

*Approved 4.9.2019*

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 19, 2019, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

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

EXCUSED:

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

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**Dinner**

**Study Meeting**

**1.0 Discussion: Fiscal Year 2019-2020 Budget – Bob Wylie**

Mr. Wylie explained they had worked on the budget for two months. He then gave an overview of the 2019 – 2020 budget. He discussed the General Fund, road funds, impact fees, capital projects and various other funds. He noted they had encountered a change in the City's revenue streams. The primary revenue was through sales taxes, but it was steadily declining. They were being cautious about how they proceeded with the City's budget as revenues declined. Mr. Wylie continued by discussing the property and sales taxes. He compared the City's tax distribution to other cities in the area.

Mr. Wylie discussed the RDA's impact to the City's budget. He explained it was separate from the general fund. He concluded by asking the Council to consider the slowing revenue and the City's growth.

Councilmember Lowery asked if Mr. Wylie had any concerns. Mr. Wylie explained that staff was not concerned but wanted to be prepared. It was noted the State was also anticipating a slowdown in the economy. Mr. Wylie explained the property taxes were low because they had been successful with sales tax. He said they needed to be prepared to reconsider the taxes.

Councilmember Green asked if they had a plan if sales taxes fell. Mr. Dobbins responded in the negative. He said they would have a discussion with the Council and staff to create a solution. The main concern would be to avoid personnel lay-offs.

**2.0 Council/Manager Reports**

Councilmember Weeks mentioned that the Mayor and Council had received a letter about parking. Mr. Dobbins stated the matter in question had already been resolved.

Councilmember Green asked about the status of HB119, explaining that it would change how the City would create voting areas. He said they should have a discussion in the future about the bill. Mr. Barker said he would investigate the bill.

Councilmember Vawdrey asked about the Coyote Hollow trailhead. It was stated that Mr. Ogden was not available and would respond to her concerns by the next meeting.

Mr. Cooley reported on the upcoming projects in the City. He noted there would be some road closings and detours. He also went over the funding for future road developments.

### **3.0 Adjourn to Closed Session to discuss litigation, acquisition and/or personnel**

#### **Business Meeting**

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

#### **2.0 Thought/Prayer and Pledge of Allegiance**

2.1 Steve McInroy, from The Rock Church, offered the prayer.

2.2 Chief John Eining led the Pledge of Allegiance.

#### **3.0 Recognition: Corner Canyon High School Boys Basketball Team, 5A State Champions**

#### **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 Jose Gyde, resident, stated he was concerned about the cost of recycling. He said he was also concerned that their recycling was ending up in landfills. He suggested the City take steps to educate the residents about recycling, invest in recycling, and hold companies accountable for making non-recycling products. He asked if the City would have a public hearing on the matter.

4.2 Rick Taylor, resident, read a letter about his concerns with 700 West. He asked the City to consider there the fact that there were still agricultural residences in the City. The letter also asked the City to keep children safe by installing sidewalks.

4.3 Mike Lund, resident, explained that he lived next to a park where residents flew remote control planes, helicopter, and rockets. This had caused a lot of nuisance to him and his

neighbors. He asked the City to change the use of the park to prevent the use of remote control vehicles.

**4.4 Mayor Walker closed public comments.**

**5.0 Consent Items**

- 1. Approval of March 5, 2019, City Council Meeting Minutes.**
- 2. Approval of Agreement #19-58, Interlocal Cooperation with Salt Lake County, Interlocal Cooperation Agreement with Salt Lake County for Draper City to be reimbursed \$1,700,000.00 for widening Lone Peak Parkway between 11400 South and 12200 South.**
- 3. Approval of Edelweiss Phase 9 Final Plat, on the request of Nate Shipp, representing**
- 4. MREC DAI Edelweiss, LLC, for approval of Phase 9 of the Edelweiss development located at approximately 2025 Stoneleigh Drive.**
- 5. Approval of the 7<sup>th</sup> Amendment to Master Development Agreement for Hidden Canyon Estates, Mercer Mountain, and Lakeview Heights, regarding the front yard setback for garages in Mercer Meadows.**

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

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

**6.0 Action Item: Resolution #19-16, Lone Peak Bio-Tech Business Park Development Agreement, On the request of Ken Rudy, representing Price Realty, for a Development Agreement for the Lone Peak Bio-Tech Business Park located approximately at 12128 South Lone Peak Parkway.**

6.1 Jennifer Jastremsky, Planner, presented the staff report as well as an aerial photo of the subject property. She noted that the development in question was recently approved by the zoning administration. The agreement would allow the zoning administrator to approve the site plan and would require the Planning Commission to review any conditional use permits or amendments.

6.2 Councilmember Weeks asked about a portion of the area zoned for a park. Ms. Jastremsky explained that the area was determined to be better used as an office park. However, it was originally zoned for a park.

**6.3 Councilmember Lowery moved to approve Resolution #19-16, Lone Peak Bio-Tech Business Park Development Agreement. Councilmember Green seconded the motion.**

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

- 7.0 Action Item: Verizon Wireless Lease Agreement, Approve Resolution #19-25, entering into a lease agreement between Draper City and Verizon Wireless for equipment addition and to add antennas to the existing cell tower and light pole located at Steep Mountain Park.**
- 7.1 Russ Fox, Assistant City Manager, presented the staff reported and discussed the lease agreement. He explained that the location of the equipment required Verizon to adjust the existing agreement. He displayed a simulation of the proposed installation.
- 7.2 Councilmember Lowery asked how long it would take for this to improve cell service. Pete Simmons, with Verizon Wireless, responded the results would be immediate when the equipment was installed.
- 7.3 Councilmember Vawdrey moved to approve Resolution #19-25, Verizon Wireless Lease Agreement. Councilmember Summerhays seconded the motion.**
- 7.4 Councilmember Weeks thanked the applicant for moving this to a safer location.
- 7.5 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 8.0 Public Hearing: Big Willow Creek Phase 6 Land Use Map Amendment, Zoning Map Amendment, and Development Agreement, On the request of Bryon Prince, representing Ivory Development, for a land use map amendment, zone change, and development agreement on 18.01 acres of property located at 527 West, 491 West, 445 West 11400 South for the Big Willow Creek Phase 6.**
- 8.1 Jennifer Jastremsky, Planner, presented the staff report, as well as an aerial map of the subject property. She then described the land use and zoning, and explained that the applicant was requesting to change these two items to better suit the development. She explained the multi-family portion of the development would be single-family attached and detached. The Planning Commission recommended denial on the land use and zoning change. The Planning Commission did not review the development agreement. She noted UDOT had not given approval to the proposed access to the development.
- Councilmember Weeks asked how many units were planned. Ms. Jastremsky stated that they did not have an exact number; however, there was a possibility of 138 units. Councilmember Weeks asked how the development would be accessed. Ms. Jastremsky stated that this was a question for the applicant.
- 8.2 Councilmember Summerhays asked where this development was in relation to TRAX. Ms. Jastremsky responded that this was all west of TRAX, and identified the exact location using the aid of an aerial map.

- 8.3 Bryon Prince, applicant, discussed the zoning and land use, explaining that the goal was to have the development be consistent with the surrounding area. He said they planned on about 105 units. He explained smaller homes were better suited to the area.

Mr. Prince continued by explaining that they had discussed the development with UDOT, and UDOT was supportive of the development.

- 8.4 Councilmember Green asked for a justification for the land use change. Mr. Prince responded that this was a better use of the property. He explained it would accommodate the high cost of the land and the market supported the types of homes they planned.

- 8.5 Councilmember Weeks asked if they had permission from UDOT to have a side-by-side access, as shown in the application. Mr. Prince explained that they had not gone through the formal process with UDOT. The discussion they had with UDOT ensured they could make the right-of-way function. Councilmember Weeks said she was concerned there was no agreement with UDOT. Mr. Prince responded they had nothing in writing to support their plans for access.

Councilmember Weeks asked if they owned all of the R4 land in the subject area. Mr. Prince responded in the negative; there were still portions that belonged to the Lindquist family.

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

- 8.7 Craig Holt, resident, said he was not against the development. However, his biggest concern was the road through the development. He said this would directly impact his property. He asked that the City ensure this was not an issue for the existing neighbors before approving the development.

- 8.8 Catherine Holt, resident, stated she was accused of trying to get money from the developer. She said the developer was the one who was taking advantage of Draper. She also expressed concerns with the road. She stated that the item needed to be tabled so the City could make sure the road did not affect the existing neighbors.

- 8.9 Doug Tom, resident, asked the Council to consider the unintended consequences of the rezoning and land use change. He noted there was already a lot of traffic and the changes would only make it worse. He explained that the developer had a poor history of compliance and asked the City to enforce the regulations. He suggested the Council consider the recommendation from the Planning Commission. He finally asked the developer to address the residents as people and not as inanimate objects.

- 8.10 Christopher Feuz, the Holts's attorney, explained there were still too many variables to consider before approving the development. He was concerned with the road and the zone change. He suggested they table this item for a later date.

- 8.11 Judy Player, resident, said she was concerned with the traffic generated from the development. She noted some dangers associated with the roads and suggested lowering the density to prevent the rise in traffic.
- 8.12 Tony Nelson, resident, was also concerned about the planned road through the development. He said it was not the City's job to help the developer find a road. He asked the Council to table the item for a later time.
- 8.13 Mayor Walker closed the public hearing.**
- 8.14 Councilmember Summerhays asked which properties they would own, which Mr. Prince subsequently identified on the aerial map. Councilmember Summerhays asked about the road and access. Mr. Prince responded they planned on building the roads through the development. He explained they were required to build the road and asked the City for assistance to work with the neighboring developer. Councilmember Summerhays stated that he was concerned about the connection to 700 West and asked them to consider this as an issue. Mr. Prince agreed.
- 8.15 Councilmember Lowery moved to continue Big Willow Creek Phase 6 Land Use Map Amendment, Zoning Map Amendment and Development Agreement to a date certain of April 9, 2019. Councilmember Green seconded the motion.**
- 8.16 Councilmember Weeks moved to amend the motion to allow public comment at the April 9, 2019, meeting. Councilmember Summerhays seconded the amendment.
- 8.17 Councilmember Weeks expressed concerns with the density and traffic. Mr. Prince noted that they had done a traffic study. Councilmember Weeks said she wanted more proof the developer was doing something to mitigate traffic concerns.
- 8.18 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 9.0 Council/Manager Reports**  
This was discussed during the Study Meeting.
- 10.0 Adjournment**
- 10.1 Councilmember Green moved to adjourn the meeting.**
- 10.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**
- 10.3 The meeting adjourned at 8:10 p.m.