. Barker explained other changes to the licenses of which retailers would need to be aware.

9:07:22 PM

13.5 Mr. Fox explained what would happen to the establishments that currently have a dining club license. He asked the Council how they wanted to handle bar establishments, and reviewed some of the options they could consider.

9:10:41 PM

13.6 Mr. Barker said staff was asking the Council to repeal the alcohol ordinance and reenact it because it did not function well before. He said this would make the ordinance much easier to understand. He explained a lot had changed in the hospitality area and they needed to take that into consideration.

9:11:55 PM

13.7 Councilmember Green said Utah was changing to a tourist area and they needed to adjust to accommodate tourism.

9:12:40 PM

13.8 Councilmember Weeks asked how many bar licenses would they have if they adopted the State code and why did they have to limit the amount of bar licenses. Mr. Fox said the State code allows for one bar per 10,538 people. Mr. Barker said there was nothing in the code that would prevent a City from having bars or putting a cap on bars. Mr. Fox and Mr. Barker explained that they had the option to make an ordinance for the City to limit the amount of licenses.

9:17:35 PM

13.9 Councilmember Green asked Police Chief Eining if there was an impact with additional bars and drunk driving. Chief Eining said he did not want to speculate, but indicated that to his knowledge there was not a correlation. Mayor Walker said he was concerned that these facilities could sell alcohol without food. He said that was more of a danger because people could become inebriated more quickly. He said he did not want to expand the amount of bar establishments, and he asked how many licenses they had available. Mr. Fox said they had six licenses, with one more currently available. Mayor Walker suggested they pass an ordinance that would set the DUI limit to any amount intoxicated. Councilmember Weeks said that would infringe on people's rights, and the alcohol laws

were already very strict compared to the rest of the nation. Mayor Walker said he wanted an ordinance to prohibit any drinking and driving. He believes that more bar establishments would lead to more DUIs. He said that a DUI should be anything higher than a 0.0 BAC. Councilmember Weeks said that this would limit people's freedom to live their lives in Draper if they choose to drink.

9:26:09 PM

13.10 Councilmember Green said there were two options: (1) they eliminate the hotel requirement and keep the numbers the same or (2) they create a mechanism that dictates the ordinance. He suggested they base their decision off the population.

Councilmember Weeks suggested they allow one license per 5,000 City residents and the number of licenses would increase with the population. Mr. Fox explained this would create nine licenses. He said this would be a good solution because they would not have to readdress the issue every time the city grew.

Councilmember Vawdrey said she was in favor of eliminating the hotel requirement.

9:30:15 PM

13.11 Councilmember Green asked how they would calculate their numbers. Mr. Fox said staff had methods for providing population projections. Councilmember Green said they were growing and wanted a reasonable ratio for the licenses. Mr. Fox said they were currently at one per 7,500.

9:31:50 PM

13.12 Councilmember Lowery said they were growing and the population was diversifying. She said she did not want to scare away new business or growth.

9:32:07 PM

13.13 Mr. Fox said he could provide a breakdown of the different ratios and options for later consideration. Councilmember Weeks said they could have a discussion if too many establishments were developed. She said they should also discuss brewing licenses in the future.

9:34:10 PM

13.14 The City Council asked Mr. Fox to bring back options for their consideration.

9:34:24 PM

14.0 **Discussion: 275 East Highland Drive Surplus, Request from Zane Morris for Draper City to Surplus City Property Located Generally at 275 East Highland Drive**

9:34:41 PM

14.1 Mr. Dobbins explained this was a request from Mr. Morris to purchase a property from the City. Mr. Morris was proposing to acquire the property for no cost.

9:35:35 PM

14.2 Zane Morris, resident, explained the City Engineering Department said they did not want the property located adjacent to land he purchased. Councilmember Green said they were not inclined to give away City land. He thought they should pursue the property for fair market value. Mr. Morris again stated the Engineering Department did not want the property in question; however, he was comfortable with whatever decision the Council made.

9:38:23 PM

14.3 Mr. Dobbins asked the Councilmembers if they were interested in this proposal. Councilmember Weeks said this may set an inappropriate precedence.

Mr. Morris said he understood Councilmember Weeks's concern, and said this made sense to him because they were purchasing the neighboring property. Mr. Dobbins said the property in question would not be worth a lot because it was not buildable.

Mayor Walker noted the City had charged encroachers nine dollars a foot in the past.

9:41:12 PM

14.4 Councilmember Lowery asked what he would do with the property. Mr. Morris explained he would have the property landscaped.

9:42:31 PM

14.5 Councilmember Green suggested a land swap as an alternative proposal. He asked for a report from staff about the property being a liability. Mr. Dobbins said they would need a justification to give the property to Mr. Morris. He said he would talk to staff to determine if there was something the City could negotiate in exchange for the land.

9:43:48 PM

15.0 Adjournment

9:43:49 PM

15.1 Councilmember Green moved to adjourn the meeting. Councilmember Weeks seconded the motion.

9:43:55 PM

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

15.3 The meeting adjourned at 9:44 p.m.