

Approved 5.7.19

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY APRIL 16, 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

Dinner

Study Meeting

1.0 Discussion: Tree Commission Budget

David Cloward of the Tree Commission said he wanted to discuss their plans for City beautification. They wanted to create tree canopies over the streets. He discussed the various tree options to create canopies. He then discussed the costs associated with the trees and the landscaping.

Councilmember Summerhays stated that the costs maintaining park strips were rising because they had added many throughout the City. There was subsequent discussion about the costs of maintenance. Mr. Cloward continued by explaining the plans to re-develop the park strips. He presented several options to the Council.

Mr. Cloward explained that they had the option of using volunteers for the project or raise funds to hire landscapers. Councilmember Lowery asked if they had contacted any landowners near the project. Mr. Cloward responded in the affirmative. They had not contacted everyone because they had not made final plans for the project.

There was discussion about other potential locations for the project. Mr. Cloward noted that there were significant problems obtaining enough of the desired trees when the land was secured. This caused the price of the project to rise. He stated that he was asking for at least \$139,000.

2.0 Discussion: Legislative Updates on Housing and General Plan - Christina Oliver

Members of the Planning Commission attended and introduced themselves.

- 2.1 Meg Ryan, Utah League of Cities and Towns, said she wanted to discuss the current Utah legislative session. The most notable issue was the affordable housing and general plan. This was required by every city over a certain size in the state of Utah. She briefly went over Draper's general plan.

Housing has now been required to be integrated with public transportation. The general plan needed to outline how the City would accomplish this requirement. If this was integrated into the plan the City would be eligible for State funding. The State was also requiring the City plan for various levels of housing. This would be accomplished through the general planning and zoning.

The State was willing to give the City time to implement their plans. There was no funding currently attached to the bill. If the City did not update their housing and general plan, they would not be eligible for transportation funds.

- 2.2 Benjamin Becker, Zion Public Finance, explained that they expected the population to double in the next 25 to 30 years. The State had a healthy growth in jobs and population. Mr. Becker shared some Utah statistics to demonstrate growth. He noted homes and land value was rising in Utah. He explained it was still more affordable to own property in Utah than some California and Oregon Cities. This could help encourage people to move to Utah.

Mr. Becker continued by discussing population growth. This was important to discuss the moderate to medium income housing. Councilmember Green asked if there were tools that they could use to invite moderate income housing. The City had high land values, and this made it difficult. Ms. Ryan said this was something they would explore in the next few months. There were other options they could discuss in the future as well.

Mr. Becker explained that the medium income was based on the number of people per residence. It was noted there were limited spaces throughout the City to build more housing. The general plan also would consider transportation costs for affordable housing.

3.0 Council Review of Tentative Budget

Fire Chief Clint Smith discussed the budget needs of the Draper City Fire Department. Their goal was to increase safety and be consistently staffed. He said they were requesting a Deputy Chief position and a Training Captain. He also asked for funding to do away with the part time program. He then discussed the various equipment needs for the department.

Chief Smith noted there were some service gaps as there was a lot of growth west of I-15. Most of the stations were east of the highway. They needed to discuss the best location for a future station.

Chief Smith then briefly went over the department's mission statement and core values.

Rhett Ogden, Parks and Recreation Director, and Christina Oliver, Community Development Director would present the budget needs of their departments during the Council Meeting.

4.0 Council/Manager Reports

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Pastor Matthew Emadi from Crossroads Church offered the prayer.

2.2 Police Chief John Eining led the Pledge of Allegiance.

3.0 Recognition: Officer Cory Smith receiving the William H. Spurgeon III Leadership Award and Explorer Scout Emily Addison receiving Explorer of the Year.

This recognition will be given at the May 7, 2019 City Council Meeting.

4.0 Recognition: Miss Draper Outstanding Teen, Grace Mead and Miss Draper, Alexsys Campbell

5.0 Presentation: 2019 Conservation & Sustainability Award, Presented by Utah Recreation & Parks Association for the Traverse Ridge Conservation Easement.

5.1 Leann Powell, Utah Recreation & Parks Association, gave a brief explanation of the award. She thanked the staff for their work in conservation and sustainability. The City was awarded this for the work on the Traverse Ridge Conservation Easement. Mr. Ogden was invited to receive the award on behalf of the City.

6.0 Presentation: Micro Transit Pilot Program by Utah Transit Authority Presentation by Carlton Christensen and Jaron Robertson.

Mr. Christensen explained that they were working on a project to provide Microtransit for some or all of Draper. Mr. Robertson was invited to go into more detail of the Microtransit project. The main component of the program would allow the transit vehicles to deviate from routes to cover more area. They planned on using smaller vehicles to accomplish this effectively.

Mr. Christensen explained the current funding from the State would help provide the budget for this program. This would allow them to continue other operations as normal and implement the new program.

7.0 Public Comments

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

- 7.1 Tony Nelson, resident, said he wanted to discuss the amount of time residents could have during the public comment. He noted applicants or developers were allowed unlimited time. He asked they consider giving at least five minutes and allow the residents a rebuttal period.

He also asked the Council to consider putting the report made by the Chamber of Commerce in the budget. He asked the City to consider putting money back into the cemetery fund. Finally, he asked the Council to consider charging a fee for using the trails. He noted a lot of people not from Draper used their trails.

- 7.2 Kathleen Keller, resident, presented a letter to the City Recorder outlining her grievances with the City. She had asked the City to divert water away from her property. This water had created a health concern for her property. The water was stagnant and allowing mosquitoes to breed. She said nothing was done by City staff and demanded something be done.

- 7.3 Mayor Walker closed the public comments.

8.0 Consent Items

- a. **Approval of April 9, 2019 City Council Meeting Minutes**
- b. **Approval of Resolution #19-17, Reappointing Mary Squire and Lisa Fowler as Alternates on the Planning Commission.**

- 8.1 **Councilmember Vawdrey moved to approve the consent items. Councilmember Green seconded the motion.**

- 8.2 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey, voting in favor. The motion passed 4 to 1.**

9.0 Action Item: Consideration of Agreement with Rocky Mountain Recycling

- 9.1 David Dobbins, City Manager, explained the markets had changed for recycling. He noted the markets had made it more expensive for Rocky Mountain Recycling and they needed to discuss their agreement.

- 9.2 Robert Markle, Assistant Public Works Director, used a PowerPoint presentation to discuss the contract renewal with Rocky Mountain Recycling.

- 9.3 Councilmember Green asked Mr. Markle to define residual waste. Mr. Markle explained that this was anything that was not considered recyclable. The City would be charged for everything over 10% residual wastes. If the waste was wet, it would not be recycled. It would be taken to the landfill at no additional cost.
- 9.4 Councilmember Lowery asked if they knew what was always accepted by Rocky Mountain Recycling. Mr. Markle responded with a list of the types of plastic and cardboard they would accept. Mr. Markle said they could renew or put the contract out for bid. Mr. Dobbins said they wanted to be transparent that their recycling might not be recycled.
- 9.5 Councilmember Summerhays asked how long the renewal would be. Mr. Markle responded that it would be for one year. He also noted that the City had used them since Draper incorporated.
- 9.6 Larry Gibbons, with Rocky Mountain Recycling, explained that recycling was a commodity. The cost would be passed on to the residents. He said their business model had to change as the market had changed. He noted that China had banned all mixed waste which has driven up the cost of recycling. He noted there was a need for cardboard, and this might lower the costs in the future. He gave various statistics and information on the status of recycling.

He explained that education was important because they were finding a lot of products that did not belong in recycling. Councilmember Summerhays asked if they needed to clean their recyclables. Mr. Markle responded that the recyclables did not need to be washed. Water from the recyclables was used in the process. It was clarified that contamination came from products not allowed.

Councilmember Weeks asked what became of recycling that was bagged. Mr. Markle responded they would remove the contents from the bags to sort the items. He said they were working on ways to anchor the cans to prevent the items from being blown around. This would eliminate the need for plastic bags.

- 9.7 Councilmember Lowery asked how much changed from week to week for what they would accept. Mr. Markle responded it did not change a lot. He noted they did not want plastic bags. This was the biggest thing the residents could change.
- 9.8 Councilmember Weeks asked how much it cost the City to take garbage to the land fill. Mr. Dobbins responded \$16 per ton.
- 9.9 Councilmember Lowery asked why they would pay more for recycling if it was taken to the landfill. Mr. Markle responded the process to sort the recycling still cost them significantly. This was reflected in the cost to move contaminated waste to the landfill. Council Member Lowery suggested they be more specific in what they wanted to avoid contamination.

Mayor Walker asked if Mr. Markle was willing to negotiate the contract to specifically include the types of items that were always needed. Mr. Markle responded in the affirmative.

- 9.10 Councilmember Green moved to put Recycling to an RFP and to discuss options with Rocky Mountain Recycling. Councilmember Summerhays seconded the motion.**

A second motion was then made by Councilmember Weeks to amend the original motion to get an RFP for green waste and large item pickup. The motion failed for lack of a second.

Mr. Dobbins said Rocky Mountain Recycling did not do green waste; they would have to include another business. Councilmember Lowery asked that they investigate the cost and potential to include an RFP for green waste and large item pickup.

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

- 10.0 Public Hearing: Ordinance #1391, McKane, Ferguson, Thompson Zoning Map Amendment, on the request of Leisa McKane, Nikki Ferguson and Max Thompson for a zoning map amendment for property located at 535 & 565 East 12000 South & 12018 South 540 East. The applicant is requesting to change the zoning on the properties from RA1 to RA2.**

- 10.1 Jennifer Jastremsky, Planner, explained that the applicant requested this rezone last year. However, the request was denied. This item now included several changes from the previous request.

Councilmember Lowery asked if the properties should be split. Ms. Jastremsky explained that two of the lots were viable to be subdivided. Councilmember Summerhays asked if this made sense to the area. Ms. Jastremsky said it was possible, but it would have to meet the City code. The property to the south was not possible to subdivide.

- 10.2 Brad McDonald, representing the applicants, explained the applicants desired to change the zone to subdivide. The southern lot would include an abandoned road eventually and would have the required acreage to subdivide.

Councilmember Lowery asked if the applicant intended to tear down the homes. Mr. McDonald said he did not know. Councilmember Lowery said she was concerned about approving the rezone because it would not match the surrounding properties.

Councilmember Green explained that the property technically fit the criteria to be rezoned. Mr. McDonald agreed that the rezone fit with the other homes in the area. He presented a map that indicated the families that were in favor of the rezone. Many of the homes near the proposed rezone were in favor of the changes.

Councilmember Lowery said she was confused about the applicants wanting to stay in these lots. To comply with the City code, they would be forced to tear down their homes. Mr. McDonald stated that he would let the applicants speak to this concern.

- 10.3 Max Thompson, applicant, explained that they did not intend to subdivide at this time. He said they liked the rezone to have the option to subdivide in the future. He noted they would comply with all the City requirements. Councilmember Summerhays asked how many square feet the property was to which Mr. Thompson explained that it was 35,000 square feet.
- 10.4 Nikki Ferguson, applicant, read a statement. She noted the residents surrounding her built close to her property. She asked her family to have the same opportunity as her neighbors.
- 10.5 Leisa McKane, applicant, also read a statement. She explained they had lived on this property for 25 years. She said the reason for subdividing was for financial reasons. Her husband was on disability and no longer able to work. This subdivision would help them sell their property for the most amount of money. She explained most of the surrounding properties were already subdivided. She asked those opposed to consider her situation and the fact that the people are what mattered most.
- 10.6 Mayor Walker opened the public hearing.**
- 10.7 Karen Sugimoto, resident, explained the changes to the area had created higher traffic and lowering of property values. She said it was too late to deny these requests as the City already set a precedent. She said the Council needed to be consistent.
- 10.8 Frank Labrey, resident, said he supported the applicants. He said they should be able to do what they wanted with their property.
- 10.9 Brent Webb, resident, said he had lived in the area for 40 years. He said he was grateful he was able to rezone and supported the applicants.
- 10.10 Cynthia Alex, resident, stated she opposed the rezone. She said the rezone would increase traffic and new homes would block their views. She said she wanted to protect the area and the property value.
- 10.11 Michelle Shore, resident, said she purchased her home before the rezones. She said she still enjoyed the neighborhood despite the changes. One home added in the neighborhood would not drop the home values significantly. She said it was the right thing to do to help their neighbor.
- 10.12 Nelson Glassett, resident, commented that there were some negative recommendations from Dan Boles. Mr. Boles said the request was not consistent with the goals of the City. He noted there were no other flag lots with homes on them on this street.

- 10.13 Bob Millerberg, resident, said he lived on his property because he still had agriculture and animals. He was concerned because things were changing. He said not everyone on their street was in favor of the rezone. He asked they protect the area and keep it the same.
- 10.14 Brett Smith, resident, said he had lived in Draper his whole life. He asked how they could consider the rezone since two did not comply with the City code. He also mentioned this was spot zoning and that should not be done. He said Mr. Glassett should be considered.
- 10.15 Cody Glassett, resident, said he would be reading a statement for his mother. She said the City needed to protect the design of the originally intended neighborhood. She said the change would negatively affect their property.
- 10.16 Steve Ahlmer, resident, stated that the change would drastically impact Mr. and Ms. Glassett. He said they purchased their property for the space and potentially used it for agriculture.
- 10.17 MaQuel Hoching, resident, stated that Draper had changed and it was a good thing. She said the people represented Draper not the land.
- 10.18 Mayor Walker closed the public hearing.**
- 10.19 Councilmember Green moved to approve Ordinance #1391. Councilmember Summerhays seconded the motion.**
- 10.20 Councilmember Summerhays commented that the State and County were working on creating more affordable housing. He said this subdivision was representative of affordable housing.
- 10.21 Councilmember Weeks thanked everyone for voicing their opinion. She said this would be a difficult vote.
- 10.22 Councilmember Vawdrey said everyone had good points. She said this would change the character of the neighborhood.
- 10.23 Councilmember Lowery thanked everyone for voicing their opinions.
- 10.24 Councilmember Green stated this was America and people had the right to use their land as they wanted. He urged everyone to vote for the subdivision.
- 10.25 A roll call vote was taken with Councilmembers Green, and Summerhays, voting in favor. The motion failed 3 to 2.**

***The Council recessed for a short break at 9:16 p.m. The meeting resumed at approximately 9:28 pm.

11.0 Public Hearing: Ordinance #1390, Steven's Cove Zoning Map Amendment, On the request of Corey Jones, for approval of a zoning map amendment to change the zoning on the property located at 663 East 12200 South from RA1 (Residential Agricultural, 40,000 sq. ft. minimum) to R3 (Single-family Residential, 13,000 sq. ft. minimum).

11.1 Dennis Workman, planner, presented the staff report and said no plans were submitted for the potential subdivision.

11.2 Councilmember Vawdrey asked why the land use was different in the surrounding area. Russ Fox, Assistant City Manager, responded that the land use had not been discussed since 2005 when the land use was adopted.

11.3 Corey Jones, applicant, explained they had purchased the property with the intent to change the zoning. They planned on constructing two larger homes on the property. He said this would fit the neighborhood if approved.

Councilmember Summerhays asked if they planned to keep the existing home. Mr. Jones responded in the affirmative.

11.4 Mayor Walker opened the public hearing.

11.5 Natalie Romney, resident, said she would read a statement on behalf of Tricia Wright. She was concerned about the approval of the rezone. The rezone could cause more congestion to their property.

11.6 Gerald Romney, resident, said Draper needed to maintain its core values by not allowing these types of rezones. He was concerned people would use his driveway as a shortcut to avoid the stoplight. He said this was unsafe. He provided some options to avoid safety issues.

11.7 Mayor Walker closed the public hearing.

11.8 Councilmember Summerhays said he was concerned about the access of the property. He suggested another option to access from a different location. Scott Cooley, Public Works Director, said they did not have plans to widen the road to alleviate the congestion in this area. He said he did not have a problem with the rezone but was concerned about the access and the congestion.

11.9 Councilmember Green asked what the difference was between this item and the last item. He said if the Council voted in favor of this, they were hypocrites. Councilmember Vawdrey said this was different scenario because the land use was different. She noted there were multi-family homes across the street and the area was changing.

11.10 Councilmember Vawdrey moved to approve Ordinance #1390. Councilmember Summerhays seconded the motion.

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

12.0 **Public Hearing: Ordinance #1384 and #1385, Deer Field Meadows Land Use and Zoning Map Amendment, a request by John Bechard to change the land use designation from Residential Low Density to Residential Medium Density, and to change the zoning designation from RA1 (Residential Agricultural, minimum 40,000 square foot lot minimum) to R3 (Single-Family Residential, 13,000 square foot lot minimum). The property is located at 13254, 13276, 13294, 13296, 13310 and 13322 S. 1300 E.**

12.1 Mr. Workman presented the staff report and the land use map, and discussed the potential changes. He compared the density to the surrounding area. Councilmember Summerhays stated that he liked where the access was located.

12.2 John Bechard, applicant, commented that the Planning Commission recommended approval. He also introduced his partners. He said this was a project that had taken over 13 years. This project was intended for second homes or empty nesters. They were big homes and lots. They wanted to keep the semi-rural feel to the areas. He felt it was appropriate for the area.

Councilmember Summerhays asked how long the driveways were. Mr. Bechard responded they would be at least 25 feet in length.

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

12.4 Jay Crandall, resident, gave a petition to the City recorder. He said it was from the residents that were against the application. They were in favor of keeping the properties in the area over an acre.

12.5 Cherry Dornbier, resident, said she was in favor of third acre lots. This was something she wanted because it was the type of home she would enjoy. She said this would help the home values in the area.

12.6 Elycia Bechard, resident, commented these types of homes appealed to her and her husband. She said this was the type of home younger families wanted.

12.7 James Von, resident, said this was a good upgrade from their current home. He said this was the type of home they wanted.

12.8 Richard Pelson, resident, said he was not happy with a new neighborhood adjacent to his property.

12.9 Joe Ney, resident, said he moved to this area for the purpose of living on a half-acre. He commented the traffic could be affected by the one access.

12.10 Mr. Diamond, applicant's lawyer, stated the traffic would be better from the one access because there would no longer be driveways facing the main road. He noted the applicant would also be developing the property and it would be done well.

12.11 Mayor Walker closed the public hearing.

12.12 Councilmember Weeks moved to approve Ordinances #1384 and #1385. Councilmember Lowery seconded the motion.

Councilmember Weeks said she liked this proposal and that they were taking driveways off the main road.

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

13.0 Action Item: Ordinance #1386 and #1387, Big Willow Creek Phase 6 Land Use Map and 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.

13.1 Ms. Jastremsky discussed the modified development agreement. The items were listed in the packet. She presented the parks and trails map and identified where the trail would be connected to the development. They would also connect to the Front Runner station. She then reviewed the density of the various lots throughout the development.

Ms. Jastremsky described the access to 11400 South which required UDOT's approval and standards. Any amendments to the access needed to gain UDOT's approval. She displayed a map with the proposed access.

13.2 Councilmember Summerhays asked if they were required to modify the access to accommodate the left turn. Mr. Cooley responded UDOT would be required to approve the access. They could change the access at anytime if they choose. Councilmember Summerhays asked if they needed to require the right lane to be larger. Mr. Cooley said there was not enough room to make it larger.

13.3 Councilmember Weeks asked if they were considering the front yards as a part of open space. Ms. Jastremsky stated that they were not considering the yards as open space.

13.4 Councilmember Green stated that their job was to approve the rezone not the road. He said he was in favor of the rezone because it fit into the area.

13.5 Councilmember Lowery moved to approve Ordinances #1386 and #1387. Councilmember Green seconded the motion.

13.6 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, and Vawdrey, voting in favor. The motion passed 4 to 1.

14.0 **Public Hearing: Ordinance #1389, Lone Peak Center Text Amendment, a request by Harbert MSB Lone Peak Campus, LLC to amend Sections 9-3-040 and 9-26-070 for the Draper City Municipal Code as it relates to definitions and signs. The proposed change would apply citywide.**

14.1 Ms. Pickering discussed the City's standards for monument signs. She displayed the proposed changes to the ordinance. The Planning Commission recommended approval for the changes.

Councilmember Summerhays asked if this was on the east or west side of the road. Ms. Pickering responded this applied to any property that met the standards.

14.2 **Mayor Walker opened the public hearing. No one came forward, so Mayor Walker closed the public hearing.**

14.3 **Councilmember Lowery moved to approve Ordinance #1389. Councilmember Summerhays seconded the motion.**

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

15.0 **Council/Manager Reports**

15.1 Councilmember Weeks asked Mr. Cooley to comment on Ms. Keller's complaint. Mr. Cooley responded this was something they were trying to fix, and they needed permission to go onto private property. He said they spoke with her after the meeting. Their goal was to complete the project by the end of summer. Councilmember Summerhays commented this could be the County's problem.

15.2 Councilmember Weeks said there was a complaint about Ivory Homes. There was a geotechnical report that was inaccurate or not done and the developer was putting homes in danger of flooding. Mr. Cooley said this was not uncommon to discover issues not covered in the geotechnical report. Councilmember Weeks asked if they could require the developer to do another report. Mr. Cooley said they would be required to address these issues with the City regardless of the geotechnical report.

15.3 Councilmember Weeks said there was a complaint about a kennel on Vestry Street. She asked if they were zoned for a kennel. Ms. Oliver responded they would investigate this issue.

15.4 Councilmember Green asked why Little Valley was in the TRSSD. He said they should investigate if they should remove it from the TRSSD. Councilmember Weeks said she supported this. Mr. Dobbins said they would investigate the records to confirm.

15.5 Mr. Cooley stated their contract with Rocky Mountain Recycling had expired. He said he intended to send a letter explaining that they would continue sending their recycling to Rocky Mountain Recycling at the current rate. If the rates changed, they would discontinue their business with them and take the recycling to the landfill.

Councilmember Weeks said if they cannot do recycling they should try doing green waste.

16.0 Adjourn to closed session for litigation.

16.1 Councilmember Lowery moved to go into closed session for litigation. Councilmember Vawdrey seconded the motion. The Council adjourned to closed session at 10:42 pm.

16.2 Councilmember Weeks moved to open closed session at 10:50 pm. Councilmember Summerhays seconded the motion.

17.0 Adjournment

17.1 Councilmember Green moved to adjourn the meeting. Councilmember Summerhays seconded the motion.

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

17.3 The meeting adjourned at 10:50 p.m.