

Approved May 14, 2019

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY MAY 7, 2019, 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, Councilmember Green participated by phone.

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

** A Representative of the Draper Chamber of Commerce briefly shared what they were currently doing for local businesses in Draper. Councilmember Lowry asked how the Chamber was using the funds given by the City. The representative explained that this was something they could provide the Council. He then gave some statistics regarding the Chamber. He made note of the Chamber's website and other materials the group had produced.

It was stated that the Chamber of Commerce was an invaluable institution. They provided a service to help businesses and new members of the community.

1.0 Demonstration: Lime, Scooter Share Program

1.1 It was discussed that scooters would be restricted to the Front Runner Station area. There would be no cost to the City for the program and to move the scooters to their stations. There was some concern about the speed of the scooters and the potential clutter they could cause. All of the liability for damages and injuries would either be on the scooter company or the user.

2.0 Council Review of Tentative Budget

2.1 Rhett Ogden, Parks and Recreation Director, gave an overview of his department. He explained how his staff functioned and which of the City's properties his staff managed. He then presented the Council with the department's budget and funding requests.

- 2.2 Mr. Ogden explained that they had a difficult time removing green waste and more equipment was needed to make this process easier. He said they also could use goats to remove green waste, which was a cost effective way of removing leaves.

Mr. Ogden requested revisions to the Parks and Trail master plan. He noted there had been a lot of changes throughout the City and the current plan was outdated. He asked that the Council consider putting in cement parking lots for some City's properties. The cost of the construction was subsequently discussed.

Mr. Ogden said there was a need for additional staff members in his department, as they could not expand their activities and facilities with the current staffing. Councilmember Weeks asked what their top priorities were. Mr. Ogden stated that the leaf machine was the top priority, followed by updates to the master plan. He noted that some of the items discussed were eligible for impact fees, concluding that there was a need for an arborist.

Mr. Ogden said all their recreation programs were self-sustaining, which he described by presenting a copy of his department's budget. He stated that the Parks and Recreation Department was bringing in more money than it was spending.

3.0 Council/Manager Reports

- 3.1 Mr. Dobbins said they recently put out an RFP for recycling, and he would return with more information as they received bids. There was subsequent discussion on the City's options with recycling. Further, the Council discussed what other cities had been doing to make recycling sustainable.

Councilmember Vawdrey suggested the Council pass an ordinance that prevented Councilmembers from serving on two boards. The Mayor concurred and asked for the Councilmembers to work on this potential ordinance.

Councilmember Lowery asked if they were involved with litigation amongst themselves. Councilmember Weeks noted she was accused of sexual harassment and found innocent, and therefore the City had the responsibility to ensure her name was not slandered. She stated that she was investigating whether or not the City found her reputation to be damaged.

Mayor Walker said she was not an employee and was not subject to the same rules. There was subsequent discussion on the validity of her investigation. She claimed her rights were violated by the Council.

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Pastor Joshua Blair from The Rising offered the prayer.

2.2 Girl Scout Troop #372 led the Pledge of Allegiance.

3.0 Proclamation: National Nurses Week

3.1 Militia Earl thanked the City and other nurses for their service.

4.0 Recognition: Ara Messerian, 1st Place Winner in Central Utah Stem Fair & Broadcom Masters Qualifier

5.0 Recognition: Ryan White, Draper Park Middle School, 1st Place in the Kick Ash Film Festival

6.0 Recognition: Officer Cory Smith received the William H. Spurgeon, III Leadership Award and Explorer Scout Emily Addison receiving Explorer of the Year. Presented by Chief John Eining

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.

** *Councilmember Green joined the meeting by telephone 7:20 p.m.*

7.1 Dave Mast, resident, asked if the City was interested in building a park. He said this development would need a geotechnical study because it was on the mountain side. He explained that the City's staff had the resources to do this study. He asked the City to consider this location and said he needed a decision soon as he was prepared to sell the property.

7.2 Lori Bird, resident, said she had received complaints about a kennel. However, there was no disclosed information about whom or why this complaint was made. She noted that Councilmember Weeks had filed a request to verify if Ms. Bird had a business license for the kennel. As a result, City Code Enforcement had investigated her at her place of business. She said this was not the first time Councilmember Weeks had abused her authority. Ms. Bird concluded that this complaint was unfounded and was a violation of her rights.

7.3 Tony Nelson, resident, said he was charged an unreasonable amount for GRAMA requests, and he asked the City attorney to investigate the validity of these charges. He said he was also visited by City Code Enforcement to investigate a box of worms in his garage. He

said this was done after a complaint, but the complaint was also unfounded. He asked the City to be more responsible about these types of investigations.

- 7.4 Renea Weigand, resident, said complaints were made by a lot of people and it was not fair to immediately blame Councilmember Weeks. She noted that Mr. Mast did not provide his address, and she thought it was a conflict of interest that he would use the City's geological technicians.
- 7.5 Belle Edge, resident, asked the City to consider a stoplight on Highland and Vestry. This was a busy street and it was dangerous to cross.
- 7.6 Kathy Anderson, resident, agreed with Ms. Edge there needed to be a stoplight at the aforementioned intersection. She said they could also consider a roundabout to slow the traffic, or alternatively install a bridge over the road. She asked the residents to be cautious through this area.
- 7.7 Rick Christensen, resident, said he agreed with Ms. Anderson and Ms. Edge.
- 7.8 Oakley Christensen, resident, said crossing the road to Oak Hollow was dangerous. She asked that the City consider installing a stoplight there.
- 7.9 Kylie Fairborne, resident, asked the City to consider a traffic light at Highland and Vestry. She said crossing the street there was dangerous.
- 7.10 Addie Christensen, resident, stated her child was hit by a car recently at this intersection. She asked they consider a stoplight to slow traffic.
- 7.11 Dave Anderson, resident, stated that he worked with the Scouts and they wanted to be more engaged with the City. They had worked on the issue of the stoplight because of the increasing traffic. He asked for feedback of what they could do to improve pedestrian safety.
- 7.12 Chris Fairborne, resident, said there were many people present who were in favor of the stoplight and crosswalk at the intersection of Highland and Vestry. He noted the intersection was dangerous and the traffic was high. He said any solution would be appreciated.
- 7.13 Logan Neuswander, resident, said he and others did not feel safe crossing the road at Highland and Vestry.
- 7.14 River Jackson, resident, suggested a "free meal a day" for those who could not afford food.
- 7.15 Garner Anderson, resident, stated their support for the stoplight.

8.0 Consent Items

- a. **Approval of April 16, 2019 City Council Meeting Minutes**

- 8.1 **Councilmember Vawdrey moved to approve the consent item. Councilmember Lowery seconded the motion.**
- 8.2 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, Green and Weeks voting in favor. The motion passed unanimously.**
- 9.0 **Action Item: Resolution #19-24, Designating Mountain Ridge Estates Conflict of Interest Report as a Public Document under Government Records Access and Management Act (GRAMA)**
- 9.1 David Dobbins, City Manager, explained that there was a report done to inquire into a conflict of interest for the Mountain Ridge Estates development. He said this document was now available and the City could determine how to proceed.
- 9.2 Councilmember Summerhays asked to discuss the document before making a vote. Mr. Dobbins commented that all the Councilmembers were given copies.
- 9.3 Councilmember Lowery asked if this document was requested during an open public forum. Mr. Dobbins responded in the affirmative.
- 9.4 Councilmember Weeks asked that staff redact non-vital names from the document.
- 9.5 **Councilmember Lowery moved to approve Resolution #19-24 designating Mountain Ridge Estates Conflict of Interest Report as a Public Document, with redaction of non-vital people names. Councilmember Green seconded the motion.**
- 9.6 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously. Councilmember Weeks and Councilmember Summerhays abstained. This motion was approved 3 to 0.**
- 10.0 **Action Item: Resolution #19-21, approving Resolution #19-21 authorizing the Mayor to sign an Acknowledgment of the transfer of Salt Lake County Transportation Choice Funds to Utah Transit Authority**
- 10.1 Russ Fox, Assistant City Manager, presented the staff report, explaining that UTA did some studies and determined a new rail line should be built through a portion of Draper. He explained that the City applied for funding from UTA for transit projects. This resolution would transfer funds to UTA for these projects.
- 10.2 Councilmember Weeks asked when the City voted on spending the money for the projects. Mr. Fox clarified that this money belonged to the County not the City. There was not a vote, but rather the City applied for the grant. Councilmember Weeks said she thought the funds did not go to UTA for the first year of the new tax.

Patty Garber, with UTA, responded that the first year the money would go to the County. The next year UTA would get money directly. The project in question included the County, and UTA would not be paid directly by these funds.

Councilmember Weeks asked why they were moving the TRAX station. Mr. Fox said there was no better location to install a station. Using the aid of a PowerPoint Presentation, he explained the reasons why the location in question was the best option.

- 10.3 Mayor Walker stated that the alignment was based on ridership. He explained that the studies had indicated this was the best course of action.
- 10.4 **Councilmember Lowery moved to approve Resolution #19-21. Councilmember Vawdrey seconded the motion.**
- 10.5 **A roll call vote was taken with Councilmembers Lowery, Summerhays, Vawdrey, Green and Weeks voting in favor. The motion passed unanimously.**
- 11.0 **Action Item: Resolution #19-22, entering into a funding agreement with Utah Transit Authority, Wasatch Front Regional Council, Utah Department of Transportation and Mountainland Association of Governments for the Point of the Mountain Transportation Project Alternatives**
- 11.1 Russell Fox, Assistant City Manager said he was available to address questions about the work that would be done.
- 11.2 Councilmember Lowery asked how long the study would take. Ms. Garber said the study would take about a year.
- 11.3 Councilmember Weeks asked how it was determined for the funds to be dispersed. Ms. Garber said this was determined by a consultant. Councilmember Weeks asked who paid for previous studies, to which Ms. Garber explained that UTA funded the studies as well as the other Draper stations.
- 11.4 **Councilmember Lowery moved to approve Resolution #19-22. Councilmember Vawdrey seconded the motion.**
- 11.5 Councilmember Weeks stated she was constantly interrupted by Councilmembers Lowery or Green when she was asking questions. She said she was unhappy that the Mayor allowed this behavior.
- 11.6 Councilmember Vawdrey stated they could not build enough roads to accommodate the traffic. She said it was important for alternative modes of transportation to be built. Councilmember Lowery said she was happy for the City to receive the available funds.

Councilmember Weeks stated they needed to be proactive but was not sure if the funds needed to come from the County or another entity. She said she was appreciative of the grant, but her questions were not answered.

Mayor Walker said all the funds from UTA were tax funds. UTA did not create its own funds.

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

12.0 Public Hearing: Ordinance #1392, Right-of-Way Vacation of 540 East

12.1 Scott Cooley, Public Works Director, explained that in the 1800s the Draper plat was recorded, in which certain rights-of-way were identified. These locations were no longer necessary, and the City intended to vacate these locations. He identified said locations on an aerial map of the City.

Councilmember Summerhays asked if there were utilities in any of these locations. Mr. Cooley stated that the City would still own the utility easement. The City was not selling the property because technically it did not own the land.

12.2 Mayor Walker opened the public hearing.

12.3 Max Thompson, resident, said everyone adjacent to the property was anxious for the vacation of the property.

*** Councilmember Summerhays left the meeting at 8:23 p.m.*

12.4 Dave Concord, resident, said the liability of the property fell on the residents. He noted that he had been responsible for the maintenance of the property because the City had neglected the area.

12.5 Charles Wilkinson, resident, said he had been also doing maintenance because the City had not.

12.6 Ralph Roderick, resident, said he was forced to buy a piece of property next to his home. He said it was not fair that he had to pay for an annexed portion of his land if this vacated property was changing ownership for free.

*** Councilmember Summerhays rejoined the meeting at 8:26 p.m.*

12.7 Frank Claybry, resident, said he supported this decision.

12.8 Brent Webb, resident, said this area was maintained by the neighbors and he thought this was a good decision.

- 12.9 Ted Burris, resident, stated he was in favor of the ordinance.
- 12.10 Shaun Benjamin, resident, said the neighbors had been granted the land; the area was already maintained by them.
- 12.11 Mayor Walker closed the public hearing.**
- 12.12 Councilmember Weeks asked if this lane was used by the residents to access their homes. Mr. Cooley said it would be a public access if this property was used. The City would not maintain roads on the property.
- Mr. Cooley explained the City never paid money for the plat which meant they could not sell the property. Councilmember Weeks asked why they charged Mr. Roderick. Mr. Cooley responded that he did not know, as it was before his time as Public Works Director.
- 12.13 Councilmember Vawdrey moved to approve Ordinance #1392, Right-of-Way Vacation of 540 West. Councilmember Lowery seconded the motion.**
- 12.14 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: Resolution #19-23, adopting the tentative Budget for Fiscal Year Ending June 30, 2020 and setting the public hearing for June 4, 2019**
- 13.1 Bob Wylie, Finance Director, presented the tentative budget to the Council. He discussed the General, Enterprise, and Capital Improvement Projects (CIP) Funds.
- 13.2 Councilmember Weeks asked if the City funded the motocross event, to which Mr. Dobbins responded in the negative. There were other items they had funded in the past that the City was not planning on funding this year. As such, this provided the City with about \$800,000 of savings. Councilmember Weeks asked about the cost of adding more police officers to the Police Department. Mr. Dobbins said this could be discussed in another meeting.
- Councilmember Green asked if it was prudent to set aside money for sign-on bonuses for new officers. Mr. Dobbins explained that staff currently did not have this expense built into the budget; however, the matter could be discussed at the next Council Meeting.
- Councilmember Summerhays said he was in favor of the motocross event because it brought money into the City.
- 13.3 Councilmember Summerhays moved to adopt Resolution #19-23, and include the items that David Dobbins, City Manager mentioned. Councilmember Vawdrey seconded the motion.**
- 13.4 Councilmember Weeks suggested they talk more about the Motocross event before adding it into the budget. She said it was not a good use of the City's money. Councilmember

Summerhays said this was something that benefitted the City; he noted there were other items in the budget that were similar to this one.

Councilmember Weeks said she wanted to see other options for the use of the money. Councilmember Lowery said this was a part of the City's community building objectives.

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

14.0 Recess to a Municipal Building Authority Meeting.

14.1 Councilmember Summerhays moved to recess to a Municipal Building Authority Meeting. Councilmember Vawdrey seconded the motion.

14.2 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 said she wanted to address Ms. Bird's accusations. She noted she only spoke to Christina about this issue. She said she did not forward the complaint to any other individual.

She then asked Mr. Dobbins about the bench at the cemetery. Mr. Dobbins said he was ready to discuss the benches when the Council was ready. Councilmember Weeks requested that staff put this issue on the agenda.

Councilmember Summerhays said he would investigate the policy. Councilmember Lowery suggested they discuss the issue at the study session first.

15.2 Councilmember Lowery asked if the complaint received about Ms. Bird was anonymous. Councilmember Weeks responded in the affirmative. Councilmember Lowery said she was concerned that this was part of a broader issue. She said it was inappropriate to use City staff and resources to attack personal enemies.

Councilmember Weeks said she had received a lot of complaints throughout her tenure. She said the complaints were commonly anonymous because they did not want to create animosity between neighbors. She did not do anything other than follow the procedure of forwarding the complaint to City staff. She said she had nothing against Ms. Bird.

Mayor Walker said the issue was Councilmembers directing law enforcement against residents. Councilmember Weeks said she did not direct anyone to do anything. She said she only asked if the street was zoned for kennels.

Councilmember Lowery said this was a pattern of behavior for Councilmember Weeks. Councilmember Weeks said this was not true.

16.0 Adjournment

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

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

16.3 The meeting adjourned at 9:09 p.m.