

*Approved on July 16, 2019*

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 2, 2019, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Alan Summerhays, Marsha Vawdrey, and Michele Weeks (via telephone)

EXCUSED: Councilmember Lowery

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; Christina Oliver, Director of Community Development, Clint Smith, Fire Chief, and Bob Wylie, Finance Director

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**Dinner**

**Study Meeting**

**1.0 Discussion: Voter Participation Areas - Spencer DuShane**

1.1 Mr. DuShane explained the requirements for the Voter Participation Areas. He subsequently identified each census block group in Draper using the aid of an aerial map. He said they could use the information obtained from the census to equally distribute the groups, and discussed various options on how this could be accomplished.

1.2 Councilmember Weeks stated that she liked the options that did not split up SunCrest, as she was concerned about splitting up neighborhoods. Mr. DuShane said it would not make a difference because ballot issues required most of the groups to approve the issues.

**2.0 Discussion: Draper City General Plan - Christina Oliver**

2.1 Ms. Oliver presented a timeline of the General Plan and explained that staff was seeking feedback from the Council and residents on the matter. An open house would be held in August. The General Plan would be available on the City website, where feedback could also be submitted. Ms. Oliver explained that there were three required elements to the General Plan: Land Use, Transportation and Circulation, and Moderate-Income Housing. She shared the City's mission statement and values from 1999 and asked the Council if they wanted to make changes. She explained that the City was already doing many of the required actions for affordable housing. The incentive for creating affordable housing was transportation funding. She then discussed community mobility and stated that many of these goals had been met. Ms. Oliver then discussed plans for the City's environmental planning and growth management, as well as public safety. She read through the City's values and goals for meeting those values.

Councilmember Weeks asked if they had addressed the concerns of the roads handling the population growth. Ms. Oliver said this was addressed in the Transportation Plan; the same language would be implemented in the City's General Plan.

Councilmember Summerhays suggested staff include a complete build-out of the City to speculate future needs to the infrastructure. Ms. Oliver explained that staff used the population projections to build and improve transportation. There was subsequent discussion regarding the time of the open house.

Ms. Oliver concluded that staff was working on updating the City Code, and they would provide text amendments to the Planning Commission and Council during future meetings.

## **2.0 Council/Manager Reports**

\*\* *Reports were given during the Business Meeting.*

### **Business Meeting**

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

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

2.1 Pastor Nate, from Corner Canyon Church, offered the prayer.

2.2 Jake Sorensen led the Pledge of Allegiance.

#### **3.0 Recognition: Blake Ryan Hullinger, 12-year-old cast member of "School of Rock" National Tour and Kellen and Blake Hullinger, Winners of the Art In Space National Contest**

3.1 Blake and Kellen performed "What I Like About You" by The Romantics for the City Council and audience.

#### **3.0 Recognition: Anna Petersen, winner of Miss Draper 2019**

#### **5.0 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 Weeks joined the meeting by telephone at 7:20 p.m.*

- 5.1 Reed Gibby, resident, mentioned the existence of some potholes at an intersection in Draper, which he asked that the City address.
- 5.2 Bryn Johnson, resident, stated that the new Recreation Center would have an impact on the adjacent neighborhood. She suggested several solutions to the potential congestion.
- 5.3 Linda Noack, resident, stated she was concerned about traffic issues on SunCrest Drive, noting that there was a blind corner that needed to be examined. She was also concerned with cars running stop signs and noted there were more developments being constructed that would add to traffic congestion. She asked the City to be more cautious about traffic when approving developments.

**6.0 Consent Items**

- a. **Approval of June 11, 2019 City Council Meeting Minutes**
- b. **Approval of Agreement #19-177, Funding agreement with Draper Community Foundation**
- c. **Approval of Resolution #19-40, appointing Robert Markle as an alternate delegate to the TransJordan Cities Landfill Board**

**6.1 Councilmember Weeks moved to remove Item b for further discussion. The motion failed due to lack of a second.**

**6.2 Councilmember Vawdrey moved to approve the consent items. Councilmember Summerhays seconded the motion.**

6.3 Councilmember Weeks said she was concerned about the fiscal responsibility of Item B and wanted to provide more details for the taxpayers.

**6.4 A roll call vote was taken with Councilmembers Green, Summerhays, and Vawdrey voting in favor. Councilmember Weeks voted against. The motion carried with a majority vote of 3 to 1.**

**7.0 Public Hearing: Provide Local Consent for a Limited Service Alcohol License for the Montauk Bistro.**

7.1 Christina Oliver, Director of Community Development, explained that this was a limited service restaurant. She identified where the restaurant was located and stated that the business met all of the State's requirements.

**7.2 Mayor Walker opened the floor for public comments. No one came forward, so Mayor Walker closed the floor for public comments.**

**7.3 Councilmember Green moved to approve the Local Consent for a Limited Service Alcohol License for the Montauk Bistro. Councilmember Vawdrey seconded the motion.**

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

8.0 **Public Hearing: Approval of Ordinance #1395, City Initiated Corner Lot Setbacks Text Amendment, a request of Draper City for a Text Amendment to Draper City Municipal Code Sections 9-3040 and Tables 9-9-2 and 9-10-3 concerning corner lot setbacks.**

8.1 Jennifer Jastremsky, Planner, presented the staff report and explained the definitions of corner lot setbacks. The proposal would change the setback standards which would help corner lots from becoming non-conforming to the code.

8.2 Councilmember Summerhays asked if the agricultural zoning setbacks would be different, to which Ms. Jastremsky responded in the affirmative. She explained that there was language in the proposal to specify setback requirements for agricultural and residential zones. She noted the Planning Commission recommended approval on a vote of 4 to 1.

8.3 Councilmember Weeks asked who voted against the approval, to which Ms. Jastremsky responded John Van Hoff. When asked how long ago the standards were set, Ms. Jastremsky responded 1990. They were changing the code to existing properties that did not become non-conforming. Councilmember Weeks said 12 foot setbacks were too shallow and asked if they had considered how this affected fire hazards. Mr. Fox stated that there was a minimum of six feet between homes to meet fire hazard standards.

Councilmember Weeks asked why they were making changes retroactively as the Hearing Officer's interpretation was made May 9<sup>th</sup>. Ms. Jastremsky stated the reason was to avoid the homes becoming non-conforming. Councilmember Weeks said she was concerned this would interfere with a court decision. Mr. Barker, City Attorney, said the goal of this item was to clarify how the City interpreted its code.

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

8.5 Vince Rampton, Attorney for Michael Beierschmitt and Nicole Hawkins, explained that they did not want to have this item passed retroactively. The City could not pass this to defeat a current standing order from the City.

8.6 Nicole Hawkins, resident, thanked Councilmembers Weeks and Lowery for their support on this item, as well as Councilmember Green for his transparency. Ms. Hawkins said this item would empower the builders and not the residents. She felt the City did not support its residents and stated that the density was too high.

8.7 Michael Beierschmitt, resident, thanked the Council and staff for listening to his concerns. He was concerned about the distance of the neighboring homes. Additionally, there were safety issues associated with this item, and the rezone did not meet City requirements.

- 8.8 Brian Barnhill, resident, commented that there were other lots that were non-conforming throughout the City that this item would affect. He noted the Hearing Officer's interpretations were being disputed and this item would solve that problem. He also cited examples of retroactive applications of amendments to the ordinances.
- 8.9 Linda Noack, resident, said she was afraid of developers not following City requirements because no one was policing them after approval.
- 8.10 Reed Gibby, resident, stated the proposed setback was too small for the size of the lots and the homes were too close to each other.

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

- 8.12 Councilmember Weeks asked what the City did to ensure homes met the setback requirements. Ms. Jastremsky explained that the City's building inspectors inspected the homes to ensure compliance. Ms. Oliver explained they had safeguards to ensure that homes are not occupied until they met the setback requirements. Councilmember Weeks said she was concerned about approving this item based on a recent judge ruling. She said the setback requirements were too small.

Councilmember Green stated he wanted to protect the residents' rights and this item made that difficult. He asked Mr. Barker if they needed to address the subdivision code in the motion. Mr. Barker stated that the language was sufficient.

- 8.13 Councilmember Green moved to approve Ordinance #1395, City Initiated Corner Lot Setbacks Text Amendments, Text Amendment to Draper City Municipal Code Sections 9-3040 and Tables 9-9-2 and 9-10-3 concerning corner lot setbacks, including the amendment to section 17. Councilmember Vawdrey seconded the motion.**

Councilmember Weeks said it was not wise to make a vote until they were certain of the litigation.

- 8.14 A roll call vote was taken with Councilmembers Green, Summerhays, and Vawdrey, voting in favor. Councilmember Weeks abstained. The motion carried with a majority vote of 3 to 0.**

\*\* *Councilmember Weeks left the meeting at 8:19 pm*

**9.0 Council/Manager Reports**

- 9.1 Councilmember Green asked Mr. Cooley to investigate the traffic around the recreation center, as well as the traffic on SunCrest Drive.
- 9.2 Chief Clint Smith reported that there were two fires in the City today.

**9.0 Adjournment**

**9.1 Councilmember Green moved to adjourn the meeting. Councilmember Summerhays seconded the motion.**

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

**9.3 The meeting adjourned at 8:24 p.m.**