

Approved 4.17.2018

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, APRIL 10, 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; 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, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

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**Dinner**

**5:00 p.m.     Field Trip: Coyote Hollow –14204 South Coyote Hollow Court, Draper, Utah**

1.0     The City Council and staff walked the Coyote Trail to look at options for trailhead locations.

**Study Meeting**

**1.0     Discussion: Fiscal Year 2018-19 Budget**

1.1     Bob Wylie reviewed the Enterprise Funds, MBA Fund, and RDA Funds for the City Council.

**2.0     Discussion: General Plan**

2.1     Russ Fox, Assistant City Manager; and Christina Oliver, Community Development Director, asked the City Council what process they would like to follow for the General Plan update. The City Council wanted staff to bring a version back to them for review that only included that required elements to be included in the plan. It will then go out to the public and the Planning Commission.

**Business Meeting**

7:00:00 PM

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

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**2.0     Girl Scout Motto and Flag Ceremony**

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2.1     Girl Scout Troop #372, gave the Girl Scout Motto and presented the Flag Ceremony.

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**3.0 Public Comments**

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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3.1 Paul Harrison, resident, expressed concerns with the safety of his neighborhood due to the Coyote Trailhead. He reviewed several factors that contribute to highly congested traffic, in and out of the area. He proposed several solutions and requested the City work with neighbors in taking action on the matter.

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3.2 Reed Gibby, resident, advised he had sent a written statement to the City Recorder which included images of LED lights causing light pollution in his neighborhood. He explained the difference between the older street lights the City has and the new LED lights.

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**4.0 Consent Items**

- a. **Approval of March 27, 2018, City Council Meeting Minutes**
- b. **Approval of Ordinance #1315**, Renaming the Equestrian Center Advisory Board to the Arena Advisory Board. Staff: Russ Fox
- c. **Approval of Resolution #18-25**, Amending Sections 6115, 6040, 6070 and 9040 of the Personnel Policy Manual Updating the Policy to Clarify Requirements. Staff: Hazel Dunsmore
- d. **Approval of Resolution #18-28**, Appointing Alternate Members to the Planning Commission
- e. **Proclamation: Arbor Day - April 27, 2018**
- f. **Proclamation: Fair Housing Month - April 2018**

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4.1 Councilmember Green moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.

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4.2 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.

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**5.0 Public Hearing: Providing Local Consent for a Limited-Service Alcohol License for Samurai Noodle**

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5.1 *Councilmember Summerhays recused himself from the discussion and vote. He left the meeting at 7:12 p.m.*

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5.2 Christina Oliver, Community Development Director, presented the staff report and explained the applicant, Lance Uno, is requesting a Limited Service Restaurant License for Samurai Noodle. The business is located at 11483 South State Street. She explained with a Limited Service Restaurant License, a business is permitted to sell wine, beer and heavy beer as per the Alcoholic Beverage Control Act. There is no limitation on the number of licenses granted by Draper City. Several aerial maps depicting the location of the business in question were then presented.

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

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**5.4 Councilmember Green moved to provide local consent for a limited-service alcohol license for Samurai Noodle. Councilmember Weeks seconded the motion.**

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

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**6.0 Public Hearing: Providing Local Consent for a Bar Establishment Alcohol License for The Cliff Dining Pub**

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6.1 Ms. Oliver explained the applicant, Nikki MacKay, is applying for a Bar Establishment License. Effective July 1, 2018, each dining club license converts to a full-service restaurant licensee or a bar licensee. This is due to the 2017 General Session Summary H.B. 442 Alcohol Amendments. A Bar Establishment Alcohol License is permitted to sell alcoholic beverages as per the Alcoholic Beverage Control Act. These types of licenses are limited to eight within the City. Several aerial maps depicting the location of the business in question were then presented.

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

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**6.3 Councilmember Weeks moved to provide local consent for a bar establishment alcohol license for The Cliff Dining Club. Councilmember Lowery seconded the motion.**

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

6.5 *Councilmember Summerhays returned to the meeting at 7:16 p.m.*

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**7.0 Public Hearing: Moda Lone Peak Draperville Plat Amendment**

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7.1 This item was withdrawn at the request of the applicant.

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**8.0 Public Hearing: Moda Town Center Plat Amendment, on the Request of Matt Scott, Representing JF Capital, for a Plat Amendment in Order to Divide the Property into a Mixed-Use Development. The Property is Approximately 1.74 Acres, Located at 12553 South Fort Street in the TC (Town Center) Zoning District**

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8.1 Jennifer Jastremsky, Planner, presented the staff report. She explained this application is a request for approval of a Plat Amendment for approximately 1.74 acres located at approximately 12553 South Fort Street. The property is currently zoned TC (Town Center). The applicant is requesting that a Plat Amendment be approved to develop the property as a mixed use development. The application was originally going to be heard on February 6, 2018, but was continued to a date uncertain pending an appeal application of the Planning Commission decision to approve the Site Plan and Conditional Use Permit for this project. On March 15, 2018, the City Council heard the appeal and denied the appeal request, affirming the Planning Commission approvals.

Since the appeal hearing, the Plat Amendment and Site Plan have been modified to address the Planning Commission conditions of approval, including the addition of sidewalk and a fence along the east property line. The applicant also made a few other changes while adjusting the site. They have increased the width of the Emergency Apparatus Access Lane to 26 feet and alleyways have been reduced to 20 feet in width. Per the Zoning Code alleyways are required to be 12 feet from garage door to centerline of the alleyway and all alleyways are in full compliance.

The Engineering Department has reviewed the Moda Traffic study and agrees with its findings. The study analyzed both the Moda Lone Peak and Moda Town Center Projects. As stated in the traffic study, traffic from the proposed developments will not have a significant impact on the surrounding public streets. The public streets will continue to operate at the same level of service as they do in the pre-Moda Development condition.

The Land Use Map of the General Plan calls for the Town Center land use designation for the subject property. This category “supports the mix of four land uses: single/multi-family

residential, office, commercial and institutional.” The property has been assigned the TC (Town Center) zoning classification. The purpose of the TC (Town Center) zone is “to provide a method for implementing special provisions found within the General Plan and the Draper City Conservation Area Master Plan regarding the establishment and promotion of a historic core area of the community....” The TC zoning abuts the subject property on all four sides.

The subdivision plat will amend the old Draperville Plat Block 10a. The site will contain five buildings, each with three to six live-work units. A live-work unit is a mixed-use concept where the intent is the business owner not only works on site, but lives on site, in this case, above the unit. The plat will create individual units for each live-work unit, wherein the future owners will own the commercial space and the residential space. All parking, drive aisles, and alley ways will be part of the private road-way system, with one ingress/egress location onto Fort Street. Landscaping and amenity spaces will be common space, owned by an owners association. The plat will provide 2,290 square feet, or 0.05 acres, of dedication area along Fort Street. The public sidewalk on Fort Street will be provided via a seven foot perpetual public access easement. A list of ten findings was listed in the staff report detailing the reasons why staff recommended approval of the proposed amendment.

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8.2 Scott Cooley, City Engineer, explained several questions from members of the public were with regards to a specific right-of-way within the Draperville plat. The Draperville plat—which dates back 140 years—specifies a right-of-way width of 82.5 feet. He explained throughout Draperville, there have been a number of issues come up based on encroachments. The Master Transportation Plan specifies three different types of minor collector streets: commercial, residential and downtown. Downtown minor collector streets are the sections of Pioneer Road and Fort Street that are within the Draper Downtown District. These minor collector streets vary from the typical minor collector streets; however, the master plan does not specify the ways in which they vary.

In March 2004, there was an ordinance passed by the City that adjusted the right-of-way line on the east side. With this particular request for City Council action, on that ordinance there were two exhibits attached: (A) the Fort Street right-of-way adjustment plat and (B) Fort Street right-of-way details. Mr. Cooley then presented the legal description included with the ordinance in question, as well as an aerial map depicting Fort Street and Pioneer Road. The section of Fort Street below the access into City Hall shows a right-of-way width of 60 feet; however, the right-of-way width above that access is 66 feet.

Mr. Cooley presented the site plan submitted by the developer, and explained if Draper City constructed a road without any development they would need to tie into the existing improvements to the south and north. The developer on this project is proposing to do the same. The western portion of right-of-way in the adjustment plat shows its location as being near the existing backup waterway on the west side of the road. He said they anticipated that being the west right-of-way line. The current information from the County shows the right-of-way line encroaching into the adjacent parcels. However, because the

sidewalk is publicly used it is considered right-of-way; additionally, there is also reason to believe that the right-of-way was dedicated with the Draperville plat.

In 2007, there was a Master Transportation Plan adopted by the City Council showing anticipated development on Fort Street. In that section, there was angled parking on one side and parallel parking on the other side; this is what is being proposed in the Moda Town Center Plat Amendment. There is a question as to whether or not a sufficient amount of right-of-way exists to ensure future road construction. Mr. Cooley presented an aerial map depicting the edge of the improvements on the developer's site plan, and explained the improvements will tie into the curb and gutter on the north and south. He explained if Draper City were to construct this road now, they would do the same as what the developer is proposing in their site plan. In the developer's proposal, additional improvements such as a park strip are being replaced by angled parking and a sidewalk on the project site. From the edge of the waterway to the back of the sidewalk, 49 feet exist on the south end whereas 50 feet exist on the north end. Therefore, at a minimum there will be 49 feet to construct the rest of the improvements that are needed on Fort Street.

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8.3 Councilmember Weeks said 49 feet was significantly less space than 66 feet. Mr. Cooley clarified there are 49 feet from the edge of the waterway to the west side of the right-of-way improvements. He identified the existing right-of-way line and said the developer will not be dedicating the sidewalk as right-of-way but as an easement instead.

Councilmember Green stated there would actually be 49 feet plus 31.5 feet with which to work in installing improvements, and Mr. Cooley said that was correct. He subsequently identified where the right-of-way will be located when the project is complete. The seven foot sidewalk will be dedicated as a public easement and will not actually be part of the right-of-way.

Councilmember Weeks asked about park strips, to which Mr. Cooley explained there will be no park strips due to the angled and parallel parking. He said ideally there would be 8-foot sidewalks, 2.5 feet for curb and gutter, 8-foot parallel parking spaces, and 2, 11-foot travel lines with a 5-foot bike lane. He explained staff frequently encounters these types of constraints when constructing roads in Draper.

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8.4 Councilmember Summerhays said it appears the sidewalk will run directly through the salon, barbershop, and an old hardware store located to the south. Mr. Cooley said there is still 2.5 to 3 feet of flexibility in the area identified by Councilmember Summerhays.

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8.5 Councilmember Weeks asked if staff is measuring from the backside of the west side of the sidewalk. Mr. Cooley answered affirmatively. Councilmember Weeks said she was not aware that the property has ever been amended in order to include the west side of the sidewalk in the 66 feet. Mr. Cooley explained the 82.5 foot right-of-way in the Draperville plat extends beyond the west side.

Councilmember Weeks stated the City gave away 29.68 feet with Ordinance 564 (passed in March of 2004). Mr. Cooley explained the City vacated a portion of the right-of-way with that ordinance, and there are different opinions as to where exactly the right-of-way is. Based on the overlay the GIS Department did, which matches the interior blocks of Draperville very well, the right-of-way line extended beyond the west side of the west sidewalk.

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8.6 In response to a comment from Councilmember Green, Mr. Cooley explained oftentimes in other City projects, deeded properties go out to the center line. He said there are asphalt sections and a shoulder on the existing road. The asphalt portion of the road would be removed, which is included in the public right-of-way; however, anything beyond that will be compensated. When this process occurs, the individuals are grateful because of how it impacts property taxes.

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8.7 Councilmember Weeks said she would like to ask additional questions after public input has been given on this issue.

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8.8 Mr. Cooley said as previously mentioned, the site plan was updated. In a conversation he had with the developer a week and a half ago he raised the access issue. There is 142 feet shown from the access into City Hall to the subject property's access. When speaking with the developer, he told them the site plan amendment needed to have an updated traffic study to include information showing that the reduced spacing will not negatively impact the safety capacity. He read from the Master Transportation Plan which states "any request to decrease the space needs to annex, which is 150 feet as shown in [a table included in the plan], may be granted by the City Engineer provided that the traffic impact study is provided by the developer documenting the preservation of safety...." Since speaking with the developer, Mr. Cooley stated he has received an updated traffic report addressing those items. He clarified that traffic impact studies are intended to analyze the impact level of traffic based on the threshold generated by a given development. The minimum threshold used is 100 trips per hour. In this case, the peak hour was far below the minimum threshold; therefore, it is difficult to claim a significant impact will be caused to existing traffic patterns. City staff has been working with the school district to resolve existing traffic concerns not related to the proposed development. One idea they have considered is changing the walking route, and they are currently still working this.

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8.9 Councilmember Weeks sought clarification on the projected number of cars that will be going in and out of the new Moda development. Mr. Cooley said the traffic study shows 26 new cars. Councilmember Weeks asked if the study was accounting for residential or mixed uses with commercial. She was concerned that mixed uses were not being accounted for in the data presented.

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8.10 Mr. Cooley continued with regards to whether or not a traffic study is required, if the minimum thresholds are not met the code states “in some cases, proposed developments that generate less than 100 peak hour trips may be required to submit a traffic impact study.” The code then subsequently lists reasons why a traffic impact study might be required; one particular reason why one might be required is if there is an existing traffic problem in the area. He stated it is questionable as to whether or not the proposed development will generate to the existing traffic congestion in a significant way. A City Engineer will make a final decision as to whether or not a traffic impact study should be required.

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8.11 Councilmember Weeks asked if a City Councilmember can request a traffic study to be conducted if there is concern with the existing traffic in an area where development is being proposed. Mr. Cooley said both the City Council and Planning Commission have the ability to require a traffic impact study as a condition of approval.

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8.12 Ms. Jastremsky explained there were easements shown in the title report and survey done on the property. There are a couple of easements from Mountain Estates Telephone which is a company currently owned by CenturyLink. CenturyLink signs all subdivision plats as utility providers; if they do not sign the plat, the subdivision cannot be approved, and this is the case with all other utility providers as well. The City does not police easement interests with non-City entities; they do not have any authority to abandon or move these easements. Rather, it is all up to CenturyLink, and the developer will be required to work with them through the process in order to have the plat recorded. There is a private 12-foot right-of-way easement dating back to 1975, for the purpose of providing a future library on the property to the east. The property to the east was subdivided into single family lots in 1998, and the developer will have to settle this easement with its holder. There are some deed gaps within the survey as well and it is up to the property owner to resolve these gaps.

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8.13 Bryan Thatcher, Fire Marshall, stated the Moda Town Center is classified as a Residential Group 2 development according to building and fire codes. The code makes references to several definitions, including a fire apparatus access road. He read language stating that “a fire apparatus access road shall be provided to provide access to within 150 feet of all portions of every building for the purpose of fighting fire.” According to an aerial map of the subject property, Mr. Thatcher stated that an improved fire apparatus access road has been provided within the parameters set within the code. The residential designation provides for 26 feet for turnaround provisions. The alleyways shown on the site plan are not fire apparatus access roads and are therefore not required to be 26 feet.

Mr. Dobbins asked Mr. Thatcher to explain how the 150 feet are measured. Mr. Thatcher explained it is measured from the curb to the end of the lane. He added the 150 feet are allowed to be increased with the installation of an automatic fire sprinkling system. Using the aid of an aerial map of the subject property, he continued explaining the methodology used in measuring the 150 feet.

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8.14 Councilmember Weeks said the building code is residential; however, it is zoned mixed-use commercial. She asked if there were a lot of places in the City where the zoning does not meet the building code classifications. She was concerned by this discrepancy because the two uses have to meet different building code requirements. Mr. Thatcher said the building code official designates occupancy classifications. He again noted the project in question is classified as Residential Group 2, and it specifically references live-work units. The occupancy classification does not necessarily correlate with the zoning.

Councilmember Green said the zoning ordinance is made with a different concept in mind. Mr. Thatcher explained the Fire and Building Code addresses the use of the building as it is constructed. Councilmember Green clarified they don't have to match because each Code is a statute that applies independently. Mr. Thatcher said that is correct.

Councilmember Weeks said she thought the Zoning and Building Codes would have matched. Mr. Thatcher explained the 2015 edition of the Code has addressed the live-work units. The subject property has maintained the same classification in the 2018 edition, which has yet to be adopted. Councilmember Weeks asked if the Building Code would change if there was commercial on the ground floor, and Mr. Thatcher answered affirmatively.

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8.15 Councilmember Lowery asked if an actual description of live-work units was provided. Mr. Thatcher answered affirmatively.

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8.16 Councilmember Green said the initial plat was 21 feet, and he asked if this has been changed. Mr. Thatcher explained the initial plat showed 24 feet, but the approval was contingent that they meet requirements for fire apparatus access roads.

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8.17 Bruce Baird, representing the developer, said the issues with traffic are pertaining to peak hours; however, businesses do not generally operate at peak hours. When dealing with property that has been around for 150 years, there are survey questions of one kind or another. If the City required a condition of approval for every plat to have all survey issues addressed with a quiet title action, development in every city would be shut down. He said this is not how things are supposed to work. With regards to the easement and the private right-of-way for the library, the project for a library has effectively been abandoned. However, this is a private property issue and not a City issue. He briefly discussed the easements owned by CenturyLink and explained the process of working with them prior to plat recordation. He also reviewed the challenges of working with historical plats.

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8.18 Rob Molden, surveyor, said he was available to answer any questions from the Council.

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8.19 Mr. Dobbins asked if the existing subdivision on the east side of the proposed plat has already been set, and Mr. Molden said that was correct. Mr. Dobbins said the gap would then exist to the west, but the gap has been closed by aligning with the existing subdivision to the east. Mr. Molden said that was correct.

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8.20 Councilmember Green questioned how the parcel was acquired. Mr. Molden said it was acquiesced. The previous property owners to the west established the boundary line; the issue was between two private property owners.

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8.21 Scott Johnson, Traffic Engineer, said he was available to answer any questions.

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8.22 Councilmember Lowery asked Mr. Johnson to review the findings of the traffic impact study, and to clarify when and where it was conducted. Mr. Johnson said his company was contacted by the developer to complete a traffic study for two different developments in conjunction with one another, in order to save on costs. Since then, the study has been reduced to one development. Prior to the study, they contacted the City Engineer's office to determine what intersections would be analyzed, what the concerns were, and what the potential impacts could be. Based on the information given to them by the City Engineer, they collected data at the intersections of 900 East 12400 South, Fort Street and 12400 South, 970 East and 12400 South, as well as the City Hall access. Data was collected in the morning between 7:00 and 9:00 am, as well as in the afternoon between 4:00 pm and 6:00 pm. The peak hour of the day was between 5:00 pm and 6:00 pm. They determined the levels of service for each intersection rated on a scale of A through F. The worst level of service they observed was at the intersection of Fort Street and 12400 South, which was rated at a C-level. The eighty-fifth percentile shows the average speed on Fort Street is 36 miles per hour (mph), and the posted speed is 35 mph. Throughout the study, the Trip Generational Manual was referenced as a guide. The manual is published by the Institute of Transportation Engineers (ITE), which is an international, professional organization that collects data from thousands of existing developments from around the nation. Using the ITE rates, they calculated that on a typical day, a total of 246 trips would be generated by the proposed development. Trips are one-way routes; therefore, a person coming in and out of their driveway counts as two trips.

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8.23 Councilmember Summerhays asked how many trips were represented in the C-level rating on Fort Street and 12400 South. Mr. Johnson said the intersection level of service is based on average delay per vehicle, whereas the roadway level of service is based on volume.

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8.24 Councilmember Weeks questioned if any data was collected outside of the schools on Fort Street. Mr. Johnson responded in the negative. Councilmember Weeks posed the same question with regards to areas located immediately outside the proposed development. Mr.

Johnson asked to which access she was specifically referring, and Councilmember Weeks clarified that it would be the new access that would be created. Mr. Johnson said traffic counts were not collected at the area she identified. Councilmember Weeks said there were 14 intersections with which some of the Councilmembers were concerned, and the traffic impact study only collected data from five access points.

Councilmember Weeks had concerns with the trip generation numbers Mr. Johnson presented. Councilmembers Green and Lowery also expressed concerns with the numbers. Mr. Johnson said the numbers were determined based on industry standards.

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

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8.26 Rob Merrill, resident, stated that his specific concern about the development was the Fort Street right-of-way. According to the information he had received, it was only 52.82 feet. However, according to the map he had reviewed, the width was even less than that. In short, he believed the proposed right-of-way was less than what was required and would need to be determined by using an official survey.

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8.27 Bonney Thom, resident, expressed her disappointment because many years ago she understood that the subject property was intended to be commercial property. The proposed use of the property, in her opinion, ran contrary to the original intended use of the property. She reiterated the concern that other citizens had with regard to the right-of-way for Fort Street. She cited the City Ordinance that pertained to the development of rights-of-way, the vacation of property, and the revision of plats. She was of the opinion that the plat amendment was not accurate and should be returned to the Planning Commission for the revision to the determination of the right-of-way.

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8.28 Tony Nelson, resident, asserted the proposed plat was not correct and the City Council could not vote on this plat to amend an easement for a right-of-way. He reiterated that the Fort Street right-of-way was not adequate and did not meet the City Code.

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8.29 Reed Hurst, resident, brought up the issue of the utility easement. He indicated he and other members of a citizens group had researched the utility easement that was already in place. They learned the utility easement was on the southwest corner of the property, and it was approximately 30 feet wide. In order for an easement to be used, it must first be vacated before it can be built on or developed. The citizens group accordingly requested that (1) the City Council state the modifications to the plat map that needed to be made and (2) require the current property owner or developer to contact the utility that owned the easement to go through the legal process of vacating the easement before the plat amendment could be approved.

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8.30 Heather Merrill, resident, said she was part of the citizens group that had researched the property, as described by Mr. Hurst. Ms. Merrill then cited the City Ordinance that specifies the access requirements for a subdivision. She asserted the current proposal did not meet the City Ordinance, but it had been recommended by the Planning Commission in spite of this deficit. She stated that public street safety standards needed to be taken into account and implemented. She said the traffic study was conducted during spring break, when many people were out of town. She asserted a new traffic study needed to be conducted in order to gather accurate data. Modifications would then need to be made on the basis of accurate data.

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8.31 Doug Thom, resident, thanked the City Council for their questions about the traffic impact study guidelines not being met. He noted everyone at this meeting had the responsibility to protect those who could not protect themselves. He expressed concern that the intersection near the Draper Elementary School had not been studied. He said that particular intersection was the most important place at which to conduct a traffic study to ensure compliance with the City Code's safety standards.

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8.32 Terry Haupt, resident, said he was an engineer. He said exact numbers were needed and he didn't think correct numbers were being provided. He was of the opinion that there was a tendency to resolve problems in the developer's favor, which he found problematic. He asked that the problems that existed with the plat maps be resolved before the City Council approved anything, and the matter be sent back to the Planning Commission.

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8.33 Chris McMillan, resident, expressed concern with the congestion that existed on the streets because of the parents who were picking up, dropping off, and waiting for their children at the school. She emphasized this congestion created a serious safety hazard, especially for emergency service vehicles that might try to enter the area. She added that she had serious concerns about the provisions that existed for firefighting. She said there were four schools on Fort Street, which was frequently very congested.

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8.34 Reed Gibby, resident, referenced the traffic studies that had been discussed. He said the first time he had done a traffic study was in 1971. He said he found this development very intriguing because it would have housing above and businesses below. Thus, the 24 units would translate into 24 businesses and 24 homes, and there would be a lot of specialty businesses, such as dentists, contractors and attorneys. There might also be specialized stores for such items as clothing, herbs, or computer repairs. He anticipated there would be a significant amount of traffic as a result of the businesses. He then estimated that there would be closer to 35 or 80 trips per day instead of 26. He said the purpose of an impact study was to quantify the impact of a development on an area and to ascertain some improvements that would likely be necessary over the next several years. The cost would be estimated.

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8.35 Jeff Stranka, resident, said he had come to the meeting with an open mind. He stated when he moved to Draper from Chicago, he had tried to anticipate what Draper would look like in the future. He opined that alleyways did not correspond with what he thought would fit in Draper. As for having residential and businesses combined, he suggested that people drive around the valley and look at similar product types. He said many of the buildings were vacant and he didn't see how the proposed land use would be successful. He suggested the applicants had a lot of loose ends that still needed to be taken care of. He said diagonal parking was a safety hazard.

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8.36 Jason Wiggins, resident, said he was an engineer and worked with models. He said models had their value, but they were not always accurate predictors.

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8.37 John Geertsen, resident, said he was on the executive board for Corner Canyon Little League Football. He said during the peak hours in the summer, there would be about 120 players on Draper's field practicing. He noted the population of Draper is going to continue to grow, so the roads will need to be expanded. This would have a significant cost attached to it if they have to buy property from the homeowners on Fort Street to expand the road.

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8.38 Linsey Sorensen, resident, expressed her concern about the safety and traffic around the area of the subject property. She said she felt the traffic was already significant, and the proposed high-density development would only make matters worse, especially for the children attending the area schools.

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8.39 Andrew Oliverson, resident, reiterated the concern about traffic. Making matters worse was the fact that there were no street lights or sidewalks. The narrowness of the street would make left turns a major issue. He concluded by stating he didn't believe the proposed development and product type was right for the area.

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8.40 Sandra Culver, resident, said the traffic in the area was awful, and that coming to and leaving from her home was very difficult. The congestion caused by the school traffic was a serious problem. When she bought her home six years ago, she never anticipated there would be a 35-foot development looking down into her back yard. She thought the land would be developed with shops and boutiques, not with the product type that was being proposed.

[9:00:38 PM](#)

8.41 Rhonda Lee, resident, stated the traffic congestion when she was leaving from and getting to her home was very problematic. She was shocked by the numbers that had been provided from the traffic study.

[9:02:26 PM](#)

8.42 Andy Mackay, South Jordan resident, said he was in attendance to support the applicant. He expressed his appreciation for the public servants and residents that were in attendance at the meeting. He said with regard to the two-acre parcel that existed in the heart of the City, the prevailing question was how one's property rights were determined to grant the owner the liberty to deliberately choose how to develop the property, while keeping all parties happy. He said the process entailed determining what the alternatives might be. He posed the following question: "If there were a 20- to 30-thousand-square-foot office building, could one really expect that there would be fewer trips per day?" He thought that ultimately, the purpose of a traffic study was to determine how much the proposed use would change in comparison to other alternatives.

[9:04:25 PM](#)

8.43 Kelle Land, resident, expressed her appreciation for the support of those who had put their thoughts together on how this issue should be handled. She said she felt especially strongly about the parking requirements on the basis of the proposed product type. She also expressed concern about the diagonal street parking. The cars would be facing southbound, so people going in the opposite direction of the angle of the parking spaces would have to block traffic to turn around to enter the parking space. That would exacerbate the safety concerns. Her other concern was regarding the right-of-way and the easement on the property. She felt the issue needed to be taken care of before the plat amendment was approved. The current easement would first have to be vacated.

[9:07:38 PM](#)

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

[9:08:05 PM](#)

**8.45 Councilmember Weeks moved to bring this development back to the City Council after the requirements had been met.**

[9:08:30 PM](#)

8.46 Mr. Baird asked for a chance to respond to the public comments. Mr. Baird first addressed the statutory authority that was applicable to this situation. The City Ordinance stated that the City could amend a plat if due cause could be shown to amend the plat. Furthermore, the public street right-of-way was vested with the amendment. He next said there was a fundamental misunderstanding on what was meant with regard to public streets. He said there was no requirement in law to vacate a private easement for a right-of-way. The owner of the easement would have to sign off on the plat for the right-of-way. Mr. Baird asserted that all of the legal requirements had been appropriately vetted by Draper Staff. Mr. Baird next clarified that the traffic study meant to say there would be 246 trips per day, not 26. The figure 26 referred to the trips during the peak hours. He said the additional trips during the peak hours would not be significantly detrimental to safety.

Mr. Baird next addressed angled parking. He noted the Draper City Code actually encouraged angled parking, which was exactly why the plat called for angled parking. He said traffic studies were robust and were used by virtually by every city in the United States.

The models are updated yearly to make them as reliable as possible. He said when traffic studies were challenged, the results of the study were typically upheld. He said facts were the most important consideration, not feelings.

Mr. Baird suggested the motion that had begun be changed to state the conditions that would have to be met in conjunction with the plat amendment. For example, the plat amendment would be approved subject to a traffic study that proved the viability of the proposal. He noted there were no perfect roads.

[9:15:08 PM](#)

8.47 Councilmember Weeks noted when she had looked at the GIS mapping, and when she had been at the County Recorder's Office, in Exhibit C, which was given to her by Kelle Land on April 5<sup>th</sup>, it looked as though the building was actually on top of the easement owned by CenturyLink. Therefore, she wanted to know why she should be comfortable approving a plat if a building was on top of an easement.

Mr. Baird said the solution was easy: If CenturyLink did not sign the plat, it would not be recorded. Mr. Baird said there were many plats that had been approved on which easements had to be relocated. He added that during his career he had dealt with close to a thousand plats, and he would be shocked if 70 percent of the plats didn't have easement relocation.

[9:17:55 PM](#)

8.48 Councilmember Green said it was his understanding that there was prior conduct on the City's behalf to grant plats with easement issues and the City would be treating Mr. Baird's client differently if this plat was not granted. Mr. Baird said his intent was to illustrate that it was common for plats to be approved even though there were easement issues that had to be resolved. Mr. Baird said this issue was a legislative decision to be made by the City Council.

[9:19:22 PM](#)

8.49 Russ Fox, Assistant City Manager, noted public utility easements were associated with all plats.

[9:20:20 PM](#)

8.50 Mr. Johnson clarified that volume data was not a point of disagreement. If the City Council would like additional intersections to be studied, he and his colleagues would be happy to do that. The impact on other intersections would be comparable with the intersections that were part of the traffic study. He also clarified the difference between hourly and daily trips. The peak hour calculation, between 5:00 p.m. and 6:00 p.m., was 26 trips. When the schools got out, there would be significantly fewer trips than there would be during the peak hours.

\*\* *The City Council took a break at 9:23 p.m.*

\*\* *The meeting resumed at 9:34 p.m.*

[9:34:11 PM](#)

8.51 Mayor Walker explained if no motion is made, the item will then automatically roll onto the next City Council meeting.

[9:35:00 PM](#)

8.52 Councilmember Weeks said while the developer had made several good points, there were also some points with which she disagreed. She said she wished to continue making her motion.

[9:35:25 PM](#)

**8.53 Councilmember Weeks moved to approve this development with the requirements that this development come back to the City Council with the following items fixed:**

- **Right-of-way officially surveyed to show the City has 66 feet for roadway**
- **Traffic study**
- **Utility easements be addressed**
- **Fix the deed gap issues**
- **Driveways entering the development be further away from the City Hall entrance**
- **The 12-foot right-of-way be vacated and approved**

**The motion failed for lack of a second to the motion.**

[9:39:47 PM](#)

8.54 Councilmember Green said there are 74 feet for roadway, and the law allows the City count anything located in a public area when calculating total footage. Utility easements can be vacated and done at closing by a title company; this is a standard process. Deed gaps are also typically done at closing. Plat recordation will not take place until all encumbrances are taken care of. He said he no longer had concerns with the fire code, because the road is now 26 feet and the fire apparatus access road is within 150 feet; there are also fire hydrants at the end of those roads. He concluded these are the factual findings he has determined based on this meeting.

[9:41:10 PM](#)

8.55 Mayor Walker advised that due to the lack of another motion, this item will be considered at the next City Council meeting on April 17, 2018.

[9:41:25 PM](#)

**9.0 Public Hearing: Ordinance #1288 and 1289, Brooks Lane Land Use, Zone Change, and Development Agreement, Request for Approval of a Land Use Change from Residential Low Density to Residential High Density, a Zone Change from RA1 (Residential One-Acre Minimum) to RM1 (Residential Multi-Family Up to Eight Units Per Acre and Minimum 6,000 Square Foot Lot for Single-Family), and a Development Agreement Guaranteeing that all Homes will be Single-Family. The Property is Located at Approximately 13568, 13610 and 13660 South 300 East**

[9:42:10 PM](#)

9.1 Dennis Workman, Planner, presented the staff report which included Ordinances 1288, 1289, a development agreement, and aerial maps of the subject property. Mr. Workman said it is not recommended that a decision be rendered on this item until the City Council hearing of April 17, 2018. For now, the recommendation is for the City Council to hold the public hearing and review Ordinances 1288 and 1289 and the associated Development Agreement (DA) and provide input that may help align the agreement with the Council's wishes. Ordinance 1288 proposes to change the land use from Residential Low Density to Residential High Density, and Ordinance 1289 proposes to change zoning from RA1 (residential one-acre minimum) to RM1 (multi-family residential up to eight units per acre, with a minimum 6,000 square foot minimum for single family). The DA would allow the developer to build ten single-family homes, each on a 6,000 square foot lot, and guarantees that only single-family homes will be built. There is language in the DA that states what public improvements the developer will make in exchange for DA approval.

The original application for this project was heard by the Planning Commission on November 9, 2017, and by the City Council on November 21, 2017. That application consisted of 3.04 acres, and the applicant was requesting a rezone from RA1 to RM2, and to have a Development Agreement approved providing for 21 residential units. There was considerable opposition to the request on the part of the public and both hearing bodies. The Planning Commission voted 3-1 to send a negative recommendation to the City Council on the zone change, and the City Council ultimately voted 5-0 to "remand this item back to the Planning Commission for changes to the proposal." The application at hand is the applicant's revised proposal. The land use part of this application does not change. However, what does change is the zoning request and the area of the affected property. The revised application requests a rezone to RM1 instead of RM2, and applies the rezone to 2.2 acres instead of 3.04 acres. As with the previous application, the revised application is accompanied by a development agreement (DA). The original DA proposed 21 residential units with a mix of single-family and twin homes. The revised DA shows that the project will consist of ten single-family homes, and precludes the opportunity for multi-family. The Planning Commission recommended approval of the land use and zone change, based on eight findings which were listed in the staff report.

[9:49:45 PM](#)

9.2 Chris Roth, applicant, said he has met with most the neighbors to explain the project and their concerns. They have since received positive feedback from the residents. He noted it was new to him that there are still changes that needed to be made to the plat. He explained the homes will be within the range of 3,000 square feet. They will also have nice, landscaped yards.

[9:51:15 PM](#)

9.3 Councilmember Lowery asked if the open space could be integrated into the lot. Mr. Roth stated the open space will be the detention area; it will also be landscaped.

[9:51:55 PM](#)

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

[9:52:14 PM](#)

9.5 Mark Thomas, resident, was concerned with how the proposed rezone would affect the density of the area. He asked if there was a better zone that would be a better fit for the applicant's proposal.

[9:53:25 PM](#)

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

[9:53:40 PM](#)

9.7 **Councilmember Weeks moved to continue this item to the April 17, 2018, City Council meeting, approve Ordinance #1288 and #1289, Brooks Lane land use change, rezone, and development agreement. Councilmember Summerhays seconded the motion.**

[9:53:50 PM](#)

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

[9:54:05 PM](#)

10.0 **Public Hearing: Ordinance #1320, Animal Units Text Amendment, The City-Initiated Text Amendment Proposes to Modify Chapters 9-3, 9-9 and 9-10 of the Draper City Municipal Code as it Relates to Animal Units in the Agricultural and Residential Zoning Districts.**

[9:54:40 PM](#)

10.1 Maryann Pickering, Planner, explained the current regulations for animal units are not clear and have caused some confusion in the past. The existing regulation of animal units allowed for property owners to request the number of animal units they thought were appropriate for the size of their lot. That may have allowed animal units on properties that were not really big enough for the number of animal units granted. The new regulations clarify how many animals (based on their size) are in an animal unit, and requires that one animal unit is allowed per half acre, either permitted by right or a conditional use.

The proposed changes to the definition of animal unit specifically call out the number and type of animals allowed per animal unit. For example, larger animals such as cows, donkeys, buffalo or elk are considered to be one animal unit. Smaller animals such as goats would allow five animals to be considered one animal unit. The definition would be inclusive and state all of the animals permitted. However, it should be noted that this updated animal unit definition does not apply to horses, chickens or bees. Those animals already have their own ordinance and regulations.

The other change proposed as part of this text amendment is the number of animal units allowed. For ease of enforcement, animal units will be allowed at a ratio of one animal unit per 20,000 square feet of total lot size in the A2, A5, RA1 and RA2 zoning districts. Animal units are permitted by right in the A2, A5 and RA1 zoning districts if the minimum lot area can be met. In the RA2 zone, all animal units will be a conditional use permit for each 20,000 square feet of total lot size. Because these regulations are based on the lot

size, the maximum number of animal units for each property would be based on the size of the lot.

The Planning Commission unanimously recommended approval, as per the staff report dated January 3, 2018, and as reflected in Ordinance #1320, including all Exhibits. Staff supported the Planning Commission's recommendation.

[9:56:25 PM](#)

10.2 Councilmember Summerhays said according to State and Federal laws, an animal unit is a mother and a calf, fowl, etc. Ms. Pickering said she can make any changes the Council wishes to be made to the ordinance. Councilmember Summerhays did not want to allow emus in Draper because they are dangerous animals.

[9:58:40 PM](#)

10.3 Ms. Pickering continued presenting the staff report, as listed above. Several pictures of animal units were shown as part of the presentation. The ordinance is based on research collected from several other cities. A list of allowed animals was presented, and Ms. Pickering said any animal not on the list is not permitted.

[9:59:16 PM](#)

10.4 Councilmember Weeks mentioned she has a friend who owns a zebra. Ms. Pickering indicated zebras were not on the list, and Councilmember Weeks asked if unique cases would be grandfathered in. Ms. Pickering answered affirmatively. She also explained that in the case of Councilmember Weeks's friend, if the zebra passes away they will not be able to replace the animal with another zebra without doing a text amendment adding zebras onto the list. Councilmember Weeks asked how much a text amendment costs. Ms. Pickering said they cost \$2,000, unless the amendment is initiated by the City. Councilmember Weeks asked if the Council could add zebras to the list in the motion, and Ms. Pickering answered affirmatively.

[10:00:05 PM](#)

10.5 Ms. Pickering said any animals in the RA2 would require a conditional use permit process, since these lots are smaller. In the other zones, the animals will be permitted by right.

[10:00:49 PM](#)

10.6 Councilmember Vawdrey asked if the proposed text amendment allowed third acre lots to have bunnies. Ms. Pickering answered affirmatively, and noted the definition in the zoning code states "household pets are defined as dogs, cats or rabbits." Councilmember Vawdrey asked to review the number of animal types per unit.

[10:01:50 PM](#)

10.7 Councilmember Weeks asked if peacocks are allowed. Ms. Pickering said peacocks are considered fowl. Councilmember Weeks said she has neighbors with interesting animals and she wants to make sure no one is excluded. Ms. Pickering stated any current animals would be grandfathered in.

Councilmember Vawdrey asked how offspring will be accounted for in the unit count. According to Councilmember Summerhays's comments, offspring would be allowed. Ms. Pickering said she was open to making that change in the proposed amendment.

Councilmember Weeks asked how long an animal is considered a baby, and she was informed that six months was the maturation age. Ms. Pickering explained there are regulations in other ordinances defining age groups. There was subsequent deliberation on the matter.

[10:05:24 PM](#)

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

[10:05:35 PM](#)

10.9 Gordon VanTassel, resident, asked about cattle and said they should be considered similarly to horses. He explained that cattle do not do well alone, and suggested at least four be allowed to be together.

[10:07:08 PM](#)

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

[10:07:15 PM](#)

10.11 Councilmember Weeks said last time this item was discussed, there were cases in which many cows and calves were allowed per acre. She wanted to make sure the City would not be repeating this again. Councilmember Summerhays said every year he brings 10 to 20 bulls to Draper City for a month and then takes them back to his farm. He has a place for them to stay, and they do not bother anyone.

Councilmember Weeks asked how many cows and bulls were allowed in the previous ordinance. Mr. Dobbins said he could not remember. He added the Council should be prepared for staff to enforce any type of ordinance the Council approves.

[10:12:00 PM](#)

**10.12 Councilmember Weeks moved to approve Ordinance #1320, animal units text amendment with the addition of allowing a zebra, up to two animal units per half acre, and allowing offspring. Councilmember Vawdrey seconded the motion.**

[10:13:25 PM](#)

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

[10:13:55 PM](#)

**11.0 Public Hearing: Lone Peak Specialty Center Plat Amendment, A Request by Andy Hubbard Representing Great Basin Engineering for a Plat Amendment Specifically Amending Unit 406 of the Lone Peak Specialty Center Building. The Application Would Split the Unit Into Two Units. The Property is Located at 96 East Kimball's Lane and is Zoned Regional Commercial (CR)**

[10:14:20 PM](#)

11.1 Dan Boles, Planner, explained this application is a request for approval of a Plat Amendment for approximately 0.09 acres located on the south side of Kimball's Lane, at approximately 96 East Kimball's Lane. The property is a single unit within the Lone Peak Specialty Center which has been divided through a condominium plat in 2016. The property is currently zoned CR (Regional Commercial). The applicant is requesting that a Plat Amendment be approved to amend unit 406 into two separate units. The Lone Peak Medical Center Subdivision was approved on November 12, 2015. This subdivision created lots for each of the three buildings on site, including the hospital and the two office buildings. In early 2016, a plat was approved which created condominium units throughout the entire building. This application will only affect one unit or lot located on the fourth floor. Staff and the Planning Commission recommended approval.

[10:15:54 PM](#)

**\*\* Councilmember Summerhays moved to continue the meeting past 10:00 p.m. Councilmember Weeks seconded the motion.**

[10:16:09 PM](#)

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

[10:16:25 PM](#)

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

[10:16:34 PM](#)

11.3 Councilmember Vawdrey moved to approve the Lone Peak Specialty Center Plat Amendment. Councilmember Weeks seconded the motion.

[10:16:46 PM](#)

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

[10:17:00 PM](#)

12.0 **Council/Manager Reports**

[10:17:06 PM](#)

12.1 Councilmember Summerhays said he was approached by the Sewer District that day about Fort Street. They had made a proposal to slurry seal the road and put a one-inch overlay over the top of it once their construction was done. The cost would be \$41,000 for the seal, and over \$140,000 for the overlay. Councilmember Summerhays proposed that the City take the money that it would have taken to seal and overlay the road rather than have the District do it. The City could then use that money when they decided to do the entire roadway.

Mr. Cooley said he would be amenable to Councilmember Summerhays's proposal if the City had a timeframe for when they would redo that road, but they didn't. Staff felt it would be better for the District to do the seal and overlay at this time.

There was some discussion, and it was noted that the road would be completed and cleared for the parade.

#### 10:21:30 PM

- 12.2 Councilmember Lowery asked if both sides of the Suncrest Road Project would be done at the same time, and Mr. Robbins confirmed that they would. They were waiting on the weather to stabilize before beginning the project, but they anticipated being done with the Alpine side by June. They would be working on the Draper side throughout the summer.

Councilmember Lowery said there was some concern about emergency vehicles getting stuck in traffic during the construction on Suncrest. Mr. Robbins said this shouldn't be a problem. Staff would make sure the Police and Fire Departments were aware of the construction.

#### 10:23:20 PM

- 12.3 Councilmember Green asked for the status of removing the storage building and reminded staff he would continue to ask about this plan during every City Council meeting until the building is gone.

Councilmember Green also asked for an update on the TRSSD mediation. Staff reported they went back and forth on choosing a mediator and they had been waiting on TRSSD to make a decision. They received an agreement from TRSSD today, and the mediator would be Lynn Creswell.

#### 10:23:55 PM

- 12.4 Councilmember Weeks asked if the City Council would support staff putting time in to finding out the potential cost of building a trailhead off of Highland Drive below Coyote Hollow. She wanted staff to see if this was possible and how much it would cost.

Mayor Walker asked if other Councilmembers supported the proposal. Two others agreed to ask staff to research the trailhead cost.

Councilmember Weeks addressed Deer Ridge, stating at one point the City Council had talked about possibly subdividing some of the land there and selling it in order to help with road repair costs. She asked if staff had looked into the issue at all. Staff reported they had arranged for the County to approve the conservation easement to make sure that all of the boundaries were set. They had told the residents that they wouldn't sell any of the land until those boundaries were set. Currently, they were trying to solidify some legal descriptions with the County, but they could start having discussions with potential developers to see if there was any interest in the property. Councilmember Weeks requested that this be done, and other Councilmembers agreed.

Councilmember Weeks reported that the pavement on New River Drive, which was installed last year, was already beginning to crack. She requested that staff check to see if they were still within the 12-month period so the developer could come back and fix the issue.

[10:27:00 PM](#)

12.5 Mr. Dobbins addressed Councilmember Green's issue of the storage building and reported they had an interested party contact the City about purchasing the property. The property is currently zoned residentially, but the potential buyer expressed interest constructing an office building. He asked the City Council if they would like staff to move forward in surplusizing the property.

Councilmember Green wanted to see the highest and best use out of the property, but he wasn't sure an office building was the right fit. He would rather see something akin to a park. After some discussion, the City Council decided to delay surplusizing the property until the structure was removed.

[10:28:54 PM](#)

12.6 Glade Robbins, Public Works Director, asked the City Council if they wanted to follow up on the lighting issue raised by Mr. Gibby during the meeting. He reported Public Works had been replacing street lights with LED bulbs, which were brighter and whiter than the old style. He explained LED lights provide more light at one-third the energy cost, and Rocky Mountain Power provides an incentive to change to LED lights. Staff wanted to continue replacing the street lights, but they would follow the direction from the City Council if they wanted to hold off.

Councilmember Weeks said she didn't mind having LED lights, but she wanted to know if the yellower LED light would work better for the street lights. The Council requested that staff look into the yellow LED lights before continuing.

[10:31:00 PM](#)

**13.0 Adjournment**

[10:31:30 PM](#)

**13.1 Councilmember Green moved to adjourn the meeting. Councilmember Lowery seconded the motion.**

[10:32:00 PM](#)

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

[10:32:30 PM](#)

13.3 The meeting adjourned at 10:32 p.m.