

Approved October 16, 2018

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, OCTOBER 2, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

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

EXCUSED: Councilmember Mike Green

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, Deputy City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, and Bob Wylie, Finance Director

1.0 Tour–Karl Malone Training Center -525 East 200 South, Lehi, Utah

1.1 The Mayor, City Council, and staff toured the Karl Malone Training Center to see the indoor basketball facility.

Dinner/Study Meeting

2.0 Planning Commission Update

2.1 Jennifer Jastremsky, Planner, reviewed the actions from the last Planning Commission meeting.

3.0 Council/Manager Reports

3.1 Councilmember Summerhays asked Mr. Dobbins to find out who owned the piles of silt on the side of the road at the point of the mountain. Mr. Dobbins stated they were owned by several different companies.

Councilmember Weeks responded that she had some complaints about these piles. Councilmember Summerhays noted this was becoming a nuisance. Councilmember Weeks said they needed to take care of these piles to prevent future problems.

Councilmember Lowery said she had spoken with residents about how to control this problem. Mayor Walker asked if everyone was in favor of forming a list of the companies that owned these silt piles.

3.2 Councilmember Summerhays noted his other issue is with a property that has a retaining wall with rebar exposed without caps. He expressed concern for children playing in this area who could injure themselves on the rebar. He suggested they encourage the property owner to cap the rebar.

- 3.3 Councilmember Weeks voiced concern with the City constantly continuing items. She said this is becoming a common occurrence and some people were exploiting the practice. She suggested they adopt other cities' policies concerning continuing items.

Councilmember Summerhays asked how she would handle this situation. Councilmember Weeks responded she would give people a pass the first time. She explained they needed to give a one week notice if they needed to continue an item.

The question was asked if this would require the Council to amend code. Mr. Barker answered that he had compiled rules from other councils around the State. Various cities had complicated rules and some were much simpler. There was subsequent discussion on the issue of continuing items.

Mayor Walker asked if there were three Councilmembers that wanted to investigate the issue of continuing items. There were three Councilmembers that agreed to investigate the issue.

- 3.4 Councilmember Lowery said she had asked staff to inquire about installing a crosswalk near Channing Hall at Scenic View Drive. She noted there was a lot of congestion and this would help ease the congestion by providing parking across the street. She explained no one wanted to park at the splash pad across the street without a crosswalk.

Mr. Dobbins said they had discussed this during their traffic committee meeting and this was an issue staff was investigating. There was subsequent discussion on the topic of a crosswalk. Mayor Walker asked for three Councilmembers to work on this issue.

Councilmember Lowery said there was a reoccurring problem of trash being dumped in open space. She explained the HOA did not feel it was their responsibility to clean up the trash. It was discussed to put up a camera to deter people from dumping trash. Mr. Dobbins said they could just put up a sign that said a camera was monitoring the area.

- 3.5 Mayor Walker asked for an update on 700 West. Mr. Dobbins said the timeline for the road to be finished was by 2020. Councilmember Lowery suggested the City apply for a grant for this project. Councilmember Summerhays said they should inquire into hiring a grant writer; while this would require a percentage of the grant, it would also provide a higher probability of bringing money into the City. Currently, it is difficult to apply for grants because they were time consuming. It was decided to investigate the hiring of a grant writer.

Mayor Walker said he had received emails about open space encroachment from the State. Mr. Dobbins explained there were residents encroaching on County-owned property. The County had demanded residents leave the property. He explained the items on the property created a liability for the County. Using the aid of an aerial map, Councilmember Summerhays showed that many of the residents were encroaching on the open space.

Mayor Walker asked about the progress of the sewer line on Fort Street, to which he was answered that it would be finished in October. Mr. Dobbins stated that there was a request for a ribbon cutting ceremony for the project's completion. He noted there was concern about how children navigated Fort Street because there was no sidewalk. He explained the City purchased property that potentially could be used to install a walking path, and they were working with the school and parents to find the best solution to provide safe transportation to school.

It was briefly discussed that a home was being built in a back yard. Mr. Dobbins explained staff had information available if there is litigation.

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Dan Boles offered the prayer.

2.2 Russ Fox led the Pledge of Allegiance.

3.0 Recognition: Brad Gilson - Participated in the ITU World Triathlon and Took 6th Place Overall

3.1 Mayor Walker recognized Brad Gilson. Mr. Gilson is an active volunteer with the City. He and his wife Leighann Gilson put in many hours helping at the Draper Amphitheater. Mr. Gilson was a part of a four-person committee that raised funds and encouraged the building of the Amphitheater. Mr. Gilson is a Draper resident, owns a Civil Engineering firm in Draper, and is a father to five children.

Mr. Gilson has attended World Triathlon Championships in Hungary, Netherlands, and Australia. He has consistently been the top finisher for Team USA. His most recent race was the 2018 ITU World Triathlon in Queensland Gold Coast, Australia. He was the first American, first off the bike, third in the swim, and sixth overall in the world in his age group. Mr. Gilson is a great example of hard work and dedication. At Mayor Walker's invitation, Mr. Gilson then offered some remarks.

4.0 Public Comments

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

4.1 Reed Gibby, resident, thanked the Public Works Department for their work on the Traverse Ridge Road project. He also thanked the Police Department for the enforcement of the speed limit on Traverse Ridge Road.

5.0 Consent Items

a. Approval of September 18, 2018, Minutes

b. Approval of Agreement #18-222

Interlocal Cooperation Agreement with Salt Lake County for installation of a traffic signal at 13200 South Fort Street. Staff: Scott Cooley

c. Approval of Resolution 18-74

Appointing Pimmie Lopez to Tree Commission.

d. Approval of Resolution 18-75

Appointing Dan Portwood to the Draper Arena Board and Tree Commission.

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

5.2 Councilmember Weeks said she was excited to have new members on the Tree Commission.

5.3 Councilmember Lowery asked if this completed the Commission. Mayor Walker said this made a quorum but there were still openings on the Commission.

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

6.0 Public Hearing: Ordinance #1363, Carter Zoning Map Amendment, a request by Shane and Andrea Carter, for a Zoning Map Amendment, Known as the Carter Rezone to Change the Zoning from RA1 (Residential Agricultural, 40,000 Square Foot Minimum) to RA2 (Residential Agricultural, 20,000 Square Foot Minimum) at Approximately 690 East 12100 South

6.1 Maryann Pickering, Planner, presented the subject property on the displayed map. She explained the zoning was appropriate for the site as there were similar zoned properties in the vicinity. She noted the Planning Commission voted to approve the rezone five to zero. She asked for any questions.

6.2 Councilmember Lowery asked Ms. Pickering to discuss the access. Ms. Pickering responded there was full frontage on 1240 South and an existing driveway.

6.3 Councilmember Weeks said this would be a flag lot.

- 6.4 Councilmember Lowery asked if the backlot would be cut in half to make the flag lot. Ms. Pickering answered in the affirmative.
- 6.5 Councilmember Summerhays asked if the home was over the setback. Ms. Pickering responded it was close, but it would be legal non-conforming.
- 6.6 Shane Carter, applicant, stated that Ms. Pickering had done a good job explaining everything. He explained they purchased the property eight years ago. In the last few years Draper has grown and was seeking approval to preserve single family homes in this area. He said his neighbors had given their endorsement for the rezone.
- 6.7 Mayor Walker opened the public hearing.**
- 6.8 Ralph Broderick, resident, commented that he had lived in Draper for many years. He said that the last few years many town homes and apartments had been built in the City. He said he wanted to keep this area as a single-family neighborhood. For this reason, he was in favor of the applicant's request.
- 6.9 Mayor Walker closed the meeting for public comment.**
- 6.10 Councilmember Weeks moved to approve Ordinance #1363. Councilmember Vawdrey seconded the motion.**
- 6.8 A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 7.0 Public Hearing: Ordinance #1359, Broderick Zoning Map Amendment, a Request for Approval of a Zoning Map Amendment from RA1 to RA2. The Property is Located at 626 East 12100 South**
- 7.1 Dan Boles, Planner, presented the staff report as well as an aerial map of the subject property. He explained the item consisted of two parcels that were seeking the rezone, similar to what was occurring with the previous item.
- 7.2 Ralph Broderick, applicant, briefly explained the history of the properties. He said their current home is too big as they no longer have any children. They wanted to build a home on their adjoining property and build a more comfortable home.
- 7.3 Councilmember Summerhays stated they could build on three lots if they approved the rezone. Mr. Broderick responded if the property was rezoned they would have a surveyor survey the property. They wanted to build a rambler that was one story. He said they might build a small home in the future on the third lot. Councilmember Summerhays asked if they would knock down their main home and put three smaller homes on the property. Mr. Broderick answered in the negative.
- 7.4 Mayor Walker opened the public hearing.**

- 7.5 Shane Carter, resident, commented that he lived near the applicant. He said he was in favor of the rezone to allow Mr. Broderick to build a single-family home.
- 7.6 **Mayor Walker closed the public hearing.**
- 7.7 **Councilmember Lowery moved to approve Ordinance #1359. Councilmember Summerhays seconded the motion.**
- 7.8 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 8.0 **Public Hearing: Ordinance #1342 and 1343, Irvine Office Park Zone Change and Text Amendment, a Request by Scott Irvine to Amend the Text of Section 9-18 of the Draper City Municipal Code by Adopting a New CSD Zone Called Irvine Office Park Commercial Special District (CSD-IOP), and to Rezone 21.72 acres located at 440 W. 13800 S. from CBP, M1 and A5 to CSD-IOP**
- 8.1 Dennis Workman, Planner, presented the staff report as well as an aerial map of the subject property. He explained the applicant was requesting to amend the text by adding a new CSD zone. He said the text was available to examine in the packet. The applicant was also requesting to rezone the property. The purpose of the rezone was to give the applicant more flexibility. He presented a code comparison to explain the necessity of the rezone. He said staff and the Planning Commission were recommending approval.
- 8.2 Councilmember Lowery said that she had hoped the code comparison was available in the packet.
- 8.3 Councilmember Weeks asked about the light poll limit. Mr. Workman said the no-limit meant that it was not mentioned in the code. Councilmember Weeks asked Mr. Workman to explain the proposed open space. Mr. Workman responded the applicant planned on 20% open space, as well as one tree per tree island. He said the applicant would give more information on the trees.
- 8.4 Councilmember Summerhays asked if the landscaping islands hindered snow removal. Mr. Workman answered in the affirmative. He said this was one of the reasons the applicant removed some of the islands.
- 8.5 Councilmember Lowery asked Mr. Workman to discuss the signage. Mr. Workman explained the applicant wanted to have one sign per building. He said the current code required one sign per 32 square feet.
- 8.6 Councilmember Summerhays asked if he was comfortable with the retail parking stalls. Mr. Workman answered in the affirmative. He noted there were 19 uses they were proposing, several of which he then listed. He explained this made it difficult to know the amount of parking needed.

- 8.7 Mayor Walker asked if there were any more questions.
- 8.8 Councilmember Lowery asked if Mr. Workman had any issues with the signs. Mr. Workman answered in the negative, stating they were reasonable requests. He noted the Planning Commission did not have any issues. He suggested they request the lighting be down facing and less intense.
- 8.9 Councilmember Weeks asked if one of their requests was housing. Mr. Workman said no, there was no mention of residential.
- 8.10 Councilmember Summerhays asked if the reason for the rezone was for the power corridor. Mr. Workman responded that the applicant would further explain their reasoning.
- 8.11 Jory Walker, applicant, explained this project was an office park. The Utah power corridor ran through the property. To incorporate the power polls, the islands needed to be eight to ten feet. This created a situation that included parking islands throughout the site and would take up too much space. For this reason, they were asking for less parking islands. The CSD zoning allowed them the flexibility to design the office park and meet the City's standards.

Mr. Walker explained the neighboring properties also had CSD zoning, and the applicant was asking for the same allowances permitted in adjacent areas including signs and the parking. He noted the office buildings were mostly glass and it was difficult to provide the required 80% primary material under such circumstances.

- 8.12 Mayor Walker asked for any questions.
- 8.13 Councilmember Lowery asked if the samples were the desired products. Mr. Walker stated the samples were the designs that would be submitted to the City for approval.
- 8.14 Councilmember Summerhays asked how far apart the power polls were. Mr. Walker answered they were about 500 feet apart.
- 8.15 Councilmember Weeks asked Mr. Walker to discuss the light polls. Mr. Walker responded the power corridor prevented them from building light polls at a certain height. This could cause interference with the power polls. He said they needed more lights to get the same amount of light.

Councilmember Weeks said she was concerned they would only build the minimum number of stalls for parking. Mr. Walker stated their office tenants required five to six cars per thousand, per office. He said they always built enough parking stalls. Councilmember Weeks suggested they change the amount to reflect five parking stalls per thousand. Mr. Walker concurred and noted office parks often fail due to insufficient parking.

** *Mayor Walker left the meeting at 7:54 pm*

8.16 Councilmember Weeks said she was concerned the applicant was jumping from a request of six story buildings to 14. Mr. Walker said the reason for this request was due to the rezone. He said this would give them the flexibility in the future to build up to this amount. He said they were not currently planning on 14 story buildings. He noted they could currently ask for 10 to 12 stories. Councilmember Weeks said she was uncomfortable with the higher amount.

** *Mayor Walker returned to meeting at 7:58 pm*

8.17 Jennifer Jastremsky explained the current code allowed up to 55 feet; however, an applicant could request a deviation for additional height as long as they certain standards with the Planning Commission.

8.18 Councilmember Weeks asked how many feet six stories was. Mr. Walker answered 72 feet. He explained 126 feet was eight stories and 146 feet was ten stories. He said the reason they were requesting the height was for future flexibility.

Councilmember Weeks said she was concerned about the monument signs. She said they were three times the current standard the code allowed. Mr. Walker said they were hoping to put up the sign towards the prison property. He said their intention was not to put the sign over the freeway.

8.19 Councilmember Lowery said she did not feel the City was holding Mr. Walker to a different standard than his peers. She said it was their job to vet these projects and it was not correct that they were being treated unfairly. Mr. Walker said it made sense that they should be rezoned to match their neighbors.

8.20 Councilmember Vawdrey asked if the lights would be shielded and downward facing. Mr. Walker answered in the affirmative.

8.21 Councilmember Summerhays asked if a parking garage would be included if they built an eight-story building. Mr. Walker answered in the affirmative.

8.22 Mayor Walker opened the public hearing.

8.23 Shalise Benjamin, resident, said her biggest concern was traffic. She noted that she was a crossing guard and saw some traffic issues on Lone Peak and Bangarter. She said she was also concerned about the Fire Department's ability to access the property.

8.24 Mayor Walker closed the public hearing.

8.25 Councilmember Weeks said she needed more time to think about this item.

8.26 Councilmember Weeks moved to continue this item to the next City Council meeting. The motion failed for lack of a second.

- 8.27 **Councilmember Vawdrey moved to approve Ordinance #1342 and #1343. Councilmember Summerhays seconded the motion.**
- 8.28 Councilmember Weeks said she wanted to address the height and the parking. She said there were too many things she wanted to see changed. Mayor Walker noted the TOD zone had an unlimited height. He explained the property would be more valuable in the future and businesses would build upward. He was in favor of allowing them to build upward.
- 8.29 Councilmember Lowery asked Clint Smith, Fire Chief, about fire access. Chief Smith stated that their tactics changed when they covered incidents within a taller building. He said there was not an issue for access.
- 8.30 Councilmember Lowery asked John Eining, Chief of Police, about his concerns with traffic. Chief Eining responded that traffic was an engineering issue in the future. He said they would take care of issues as they were presented.
- 8.31 Mayor Walker asked for more questions.
- 8.32 Councilmember Summerhays stated he had been aware of this property his whole life and did not think it would be developed. He said the property taxes would be high and would give the City a good amount of income. He said the only way to lower property taxes was to encourage these types of businesses to Draper.
- 8.33 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, voting in favor. Councilmember Weeks voted against. The motion passed 3 to 1.**
- 9.0 **Public Hearing: Ordinance #1361 and 1362, 136 Center Addition Text Amendment and Zoning Map Amendment, a request by Ryan Simmons, representing the Boyer Company, to amend the 136 Center Commercial Special District (CSD-136C) text to increase the overall acreage of the district and add new concept plans to the exhibits and to change the zoning designation on the property located at 28 West 13775 South from M1 (Light Manufacturing) to CSD-136C**
- 9.1 Jennifer Jastremsky, Head Planner, presented the staff report as well as an aerial map of the subject property. She explained the applicant was a new owner of this property and was requesting to include the property into their development. This would require a rezone for the subject property. She stated staff and the Planning Commission recommended approval.
- 9.2 Ryan Simmons, applicant, said he had nothing more to add. He asked for any additional questions.
- 9.3 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

- 9.4 **Councilmember Weeks moved to approve Ordinance #1361 and #1362. Councilmember Lowery seconded the motion.**
- 9.5 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 10.0 **Public Hearing: Resolution #18-72, Surplus of Draper City Property Acquired for the Phase II Lone Peak Parkway Extension**
- 10.1 Scott Cooley, Public Works Director, presented the staff report. He explained the City purchased two properties for the road. The portions that were left over after the road extension were available for surplus.
- 10.2 Councilmember Summerhays asked why someone would buy the surplus property. Mr. Cooley responded the interested parties wanted to include them into their existing parcels. He further explained that the piece would be given to the adjacent property owner and the City would be forced to vacate the right-of-way. Councilmember Summerhays asked the size of the property in question. Mr. Cooley responded the property was a small piece and he did not know the exact dimensions. Councilmember Summerhays said it was not worth it to the City to maintain the piece.
- 10.3 Mayor Walker asked for additional questions. There were none.
- 10.4 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**
- 10.5 **Councilmember Lowery moved to approve Resolution #18-72. Councilmember Summerhays seconded the motion.**
- 10.6 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 11.0 **Public Hearing: Resolution #18-73, Amending the Current Fiscal Year 2018-2019 General Fund Budget**
- 11.1 Bob Wylie, Finance Director, presented the staff report and said there were two items to discuss. The first was the Upper Maple Hollow Trail realignment. He explained the City had received a grant from the State for \$10,000, \$5000 from the Corner Canyon Foundation, and \$1000 from the Go Ride Foundation. Staff was estimating \$4000 for volunteering. He said the total budget request was \$16,000 to be added to the CIP. The second item was the Lower Rush Trail extension. Staff was requesting funding to be the extension to take the trail from Peak View trail head to Ballad Arena. The estimated cost for the project was \$116,000. The current budget had \$63,000 allocated to the project with the remaining \$53,000 coming from the impact fees.

- 11.2 Councilmember Summerhays said finishing the Lower Rush Trail would help keep bikers off the main trail. He mentioned having received many complaints, and this provided a good solution to those issues.
- 11.3 Councilmember Lowery said she agreed with Councilmember Summerhays.
- 11.4 Councilmember Summerhays asked Mr. Dobbins if this would relieve the bike traffic on Lower Corner Canyon road.
- 11.5 David Dobbins, City Manager, answered in the affirmative. He said the tendency for bikers was to go quickly down the flat trail; usually, they did not even know how fast they were going.
- 11.6 Councilmember Lowery commented there were blind curves that were dangerous. Councilmember Summerhays agreed with Councilmember Lowery.
- 11.7 Mayor Walker said before the gas line was installed there were two trails. He said extending this would give bikers the choice to avoid the road. This would also alleviate parking at the Coyote Hollow trail head.
- 11.8 Mr. Dobbins stated that Mr. Ogden would use the map to explain the proposed extension. Rhett Ogden, Parks and Recreation Director, agreed the purpose of the trail was to alleviate parking at Coyote Hollow and get bikers off the road. Using the aid of an aerial map, he then described how they planned to include the trail.
- 11.9 Councilmember Summerhays asked they slow down building trails soon. He noted there were a lot of trails in the Draper system.
- 11.10 Councilmember Weeks asked if they were taking the funds from the park impact fees. Mr. Ogden answered in the affirmative. Councilmember Weeks asked if the park impact fees were only allowed to be used for the trails or other parks around the City. Mr. Ogden responded the funds could be used for either of these options. Councilmember Weeks asked if the fees could be used to fund the park on the west side of the City. Mr. Ogden answered in the affirmative.

Mr. Dobbins stated there was \$1.5 million in the impact fee funds. He said they were only asking for \$63,000. He said there was an additional \$1.4 million available for other projects. Councilmember Weeks asked how much the park would cost the City. Mr. Dobbins responded about \$2 million.

Councilmember Weeks said she was in favor of the Lower Rush trail but was concerned about where they found the funds. She asked if they could take funds away from a bike trail to go toward the Lower Rush trail. Mr. Ogden responded this was what they had done and explained how they gathered the funds for the trail. The was subsequent discussion on the trail funding.

11.11 Mayor Walker asked for additional questions. There were none.

11.12 Mayor Walker opened the public hearing.

11.13 Jamie Pogue, Parks, Trails, and Recreation Commission Chair noted the gas line removed one of the trails creating congestion. He said he discussed with the Commission that this was an important trail that benefited hikers, horse riders, and bikers. He asked this item to be approved.

11.14 Mayor Walker closed the public hearing.

11.15 Councilmember Summerhays moved to approve Resolution #18-73. Councilmember Lowery seconded the motion.

11.16 Councilmember Weeks asked if there was any other location they could find the funds for the \$53,000. She said she was concerned that they were not funding the trails more than the parks.

11.17 Mayor Walker asked Councilmember Weeks to speak to the motion. Councilmember Weeks amended the motion to allocate money from other trails to keep the funds for the parks.

11.18 Councilmember Weeks moved amend the motion to allocate money from the other trails to keep the funds for the parks. The motion failed for lack of a second.

11.19 A roll call vote was taken with Councilmembers Lowery, Summerhays, and Vawdrey, voting yes. Councilmember Weeks voted no. The motion carried with a majority vote of 3 to 1.

12.0 Recess to a Redevelopment Agency Meeting

12.1 Councilmember Summerhays moved to recess to a Redevelopment Agency Meeting. Councilmember Lowery seconded the motion.

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

12.3 The City Council meeting recessed at 8:44 p.m.

12.4 The City Council meeting resumed at 8:51 p.m.

13.0 Adjournment

13.1 Councilmember Lowery moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

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

13.3 The meeting adjourned at 8:52 p.m.