

Approved February 11, 2020

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 14, 2020, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey (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; Christina Oliver, Director of Community Development; Clint Smith, Fire Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Discussion: Vacation of Right of Way on 12100 South – Scott Cooley

David Dobbins, City Manager, explained that vacation of right of way on 12100 South would be an agenda item during the business meeting, but that a broader discussion of vacation of right of ways was necessary.

Maryann Pickering, City Planner, explained that the 12100 South right of way was on the last agenda in December and because no action was taken, it rolled over to the current meeting. She provided some background information explaining that the area was re-zoned from RA1 to RA2 in October of 2018. The owners of the property submitted some plot amendments in March of 2019. When city staff members researched the owner's proposals, staff members realized that there was some city right of ways on their property which brought the vacation of right of way to the Council through Scott Cooley, City Engineer.

The staff member explained that they need more information as to if the proposed subdivision is even feasible. She reminded the Council that the area under discussion was located at 12400 South and is known as the Carter re-zone. For the proposed development to occur, the right of way on 12100 South would need to be vacated and the development would be divided into two flag lots. However, because a portion of the property (highlighted in yellow) could not be included in the lots' acreage because of regulations outlined in the City's code; if the owners did not get the vacation of the right of way, they would not have enough land to be able to use the second lot for development.

When asked to address particularities surrounding the property area delineated in blue, Ms. Pickering explained that in their research it was found that in 1974 there was a survey done

by the property owner, Mr. Craig, who was interested then in seeking a vacation of right-of-way. The issue came up again in 1989 when vacation of right of way seemed as if it was going to be requested again. However, there was a single signature (of Mr. Craig's) on the request and it didn't appear the request was ever formally submitted to the City. When the current request by Mr. Carter for the vacation of right of way was received, there was a note suggesting that the vacation of right of way through the blue portion of the property being discussed was vacated in 1991; however, after Ms. Pickering reviewed City Council Meetings from 1989 to 1991, she saw no evidence that this vacation had occurred. Therefore, it is her belief that the City still has rights to that area.

Ms. Pickering believes based on the current fence line that the current property owner, Mr. Carter, probably assumed that he owned the area. Councilmember Fred Lowry asked if the City knew that they had the easement when the property was rezoned from R1 to R2, or if this was only discovered after Mr. Carter had submitted his proposal for development. She explained that the easement was discovered afterward because it is the responsibility of the property owner to ensure that they have the appropriate land to subdivide and develop.

Then Councilmember Lowry asked if there was an easement to the east that had recently been vacated. David Dobbins, City Manager, verified that yes there have been vacations of easements along 12100 South, but that they have resulted only after a property owner has requested the vacation.

Scott Cooley, City Engineer, outlined how the City acquires the right of ways that are typically used for the development of public roads. He explained that they most often come from the recordation of a plat. When a developer submits a plan they must delineate the right of ways to the interior and exterior of the property that ultimately become public roads. However, in the case of the Carter property, the right of way was established in the 1800s as part of the Draperville plat and had an extremely wide right of ways, eighty-two and a half feet. He stated that the City does not require that size at the discussed location so they could vacate. Typically, when a right of way is vacated, the property is returned to the original owner or the adjacent owner. In the case of the Draperville plat, because the land was granted to the City in 1873 the City not only has easement rights but actually owns the land. This means that not only would there need to be a vacation of the right of way but then the City would need to surplus the land and sell it to Mr. Carter, both of which require City Council approval.

For the Council's knowledge, Mr. Cooley explained that in areas other than Draperville it would be a single step process; the City would vacate the right of way and the property would automatically be returned to the adjacent owner.

Ms. Pickering explained that the land area in question is only about twenty-five square feet and that even if the City did vacate the area, Mr. Carter still might not have enough acreage to be able to subdivide the property. It was explained that to be able to determine this, the property owner would need to get an ALTA survey at their expense. Because of this, the City was looking to know if the Council is likely to approve the vacation of right of way

and would be willing to sell the land so that they could inform the property owner if it is worth it for them to pay for the ALTA survey.

There was discussion by the Council as to the need for the easement in the future. It was stated that even if the road was widened (which isn't outlined in the master plan) they would still have enough room to add gutters and sidewalks. In addition, these sorts of right of ways could be required in development plans by the property owner as a part of code requirements.

The Council then began to discuss if they supported the subdivision and development. Some members argued that in approving the re-zone, they already sent the message that was a direction they supported. However, other members pointed out that there is a difference in opinion among Draperville residents surrounding the desire to subdivide or keep larger one-acre properties. The area already has a mixture of RA1 and RA2 properties; however, the properties on either side of the Carter property were zoned as one-acre lots. To better understand zoning and development trends, the Council looked at the Draperville zoning map and noted that right across the street from the property in question is an area zoned on half-acre lots as a part of the Ivory Tower subdivision.

It was asked if a decision like this was politically sensitive and if residents of the area would be upset if the Council allowed the subdivision and creation of a flag lot. Council Member Vawdrey asked if this approval would create a domino effect where other property owners might begin petitioning to subdivide. It was explained that because the other areas were still zoned R1 that the City could prevent the domino effect from happening.

In summary, during the business meeting, the Council could vacate the right of way to start the process of potentially selling the land at fair market value to the property owner such that they could develop. In doing so, however, the Council would be creating a flag lot. If the Council did not want a lot of this type, it was recommended that they choose not to vacate the right of way at the meeting.

2.0 Council/Manager Reports

- 2.1 Councilmember Fred Lowry brought up the assisted living center, Harmony Hills, which is near completion. Russ Fox, Assistant City Manager, explained that Harmony Hills' driveway approach was approved at a twelve percent slope. However, the actual construction of the driveway and approach was completed at a thirteen percent slope. Twelve percent is already pretty steep, the City prefers ten percent. Each time they have built their driveway and approach, it has exceeded the City's twelve percent maximum, so they have been asked to take the driveway out and try again. In the best-case scenario, they will reconstruct at a ten percent slope allowing accessibility for emergency responders. Otherwise, they would be required to come in and make a site plan amendment to change the street design so that they reduce their park strip and are able to adjust the approach of the driveway to meet the twelve percent maximum slope. They would have to dig down further, to lower their driveway and significantly reconstruct their parking lot.

There was discussion by the Council about amending the code so that the maximum slope allowance on projects like these is ten percent to ensure access to emergency response vehicles and fire apparatuses.

- 2.2 Councilmember Fred Lowry asked if the City had plans to provide Sandy with support for their Police Chief's funeral. Draper would be providing two police officers to work the streets from 10:00 a.m. to 4:00 p.m. to help with coverage. In addition, the funeral service is actually being held in Draper at the Juan Diego Catholic High School auditorium. Although services have been offered, Sandy does not need that support at this time. It was also explained that there would not be a large procession. The officer had been cremated and his remains would be taken from the service via motorcycle with just the family.

It was added that Draper was contacted today by Sandy's fire services asking if staff from Draper could cover one of their stations so that they would be able to attend the services. Draper agreed to offer this help.

- 2.3 Councilmember Tasha Lowery said that she received a request from some SunCrest residents that they would like a "Caution when Wet" sign on the s-curve that comes down from Little Valley. In response, Councilmember Lowery was told that there isn't really a traffic sign for the purpose, especially because this warning wouldn't be necessary during the summer. Councilmember Lowery recognized that it is a place where frequent accidents occur.

She also mentioned that residents are returning their recycling cans to the City at no charge. She asked if residents could exchange a recycling can for a second trash can. Bob Wylie, Finance Director, explained that residents get one recycling and one solid waste bin for the flat rate of \$15 dollars. Some residents return the recycling container, but their account is not adjusted at this time.

Mr. Cooley explained that in a recent conversation it had been suggested that the City could increase the rate for a nominal fee of three or four dollars for the additional can. It was important that the City did not discourage recycling because it is a legitimate program and that as Draper gets their recycling cleaner they are recycling more.

Councilmember Tasha Lowery also asked if the Rocky Mountain Power boxes that caught on fire were ever addressed. She wanted to make sure that the boxes were addressed before summer comes around.

- 2.4 Councilmember Marsha Vawdrey was concerned about the speeding on Traverse Ridge. She asked Lieutenant Pat Evans if police are ticketing in that area. Lieutenant Pat Evans responded that he didn't come with statistics, but that there are officers who are actively writing tickets there. Mr. Dobbins noted that they actually receive complaints that it is a speed trap and that they are ticketing too many people, as well as receiving calls that they are not enforcing the speed enough there. Given this, he felt that they were doing a good job balancing different people's perspectives.

2.5 Councilmember Mike Green asked if they could make Traverse Mountain Road a Toll Road so that Utah County members have to pay to use the road. He also said that non-Draper residents should also pay to utilize Draper's trails. It was mentioned that this issue was suggested in the past and that the City's lobbyist, Mr. Curtis, could pursue this again. Three councilmembers are going to create a one-page proposal that outlines the restrictions and how Draper residents would receive a free pass.

Councilmember Green also mentioned that a resident asked about painting the wall on Bangerter Parkway above Pluralsight. Councilmember Tasha Lowery explained that this had already been considered where the modern townhomes had recently been constructed. Christina Oliver, Director of Community Development, explained that it was a maintenance nightmare because it was a private retaining wall. Further, the current code does not require either stamped or dyed concrete, but the code could be changed. There was a discussion about making this change in the code for future concrete walls that are over a certain size. It was suggested that Ms. Oliver, reach out to the owners to beautify that area with better landscaping, or some artwork.

Finally, Councilmember Green mentioned the number of neighbors who are upset in South Mountain and Pepi Band Road about the number of houses that were turned into rentals. In the processes, many homes have been remodeled to include basement apartments turning single-family units into multiple-family households. He would like to come up with a solution to better enforce the code and alleviate parking concerns in that area. Ms. Oliver explained that David Bernal, Code Compliance Officer, had gone out to investigate the three addresses that the Council had received complaints about and two of the complaints were unfounded. She explained that the City has a pretty informal process for investigation and that in a lot of instances, the number of cars a household has more to do with grown children continuing to live at home than multiple unit rentals. In addition, there are several spaces that are permitted as accessory dwelling units (ADUs) which were used by the City as a selling point on their housing plan with the state of Utah in order to make them eligible for the transportation funding.

The consensus of the Council was that the primary concern of residents in the area was lack of parking. In addition, the Council recognized that the problem is not that property owners are creating multiple units within a single house, but rather are renting out rooms to different tenants which makes it more challenging to enforce. Councilmember Lowery said it would be helpful if the Council could have clarification on what is legal and what is not. Ms. Oliver explained that there are two people, Mr. Portman and Mr. Christensen, who are the main parties engaging with the City's code enforcement officer and issuing complaints. What she feels the Council should take away from the discussion is that they need to be diligent about only approving projects that include long driveways or multiple car garages.

The Council then discussed short-term rentals such as Air BnB and that to this point, they are not something that the Council has regulated.

- 2.6 Chief Clint Smith brought up the strategic plan that the City is working on in regards to the fire department. He wanted to encourage the Council and citizens to take the survey to provide their input as stakeholders that allow them to draft a strategic plan in alignment with people's needs.

Councilmember Lowery returned to the issue of Rocky Mountain Power and explained that she recently read an article in the Tribune that said that the area was at risk, as California was, to have their power shut off if hit with certain wind speeds. It seemed that the edge of the area stopped just below Draper, but she wanted to know if there were areas in Draper that could potentially be at risk for fire danger. In response, it was explained that because Draper does still have above-ground power lines, yes, there is a risk for the community. However, as new and redevelopment happen, that technology is being upgraded for underground alternatives. This is an issue that was brought up by Rocky Mountain Power. Because of the way that Draper is connected to the grid, if Rocky Mountain Power turns off the power in other places, there is a chance that Draper would be impacted.

- 2.7 The Council was educated on best mic etiquette, particularly to be careful what they continue to say after they are done speaking. Often times the recording doesn't stop immediately, so an unwanted conversation can be caught in the recording.

- 2.8 Finally, the Council went over the assignment list. Councilmember Fred Lowry led the discussion. It was explained that the Council typically changes its assignments annually around the first of the year. Councilmember Green suggested that for City agencies, Mayor Walker be the president of the Municipal Building Authority (MBA) and the Redevelopment Agency (RDA) so that he could stay on the mic during the meetings and that he could be the vice-chair of them. They decided on the assignments as follows:

- Arena Board: Councilmember Fred Lowry
- Historic Preservation Commission: Councilmember Marsha Vawdrey
- Parks and Trails Recreation Committee: Councilmember Tasha Lowery
- Planning Commission: Councilmember Marsha Vawdrey.
There was some discussion about the fact that councilmember presence can create undue influence or tension at Planning Commission meetings because those individuals were already appointed by the Council and given authority.
- Tree Commission: Councilmember Fred Lowry
- Emergency Preparedness Committee: Councilmember Mike Green
- Youth Council/ Peer Court: Mayor Walker and Cal Roberts as the alternate.
- Association of Municipal Councils: Councilmember Tasha Lowery
- Economic Development: Mayor Troy K. Walker
- Chamber of Commerce (South Valley and City): Councilmember Cal Roberts
- Trans Jordan Landfill Alternate Member: Councilmember Cal Roberts
- Jordan River Commission: Councilmember Fred Lowry
- Mountainland Association of Governments (MAG): Councilmember Cal Roberts
- Draper Foundation: Councilmember Marsha Vawdrey
- Senior Center: Councilmember Roberts

- Air Quality Board: Councilmember Cal Roberts
- Legislative Policy Committee (LPC): Mayor Walker and Councilmember Tasha Lowery
- Canyons Education Foundation: Councilmember Fred Lowry
- Mosquito Abatement: resident volunteer
- Prison Land Authority: Mayor Walker
- Utah Transit Authority Board: Mayor Walker
- Salt Lake County Council of Governments (COG): Mayor Walker
- Conference of Salt Lake Valley Mayors (COM): Mayor Walker
- Trans Com (Mayor appointed through COG): Mayor Walker
- JPAC (Mayor appointed through COG): Mayor Walker
- WFRC (Mayor appointed through COG): Mayor Walker
- WFRC-RGC (Mayor appointed through COG): Mayor Walker

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Reverend Al Borchert, Holy Trinity Church, offered the prayer.

2.2 Lieutenant Pat Evans led the Pledge of Allegiance.

3.0 Proclamation: School Choice Week

Mayor Walker read an abbreviated version of the proclamation. “Whereas all children in the city of Draper should have access to the highest quality of education possible, and whereas quality education is critically important to the economic vitality of the City of Draper, and whereas educational variety not only helps to diversify our economy but also enhance the vibrancy of our community, now, therefore, I, Troy K. Walker, recognize January 26th through February 1st as the City of Draper School Choice Week.”

4.0 Proclamation: School Board Recognition Month

Mayor Walker said that this was an opportunity to recognize the outstanding Canyon School Board and its members. He then read an abbreviated version of the proclamation. “Whereas the mission of Canyon School District is to meet the diverse educational needs of all 34,000 students, including 5,400 that reside in Draper City, and whereas members of the board of education have secured and directed resources investing in such innovations as standards-based grading, differential diplomas, the reconfiguration of grades in every school, and expanded early childhood and early college programs, and whereas under the board’s leadership Canyons has risen as a district of distinction as evidenced by the amazing test scores, graduation rates and the celebrated achievements of its students, now, therefore, I, Troy K. Walker, do hereby declare my deepest appreciation to the Canyon

School Board of Education and recognize the month of January 2020 as School Board Recognition Month.”

Amanda Oaks, a school board member, was asked to stand in recognition. The Mayor also recognized Susan Edwards who handles issues of government relations with the school board. The Council took a photograph with both individuals and gave them some chocolate covered treats. The Mayor recognized that the school board celebrated its tenth-anniversary last year. He also highlighted the success of Corner Canyon High School.

** Councilmember Marsha Vawdrey joined the meeting by phone at 7:11 p.m.

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.

- 5.1 Mitt Stewart, Sandy resident, explained that he is the race organizer for the Wasatch Trail Run Series and has held races in Corner Canyon for the last seven years. He believed that it's a great series given their willingness to accommodate everyone regardless of age or ability. Most racers pay about \$16 a race. He thanked the Council for allowing them to run on Draper City trails. Every year the organization gives some of their money to non-profits. This year, however, they are enlisting their runners to do a run-a-thon to choose a non-profit to donate to. Most of the Wasatch Trail Run Series non-profits are trail-oriented in addition to Wasatch Adaptive Sports. Mr. Stewart said that they would like to donate some of their funds to projects that are proposed in Corner Canyon such as the Hog Hollow Footpath and they would like for their runners to have the option to raise funds specifically for that trail network. It was Mr. Stewart's understanding that the way the City works now, is that if a citizen has \$100 to donate to trails it goes to the General Fund. He wanted to propose that (1) a special fund be created so that runners who choose to raise funds for the Hog Hollow Footpath can have their sponsors donate directly to the fund, (2) that race organizers could provide individuals with a direct link so that their organization doesn't have to be an intermediary and (3) because the Wasatch Trail Run Series tries to keep their costs so minimal and is contributing directly to projects in the area, Mr. Stewart hoped that their trail usage fees could be waived, so long as they donate the bare minimum that equates to what their trail fees would have been. If the trail fees for the two races on April 1st and May 20th amounted to \$4,000, these would be waived if they donated at least \$4,000 to the project. It's the organization's goal to raise a minimum of \$40,000 amongst six different organizations.

Mayor Walker explained that they have the Corner Canyon Foundation that was established to help with situations like this to receive money. The waiver of the trail fees would have to be decided by the Council in conjunction with the Parks and Trails Committee.

5.2 Jeff Stenquist, resident, wanted to welcome the new councilmembers and expressed his appreciation for their willingness to serve. He also wanted to express that with the legislative session around the corner, the Council represents everyone that he represents because Draper is entirely within his district. Earlier that day he had a luncheon with the Canyon School District and all of the legislators who represent the area of the district to recognize their accomplishments and make sure that they understood the district's priorities.

He wanted to publicly express that he was available to hear about the councilmembers' and citizens' concerns during the legislative session. He has already scheduled a town hall meeting on Saturday, January 25th. He would like input for what the Draper community would like him to do on their behalf in the legislative session.

5.3 Amanda Oaks, resident, wanted to thank everyone for their recognition of the Canyon School Board. She expressed gratitude for the cooperation of Draper City to merge the districts. She noted that the current superintendent, Dr. Jim Briscoe, announced his retirement. Although Dr. Briscoe has been a respected and accomplished leader, Ms. Oaks recognized that things will move forward and that they look forward to what is to come. She wanted to thank Draper City again for all of their assistance and cooperation, including their help with road construction in front of Draper Elementary.

6.0 **Consent Items**

a. **Approval of December 10, 2019, City Council Meeting Minutes**

b. **Approval of Resolution #20-06, appointing Nate Shipp as a member of the Draper City Arena Advisory Board**

6.1 **Councilmember Mike Green moved to approve the consent items. Councilmember Tasha Lowery seconded the motion.**

6.2 **A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**

7.0 **Public Hearing: Approval of Ordinance #1419, Draper Academy Town Center Text Amendment Request, on the request of Christine Kremer and Bret Steel for a text amendment to Draper City Municipal Code (DCMC) Section 9-11-110 to allow a private school with up to 15 students within the TC (Town Center) zone.**

7.1 Jennifer Jastremsky, Planner, oriented to the Council to the area that is zoned as the town center that the applicant is requesting the text amendment for. The applicant is requesting that a private school can exist as a conditional use within the zone with a limit of no more than fifteen students. She explained that private schools are designated as conditional use in most of the City's commercial zones which allows the City to provide mitigation measures on the permit and make sure that there are adequate parking and access for private schools. The small limit of fifteen students in the town center would check how large a school could be, reducing the impact the City would see for a larger private or charter

school. It would not take up the commercial or office spaces that the City is trying to utilize to build up the core area.

She displayed the definition of a private school and summarized that it is any school serving grades K through 12 that is not part of the public education system. The Planning Commission recommended approval of the initiative in a five to zero vote at the December 12, 2019 meeting. Ms. Jastremsky was available to answer any questions.

- 7.2 Mayor Walker asked if a new school would go in an existing structure or new construction. Ms. Jastremsky responded that it would reside in an existing structure. The applicant already had a site in mind. Ms. Jastremsky explained that if the text amendment was approved she would have to present a conditional use permit for the proposed property. At that time, the City would review if the proposed space had appropriate parking and access. She also confirmed that the applicant was present.
- 7.3 Councilmember Mike Green asked if a traffic study would need to be conducted as part of the conditional use permit. Ms. Jastremsky said that the Planning Commission does have the authority to require one, but that a school with a maximum of fifteen students might not be large enough that it would be necessary.
- 7.4 Christine Kremer, the applicant, explained that she is proposing a school called Draper Academy designed for kids who struggle and are not succeeding in the public school system be that due to a social, emotional, or academic challenge. She explained that she had worked in a similar school in Riverton, but that there wasn't a school in Draper. Further, many of her students in Riverton come from the Draper area. Several of the students want to follow Ms. Kremer to a location closer to their home. A struggling student approaches Ms. Kremer, who pre-tests them in all content areas (reading, writing, and math) and is then given a curriculum tailored to their needs. No two kids are working on the same thing and students progress at their own rate. In the past, Ms. Kremer has been able to catch students up and help them progress two reading levels in a single year. The primary goal of the school is to have a safe, loving learning environment as opposed to a large school. Options like this were important to Ms. Kremer because she has a daughter that has anxiety who was overwhelmed by the public school system in Draper. Ms. Kremer actually drove her daughter to a school in Sugarhouse.
- She also added that the proposed location has parking spaces for twenty-one kids on the corner of Pioneer and 800 East. Parents would come up 800 East to drop kids off and then could proceed out of the location depending on what the City wanted. The applicant had already purchased a building at 12390 S. 800 East.
- 7.5 Councilmember Fred Lowry asked what the applicant's timeline was to open. Ms. Kremer said she hoped to open soon. They have already done a lot of work inside the building. The house was built in 1928 and they have redone the painting and windows and are working to have the building up to code.

- 7.6 Councilmember Tasha Lowery said that was very appropriate that the applicant was presenting on the day that the City was recognizing school choice and the need for effective educational options. As an educator herself, Councilmember Lowery felt that it was wonderful that the applicant is giving parents alternatives for something that will work for their kids. She thanked the applicant.
- 7.7 **Mayor Walker opened the meeting for public comment, no one came forward so Mayor Walker closed the meeting for public comment.**
- 7.8 **Councilmember Green moved to approve Ordinance #1419, Draper Academy Town Center Text Amendment. Councilmember Tasha Lowery seconded the motion.**
- 7.9 **A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously.**
- 8.0 **Public Hearing: Approval of Ordinance #1420, Silverhawk Subdivision Zone Change Request, on the request of Mike Gabel, representing Silverhawk Enterprises, for a zone change from RA1 (Residential Agricultural, 40,000 square foot lot minimum) to RA2 (Residential Agricultural, 20,000 square foot lot minimum) for 3.68 acres of property located at 1110 East 13200 South and 13260 South 1162 East.**
- 8.1 Jennifer Jastremsky, Planner, oriented the Council to the location of the properties just south of 13200 South. The two properties were located mid-block and already had two houses. The first was accessed off of 13200 South and the second accessed off a private lane. Both properties are zoned within the residential low-medium density land use which supports one acre and half-acre lots. They are both currently zoned RA1 and the applicant proposed the properties to be zoned RA2. Based on a displayed map, the Council could see that the property was adjacent to a substantial number of lots in the neighborhood that were already zoned as RA2. If the rezone was approved, the applicant would still be in compliance with the land zoning map.
- RA2 zoning requires a 20,000 square foot minimum lot. The applicant had already submitted a concept plan showing how they could design the property. If the applicant was successful tonight, they would still have to apply for subdivision, at which point they would need fully engineered drawings that the City could review to ensure they were in compliance with City Code. Their concept plan does show a private lane coming into the property from 13200 South which would support access to four additional lots. Ms. Jastremsky then displayed some images of the existing homes and the farmland behind them. She informed the Council that the Planning Commission recommended approval for the proposal with a five to zero vote during the December 12, 2019 meeting. Both she and the applicant were available for questions.
- 8.2 Mike Gabel, the applicant, made himself available for questions.
- 8.3 Councilmember Mike Green asked about the house located off of 1162 East. He asked if that house would remain intact. The applicant confirmed this and explained that it would

continue to have access to the existing private lane. Councilmember Green then confirmed that he would not need an easement and that all of the new access to the homes would come from the additional private lane and that the applicant would tear down the existing house to have access. The applicant clarified that the house would remain.

8.4 Mayor Walker opened the public hearing. When no one came forward, Mayor Walker closed the public hearing.

8.5 Councilmember Fred Lowry moved to approve Ordinance #1420, Silverhawk Subdivision Zone Change Request. Councilmember Vawdrey seconded the motion.

8.6 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously.

9.0 Public Hearing: Approval of Resolution #20-03, amending the Fiscal Year 2020 Budget, including a discussion on amending the compensation for the Mayor.

9.1 Bob Wylie, Finance Director, presented on the re-opened budget for the Fiscal Year 2020 General Fund. He mentioned that per Utah's code, Draper City budget is a balanced budget. Because of this, he presents to the Council a few times a year on a re-opened budget to ensure that it stays balanced. He had twelve items for discussion in which he had defined the dollar amount and source of funding for each item.

1. Item FY20-22 addressed the Mayor's compensation. After a discussion of the Mayor's compensation at the December 10th council meeting, the Council was considering amending the Mayor's compensation. Funding for the request would come from an increase in sales tax revenue. As a part of the amendment a monthly auto allowance of \$400 per month would be added, as well as participation in the City health insurance program at a rate of \$1,200 per month for a total of \$14,400. The annual salary compensation increase was requested at \$19,200. Mr. Wyle prorated this increase for the remainder of the 2019 fiscal year (February to June) at an amount of \$8,000.
2. Item FY20-23 was for the Historic Preservation Committee who was awarded a certified local government grant to work on the Joseph Mickelsen House. The grant was for \$10,000 and was awarded to the City in 2018. The City received the reimbursement of this grant in October 2019, but a portion of the qualified expenditures amounting to \$6,500 was incurred in the current fiscal year (FY2020). This budget item would amend the DHPC budget to reflect the expenditure and reimbursement.
3. Item FY20-24 was for an adaptive playground. Draper City Parks and Recreation requested funding for \$500,000 for an all-abilities playground. This amount was approved by the City Council when the City applied for the Tourism, Recreation, Culture and Convention (TRCC) Grant in August of 2019 which Draper City received in the amount of \$550,000. The funding would be paid to Salt Lake County who would serve as the contractor for the playground. The funding for this request would come from the Park Impact Fees as well as the grant from Salt Lake County.

4. Item FY20-25 was for electric charging stations. Draper City was awarded a grant from the State of Utah Division of Air Quality to install four electrical car charging systems. The estimated cost for installing the stations was \$68,000. The City would need to fund \$44,500 from an appropriation from the General Fund. \$23,500 of the funding request would come from the State of Utah grant with the remaining \$44,500 coming from the General Fund.
5. Item FY20-26 was for a reserve ambulance owned by the Fire Department that is utilized during high volume call times. The current reserve ambulance had become increasingly unreliable and was to be retrofitted using the existing chassis. The Fire Department has requested \$185,000 that would come from the Ambulance Fund. Mr. Wylie explained that the Ambulance Fund is an Enterprise Fund that charges for services and is separate from the General Fund.
6. Item FY20-27 was for the buildout on the third floor of the police annex building. Given that the project was near completion, staff had requested funding for the exercise equipment that would be installed. The Police Department will utilize this area for officer training and physical fitness requirements. In addition to the police's use of the facility, city staff will also be able to access the equipment. Funding for this request would come from a Justice Assistance Grant (JAG) totaling \$8,000 with an additional \$40,000 from a health insurance rebate from PEHP, the City's public health insurance plan. The rebate was calculated based on several criteria such as the City's large risk pool, experience ratings and the level of employee engagement. Draper City gained approval from PEHP to use the rebate money to support wellness initiatives and activities that incentivize employees to take preventative and cost savings measures. Between these two funding sources, the total request was \$48,000.
7. Item FY20-28 was for stormwater detention basin improvements. The City had already approved \$70,000 in funds for the Corner Ridge Drive Storm Drain (CIP18-15). This money was not needed for the project, so city staff requested that this project be closed and that the money be re-appropriated to Storm Water Detention Basin Improvements (CIP-0036). No additional funds are needed.
8. Item FY20-29 was for the Jordan River Boat Launch. The City currently has an open project called the Jordan River Trail Connect (CIP-180085) with allotted funds of \$248,500. City staff has requested that these funds be re-appropriated and rename the project to Jordan River Boat Launch. This was discussed during December 2019's Study Session. No additional funds are needed.
9. Item FY20-30 was for the Fire Department's self-contained breathing apparatus (SCBA). The Fire Department requested funding for a reserve SCBA because they do not have a spare or reserve SCBA to put into service in the event that damage or malfunction occurs to the primary SCBA during normal use. The funding request of \$18,000 would come from the General Fund.

Mr. Wylie explained that the term “fund balance appropriation from the General Fund” refers to the reserve that the state allows each city to have that the City can use for one-time funding. This reserve acts as a savings account.

10. Item FY20-31 was for a Communication Consultant. The City Manager requested funding for an outside communications assistant to assist with day-to-day communication efforts to better inform residents and businesses of City issues and projects. The funding request of \$50,000 would come from additional sales tax revenue.

11. Item FY20-32 was for a Communications Director. City Staff requested additional funding to reclassify the Public Relations Specialist to a Communications Director. The annual cost of the item would be \$25,000 prorated for the remainder of FY2020 at \$8,000. The amount requested would come from additional sales tax revenue.

Mr. Wylie mentioned that he had cited sales tax as a source of revenue. He explained that currently, sales tax revenue has been running about five percent higher than last year’s month-to-month. If this continued, they would have an excess surplus of budget sales tax revenue.

12. Item FY20-33 was a staffing chart. The City Council approves the City’s staffing chart, or Full-Time Employees (FTEs) and their classifications. In conjunction with item FY20-32 staff is requesting the reclassification of the Public Relations Specialist to Communications Director. The total number of FTEs would not change, but the position would move from grade 15 to grade 20.

9.2 Councilmember Fred Lowry asked about the Jordan River Boat Launch. Although the staff has asked for the \$248,500 to be re-appropriated for the project, they do not currently have an estimate for the project. David Dobbins, City Manager, confirmed this and explained that what staff would like to do is have the Council re-appropriate the amount and then go out and get an estimate on the project that would include several different designs. Once this occurs, staff would report back to the Council with the estimated cost and the Council would decide if they want staff to proceed with the construction. The staff does not expect the project to actually cost that much. Other cities have reported the project to be in the \$100,000-\$150,000 range.

Councilmember Tasha Lowery stated that there are already some existing drawings that could potentially be used to implement the project. Councilmember Mike Green added that they are not constructing a powerboat launch, but rather small vessels such as kayaks and canoes. In addition, David Dobbins, City Manager, explained that several cities are constructing similar projects. The City was actively pursuing a grant to fund the project that has the goal of granting residents greater access to the river.

The Council expressed excitement about the project and the service it would provide to residents who have been underutilizing the resource.

- 9.3 Mayor Walker opened the public hearing, no one came forward so Mayor Walker closed the public hearing.**
- 9.4 Councilmember Roberts moved to separate item #1 (FY20-22) from the rest of the items in the budget reopen. Councilmember Fred Lowry seconded the motion.**
- 9.5 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor of separating the budget.**
- 9.6 Councilmember Green moved to approve Resolution # 20-03, amending the Fiscal Year 2020 Budget without budget item #1 (FY20-22). Councilmember Vawdrey seconded the motion.**
- 9.7 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously. All items are approved, except budget item #1, 5 to 0.**
- 9.8 Councilmember Fred Lowry voiced that he wanted to be transparent about the fact that the Mayor's compensation was a difficult issue for him to address on his very first City Council Meeting. He stated that he values greatly the city administration and the Mayor and felt that it was very important that they build the City financially in a way that they are able to retain key talent. In addition, given that Draper is a top-tier city, he felt that it was necessary to reflect that with their salary compensation. However, as someone who has just entered public office, he did not yet feel that he had gained enough credibility and public trust to vote on the matter.

Councilmember Mike Green stated two things. First, when the Council addressed the Mayor's compensation several months back, they accidentally omitted the auto allowance as a result of a mistake in the way that he stated the motion. Second, in regards to providing the Mayor with health insurance, it was his opinion that there was no difference between a part-time mayor and a full-time mayor, except in how they are paid. He recognized that Mayor Walker, consistently attends some seventeen meetings and that the reason why the City has received so many grants and funding is a result of his efforts.

Councilmember Tasha Lowery asked if David Dobbins, City Manager, had the salary chart of compensation for mayors in surrounding cities.

Councilmember Fred Lowry stated that although the Council wants to recognize the efforts of Mayor Walker that they need to remember that the compensation is for the position not for Mayor Walker's efforts specifically.

Councilmember Tasha Lowery stated that it has always been the City's policy to position their salaries slightly above average and that if you look at the chart that is not where Draper's compensation for the position of Mayor falls. She felt that it is important to be fair in all things, including wages. The position of Mayor requires an incredible amount of

time that could be spent doing work at higher compensation and although some of this could be considered public service, it is unfair to not pay well.

Councilmember Cal Roberts again stated that even though he has only been on the Council for about a week, he recognizes that Draper has an incredibly dedicated mayor. He stated that for himself, that political service should in part be service and that is part of his consideration.

Councilmember Fred Lowry stated that one of the aspects that the chart points to is the fact that comparable cities are providing their mayor with health insurance and that Draper is not, as is the case with the auto allowance.

Mayor Walker wanted to address the issue. He explained that both he and the previous mayor have both continued to work full-time with their own businesses. The amount of time that the mayor can spend on behalf of the city has gone up markedly during his time of service. He further explained that some of the places he serves, such as the Utah Transit Authority, as positions he holds not for political gain, but because Draper has a transit investment that is important for him to continue to be involved in. Some of his other tasks outside of the normal portfolio include The Prison Land Development Authority and Wasatch Front Committees. He voiced that he would not turn down an increase, but that he didn't run for office for the money, but that it has gotten more involved. He also stated that he utilizes his own vehicle, phone, and laptop.

Councilmember Tasha Lowery stated that no one is getting rich off of public service.

Councilmember Fred Lowry wanted it noted again that it is not the best timing for new councilmembers to have to vote on an issue like this because he does not feel as though he has gained public trust.

9.9 Councilmember Green moved to approve Budget item #1 (FY20-22) of Resolution #20-03, amending the Fiscal Year 2020 Budget. Councilmember Vawdrey moved to second the motion.

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

10.0 Action Item: Approval of Ordinance #1416, vacating a Public Right-of-Way along a portion of 12100 South, at 690 East 12100 South in the Draperville Plat.

10.1 Scott Cooley, City Engineer, explained that from time-to-time the City receives requests to vacate their right of ways that are adjacent to private properties. The current request is of a property owner who wants to subdivide his parcel into two parcels. He currently has the zoning to do so but doesn't have the acreage. After he approached the City and staff reviewed the request, it was determined that the City does not need the right of way. There is plenty of room outside of the right of way for the City to widen the road if that is necessary.

- 10.2 Councilmember Vawdrey moved to approve Ordinance #1416, vacating a Public Right-of-Way. Councilmember Fred Lowry seconded the motion.**
- 10.3 Councilmember Mike Green stated he was unsure about vacating the right of way. Although the City does not need the right of way he recognized that the Draperville Plat has had so many issues with neighbors subdividing properties. He was uncertain what the right answer was.
- Councilmember Fred Lowry stated that if the right of way would not be used by the City the property owner should have that land.
- Councilmember Cal Roberts voiced that flag lots are not his favorite, but that the area is zoned RA2 and that it was important to respect the property rights of the owner.
- 10.4 A roll call vote was taken with Councilmembers Lowry, Roberts, and Vawdrey voting in favor. The motion passed 3 to 2.**
- 11.0 Action Item: Approval of Resolution #20-01, appointing the 2020 Mayor Pro Tempore**
- 11.1 Councilmember Tasha Lowery moved to approve Resolution #20-01, appointing Councilmember Green as the 2020 Mayor Pro Tempore. Councilmember Cal Roberts seconded the motion.**
- 11.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously.
- 12.0 Action Item: Approval of Resolution #20-02, approving the 2020 Council Assignment List**
- 12.1 Councilmember Mike Green moved to approve Resolution #20-02, approving the Council Assignment List. Councilmember Tasha Lowery seconded the motion.**
- 12.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously.
- 13.0 Adjournment**
- 13.1 Councilmember Green moved to adjourn the meeting. Councilmember Cal Roberts seconded the motion.**
- 13.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey voting in favor. The motion passed unanimously**
- 13.3 The meeting adjourned at 8:06 pm.