

*Approved February 11, 2020*

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JANUARY 21, 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

EXCUSED:

STAFF PRESENT: Russ Fox, Assistant City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Rhett Ogden, Recreation Director; Christina Oliver, Director of Community Development; and Cody Jolley, Battalion Chief

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**Dinner**

**Study Meeting**

**1.0 City Council Photo**

**2.0 Presentation: Point of the Mountain State Land Use Authority, Alan Matheson**

Alan Matheson thanked the Council for the opportunity to be a part of the Study Meeting and expressed his appreciation for the service that the Council provides to the community. He mentioned that after serving on Planning Commissions for eighteen years he has had a lot of experience with city councils and recognized the importance of the work.

He outlined that his goal was to update the Council on where they are with the Draper site in the Point of the Mountain development and that he also wanted to listen to the Council's ideas and concerns. He acknowledged that the new prison was not only believed to be one of the biggest economic opportunities in the state, but also full of the challenges that come with any new development. However, at the last board retreat, there was consensus that the board hoped that the effort would not only provide economic returns to citizens of the state, but also social ones. They hoped that the development of the prison could serve as a worldwide model. He stated that although there are a lot of different opinions about what to create, the legislation and language drafted by Representative Snow was explicit about the importance of close cooperation with Draper City, as it would be most affected by the new prison. He also spoke to his interest in doing a good job given the proximity of his son and his family to the site.

Mr. Matheson then provided the Council with some updates on the project's progress. He explained that the Legislature has finally committed to offering funds for this project. This will allow the board to move forward to hire a consultant team. In the previous week, they closed the search for a real estate consultant and are in the process of selecting who to hire. After they have a sense of the market, Mr. Matheson said they would then seek to hire a

design team. The selection for this would extend internationally in hopes of getting the best, brightest and most creative ideas. He hopes to have a design team by the summer and have a basic draft of a master plan that incorporates building type, transportation and technological measures that are all forward-looking. He hopes that the area will improve the quality of living by reducing impacts. One of the intentions is to include a research center that can meld higher education, business accelerators, venture capital, and mature businesses that can provide economic returns and jobs for young people.

Mayor Walker added, for the two new councilmembers, that Mr. Matheson was hired as the authority/director of the project and is currently a lone ranger without supporting staff. The hope is that there will be more funding to provide him with some support as a result of the upcoming legislative session. Also, in December the Executive Appropriations Committee recommended some funding for the authority in a base budget that will be voted on during the first ten days of the session.

Councilmember Fred Lowry said that it was hard for him to understand how the project will move forward without funding.

Mayor Walker explained that Mr. Matheson is fully funded so the project is moving forward as a result of his efforts and those of the board. He explained that the board is comprised of several executive appointees, two senators, the county mayor, in addition to himself. He noted that he was involved in the legislation that created the board that was modeled off of that of the Inland Port. It was noted at the retreat that it could be as soon as two years that inmates will be completely removed from the site and that the facilities would be available for re-development. He noted that although it might seem like a long time, that's a pretty fast timeline for a project of this size and importance. He acknowledged the talent of the board and the recent hire of a legal consultant.

One of the primary topics of discussion at the board's recent retreat was if there should be more public outreach. It was pointed out that the Point of the Mountain Board Authority had conducted extensive public outreach in the past and created three scenarios. The public then picked the scenario that was the densest and transit-oriented option, which was ultimately recommended to the legislature. Although the Point of the Mountain Planning Commission deals with the whole area, not just the prison site, the prison was central to that development plan. Because the prison site is owned by the state, it feels especially important that it be economically beneficial to citizens. Also, because of Draper's proximity, the Mayor emphasized the importance of Draper's involvement and support, both in regards to their input, but also offering their resources be it city staff, water, and land use rights, engineering, public safety, public works, etc. Given that development is beginning, the Mayor and Mr. Matheson wanted the Council's feedback/approval on utilizing Draper City staff, police and fire resources to serve the new area.

Councilmember Tasha Lowery asked how the City would be compensated for those services recognizing the increased cost. Mayor Walker and Mr. Matheson explained that inter-local agreements addressing that question still need to be drafted to ensure that there would be compensation to the City to ensure that the cost would be recovered. He stated

that the goal of the evening was to hear anything that the Council would like for the local commission to be thinking about as they pursue development.

Councilmember Mike Green asked if the project was going to allocate any land for additional public works facilities such as an additional police or fire station. Mr. Matheson responded that the board had already talked about the need for at least another fire station in the area. In short, yes. Councilmember Green also stated that he would like to see Draper receive their portion of both property and sales taxes.

Councilmember Fred Lowry expressed a concern about getting steamrolled by the State. Mr. Matheson stated that this very concern was addressed in their most recent board meeting and he assured the Council that he was sincere in wanting a collaborative partnership.

Councilmember Tasha Lowery stated that it was her impression that Draper not only knows, but is excited for the growth and higher densities of that area, but that they are also looking for additional amenities. She asked what they can offer from that area. She's heard mention of ice-skating rinks, indoor tennis courts, and a sports arena.

Councilmember Fred Lowry added that if the project is going to be successful five or six decades from now, he felt that it was important for the area beyond the 600 acres to be considered. This is mostly Draper City. Because of this, he believed there needed to be integration with the developmental plans of Draper, independent of the project.

The Council expressed that there needs to be an attraction to bring people to the area. Councilmember Lowery cited a recent statistic the Council heard that there are currently only three people in Draper for every four jobs available. If part of the plan is to bring in new business and companies, she asked who would fill those opportunities and where would they live.

Mayor Walker emphasized the need for Draper to be a collaborative partner and not take on the role or present themselves as if they are running the show. He pointed out that Draper City does not have zoning or land use authority.

Mr. Matheson stated that he feels that if they only focus on the development of the prison site they will miss opportunities and are therefore looking at the project from the regional perspective. He believes that even if there is a decision that is in the best interest of the site, but creates region problems he would fight against it. He felt strongly that the re-development of the prison site needs to be the catalyst for the future growth of the region. The statute of the project emphasizes improving quality of life, transportation, recreation and amenities in the area. Because of this, there has been discussion on projects such as to connect the Bonneville Shoreline Trail to the Jordan River Trail, increasing bicycle access both for recreation, but also for commuting.

Councilmember Cal Roberts asked about funding for transportation and stated that it seems like this was even beyond Mr. Matheson's control. He asked if the State was working with the federal government to get additional funding for the project.

Mr. Matheson stated that they are in the early stages of thinking about transportation and that it was just last week that he and Russ Fox, Assistant City Manager, met with individuals from the Utah Transit Association looking at different models for creating transit systems. A study is currently underway. In regards to funding, Mr. Matheson explained that several meetings have been set up with congressional members to work the federal side, that as a result of their efforts with the State it has begun to identify some sources of potential funding, and that some of the funding will come from the site itself. As the value of the site increases, some of those profits will be able to be reinvested into establishing its infrastructure. He said that the last thing that is wanted is to create a bottleneck in the area. After talking with 150 plus individuals and groups he has found that although all of them are interested in the site, they are all concerned about traffic.

Councilmember Roberts asked what the Council could do. Mr. Matheson said he wanted to hear their big ideas. One that he had already heard was a stadium.

The Council listed two other ideas; gathering places and a civic center. Councilmember Green said that it was his vision to have live, work and play integrated – that they could accomplish what San Francisco could not: everyone would be welcome, it would be an economic center, everyone would take care of each other and the surrounding area.

Councilmember Tasha Lowery stated that something interesting about the site is that it is next to a lot of open space with the Galena Preserve. Because of this, someone could work, shop and recreate all without needing to get to the City. She asked if the state was going to maintain ownership of the land or if they were going to sell it.

Mr. Matheson stated that had not been decided yet, but that it was his impression that they would not hold it indefinitely. Councilmember Green asked if it would slowly be given to Draper City. Mr. Matheson said that is something that needs to be discussed. Councilmember Green said that the ownership of the land not only impacts property and sales taxes but that for as long as it is owned by the state, every resident of the state, regardless of if they live in Draper or St. George, has an equal investment in the development of the area even though it is closer to home to Draper residents.

Councilmember Tasha Lowery pointed out that the site is uniquely positioned in that everyone in the state passes through this area because it is a central point between Salt Lake County and Utah County. Councilmember Green added that some have called it the most valuable piece of real estate in the country right now. He talked about a recent visit to San Francisco and how you can see the mistakes they made in its development. According to him, there is money invested everywhere, but the city is filled with poverty. That cannot happen here.

Mr. Matheson said that some sort of balance needed to be struck. On the one hand, the State needs to be involved long enough to establish infrastructure for the benefits they want to create, but the State is not a developer and does not have the expertise to act as such. Because of this, they are considering a variety of models such as joint ventures that allow the State to capture some of the value that is gained and have a voice in how that is re-invested, but he doesn't think the State would own the site forever.

Councilmember Tasha Lowery said that the State should be thinking about what would be most valuable to go there; whether it a research lab or a stadium.

Councilmember Fred Lowry asked if a similar model to the Thanksgiving Point area could be implemented; the area has a single owner, but each of the buildings was developed separately and the land is leased. He proposed that the State could still own the land, but lease it to different developers.

Mr. Matheson said that one of the ideas he heard mentioned was creating a gathering place where people want to be and there is nightlife. He said that he has talked with CEOs who bring in visitors from around the world and they want to go to dinner, but there is no place to take guests where there is a white table cloth and a chef to make an excellent meal. He hopes to create some uniquely Draper restaurants that are not just chains and to bring in art, and features that attract people like The Bean in Chicago.

Mayor Walker asked if there were any additional questions of Mr. Matheson. The Council stated that they just wanted to agree to future conversations and to be involved.

Councilmember Tasha Lowery stated that she felt the Townhall held by Greg Summerhays, South Valley Chamber of Commerce Representative, was well received. She would encourage Mr. Matheson to hold more of these meetings to keep the general public more informed. She emphasized that it is not just about getting individuals input, but sharing knowledge as it is acquired.

Mayor Walker stated that the Governor did put \$38 million in his budget to go towards double-tracking the FrontRunner which was one of the first times the executive branch took ownership of a mass transit project. Mayor Walker said that this would be significant because it would change the FrontRunner from an hour or half-hour cycle to a half-hour or fifteen-minute cycle allowing them to move more people. Although the FrontRunner can move a lot of people during peak traffic hours, this is slowed down during other times of the day because freight trains must use the same tracks in certain places. He added that it will be important to continue to push the State to plan transit as a cohesive project, not as separate UTA and UDOT projects.

Mr. Matheson thanked the Mayor and the Council for their involvement.

### **3.0 Presentation: South Valley Chamber of Commerce, Greg Summerhays**

Greg Summerhays, President of the South Valley Chamber of Commerce, provided some background on the establishment of the Chamber of Commerce he represents. He explained that there are about fifteen chambers of commerce in the South Valley that all operate on tight budgets. In most counties such as Davis County or Utah, there is a single chamber of commerce that represents the whole county, as opposed to individual chambers that are by-and-large working on the same type of projects. Because of this, three and a half years ago when he came on to the chamber, he was tasked with making it relevant and effective. The other interesting dynamic at play was the presence of the Salt Lake Chamber of Commerce that is quite large and acts almost like a State chamber. Utah is one of only five states in the country that doesn't have a State chamber by name.

Mr. Summerhays explained that when they began talking with the business community they found that fifty percent of all small businesses go out of business by year five because they are run by individuals who do not have any real business training or education. A classic example they like to reference is a mechanic who worked for someone else, but eventually wanted to work for himself and left the original business to start his own. Even though he's a great mechanic, to establish his business he needed to step away from those tasks a little bit to handle business tasks such as hiring and accounting. And yet, he had no skills to be able to manage people, do financial statements, find more clientele, etc. After hearing a similar story over and over again – people who have great business ideas, but don't know how to grow or maintain them – the South Valley Chamber decided to research programs to help business owners gain these skills. Mr. Summerhays said that the best program they found was the Goldman Sachs 10,000 Small Business Program. Taught at the Salt Lake City Community College Miller Campus in Sandy, the South Valley Chamber thought this would be accessible for its members. However, the tuition rate for the program was quite high, creating a barrier to attend. And so, the South Valley Chamber looked for another alternative and found a curriculum from a company in Boston called INTERiSE that they have been teaching to small business owners since 2004.

Mr. Summerhays provided some statistics and details about the program. To be involved a small business has to have existed for at least two years, have at least three employees, and earn around \$150,000 in annual revenues. Businesses go through a 26-week course that is coined as a mini MBA program to learn the elements of business. As a result of the program, businesses walk away with a three-year strategic growth plan and INTERiSE tracks them for three years to see what happens with the business. What INTERiSE has found is that nationwide, by year three, companies have increased their revenues by about forty-seven percent.

The South Valley Chamber of Commerce adopted the program in 2018 and have put forth about eighty companies to the program. They have statistics after one year from their first cohort. This first cohort found an increase of about 29% in annual revenues, compared to a normal small business that grows at a rate of about 9%. These businesses created 26 jobs and retained 68 jobs and were able to secure almost half a million dollars in funding. Also, one of the companies secured a 5 million dollar contract with the State of Utah.

The South Valley Chamber of Commerce has created a business institute that offers classes to allow business owners to get up to speed with key skills to create and grow their companies. Their signature program is what he just talked about, the INTERiSE curriculum supported by a Key Bank grant. Because of this funding, the program is offered for \$500 to business owners. Ensuring that the course was not only affordable but didn't require too much time was important. The course is offered every other Tuesday from 9:00 a.m. to 12:00 p.m. During the off week, business owners meet in small CPO peer groups that have created an environment for small business owners to talk with others about the challenges of owning and operating a small business.

It is this program that sets the South Valley Chamber of Commerce apart from other chambers in the State. They then partner with the Salt Lake Chamber of Commerce for legislative and policy issues because they do well in representing these issues and helping the business community have a more cohesive voice.

Mr. Summerhays stated that the South Valley Chamber of Commerce is very active. They hosted more than 50 events last year that had more than 3,000 attendees at those events. The Chamber provides events at all levels such as networking lunches that draw 30-40 people, to Women in Business lunches, with a keynote speaker, that hosts 75 to 100 women (and men). He argued that it was the best women's networking group in the state. He explained that the South Valley Chamber also does events such as the In the Know Series to inform the public about projects and development and to talk about issues like air quality and transportation. The Chamber also holds executive forums that are invite-only events. He made a pitch that as they continue to talk about the Point of the Mountain Development, it will be important to have a strong business community supporting it. In his mind, it's not just about the large companies, but asking questions like how to attract better restaurants to the area that businesses need to take their clients too.

Mr. Summerhays then explained another project the South Valley Chamber of Commerce has been working on a visitor economy initiative. He stated that there are now some great assets in the area: the Aquarium, the Hale Centre Theatre, RSL, and the Mountain America Expo Center (a resource he believes is currently underutilized). He explained that the Expo Center was originally built to reduce the load of consumer shows on the Salt Palace. He stated that visitors can offset taxes at a rate of \$1,400 per person by attracting visitors to stay for the weekend or part of the week and spend money in local restaurants/attractions. Because of this, South Valley Chamber has worked to bring together a group of hotels from Draper, Sandy, and South Jordan to form a visitor economy initiative that is primarily focused on sports tourism. The Mountain America Expo Center is an excellent venue for sports teams. One example of this is a basketball tournament that is hosted there three weekends a year and generates \$3 million in revenues through hotel and restaurant expenditures. The South Valley Chamber wants to be more intentional in attracting events like that. One place they had already investigated for growth was the Equestrian Park in Draper. The Chamber has identified that one of the things that are lacking in the south end of the valley are fields which is something to consider when thinking about how to develop the Point of the Mountain area.

Mr. Summerhays said that the balance the South Valley Chamber of Commerce is trying to find is how to think regionally while focusing on the local initiatives that benefit all of its members. To do this they meet monthly with David Dobbins, City Manager, to talk about what kinds of issues are going on in Draper and how the Chamber can work with Draper to further the City's goals. He stated that there are things that will happen in Sandy that will benefit Draper and vice versa, but that what is important is continued communication and collaboration on a regional level, especially in regards to transportation and infrastructural issues. When the South Valley Chamber of Commerce talks about the Point of the Mountain project, one of their biggest concerns is the funding for the transportation part of it. Ultimately, Mr. Summerhays hopes to be able to compete healthily with Salt Lake. He stated that he doesn't want to always have to go down to Salt Lake for great restaurants and entertainment. He emphasized that even without the prison site Draper is already attracting amazing companies such as Pluralsight and eBay.

Councilmember Fred Lowry commented that he felt that Mr. Summerhays brought up a good point about the equestrian center and that it could be better utilized.

In response, Mr. Summerhays said the increased use of the Mountain America Expo Center resulted from strong collaborations with Visit Salt Lake. It was they who attracted the shows to the Expo Center. All the Chamber did was communicate to them that they had an underutilized space and told them when the venue was available for use.

Councilmember Fred Lowry asked how Mr. Summerhays sees the Draper Chamber of Commerce and the South Valley Chamber could work better together. Mr. Summerhays said that he doesn't think the model of having small chambers of commerce works anymore. He believed that what Bill Rappleye, Draper City of Commerce CEO & President, is asked to do with the resources that he has is unrealistic. Instead, he believed that there needed to be regional chambers of commerce throughout Salt Lake County. However, he recognized the sensitivity of the issue and stated that the South Valley Chamber of Commerce is more than willing to collaborate. This could include joint-hosting events and sharing credit for them. He then asked how the South Valley Chamber could better serve Draper.

Councilmember Tasha Lowery said that they could use help getting their businesses more involved with the City in initiatives such as Draper Days, the Community Foundation, and supporting the Trails Foundation. Mr. Summerhays informed the Council that he had met with the Community Foundation and there had been discussion about how the South Valley Chamber could be involved with Draper Days. As a result, several businesses were connected with the event and willing to fund/support it.

#### **4.0 Council/Manager Reports**

4.1 Councilmember Mike Green had nothing to report.

4.2 Councilmember Tasha Lowery informed City Engineer, Scoot Cooley, that she had received a request for a crosswalk at 300 East and 13100 South near a bus stop. She also

mentioned concerns surrounding 12300 South and Lone Peak Parkway. Mr. Cooley said that they had looked at the second issue. He explained that the congestion was coming from I-15 as a result of those exiting the highway onto 12300 South and heading south on Lone Peak. As a result, they have to cross multiple lanes of traffic. He said that UDOT needs to build an additional turn lane. He stated that the City was aware of the problem, but it was a matter of getting UDOT to respond. Councilmember Lowery asked if any of the issues will be fixed as a result of the work the City is already doing on Lone Peak Parkway. Mr. Cooley said that the current phase of improvements on the northern section of Lone Peak Parkway would not fix the issue, but the next phase focused on the southern section of the road would. The City will receive federal funds for this portion of the project, but that won't happen for two or three years.

- 4.3 Councilmember Fred Lowry had the president of the homeowners association of the townhomes discussed at the previous meeting call him. Several other councilmembers noted that they had received calls from him as well. Councilmember Mike Green explained that the first issue to resolve was to identify which code the area fell under and then have a clear understanding of what jurisdiction the City has to enforce the code. Although Councilmember Lowry felt that the City needed to be more assertive in their investigation and enforcement, the majority of the Council felt limited in the efforts they could make to enforce the code. Christina Oliver, Director of Community Development, explained that for every complaint the City has received so far, they have sent someone out to investigate the claim. In all but one of the instances, there was no violation. In addition to this, City staff is already looking to determine what code the area falls under and if there are any violations so that they can report back to those who have issued complaints and have a clearer sense of how to move forward.
- 4.4 Councilmember Cal Roberts said the HOA of the Cove, a small residence on private roads, reached out saying that her reading of the resolutions suggests that there is no contingency stating that public or private roads don't receive services such as snow plowing and trash. Although it is his understanding that the City does not service private roads, she and her lawyer claim that there is nothing in the resolutions that says that the City isn't obligated to provide the services. He said it would be helpful to have the City's attorney read the resolutions for him to relay back to them. Scoot Cooley, City Engineer, said that by definition a private road is one that individual parties take responsibility to maintain.
- 4.5 Russell Fox, Assistant City Manager, wanted to note for the public hearing about the Offices at 700 East that the applicant had requested a continuance on the item and according to Council rules, if that occurs prior to seven days of the meeting, it can be postponed to a future meeting.

## **Business Meeting**

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

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

2.1 Rhett Ogden, Parks and Recreation Director offered the prayer.

2.2 Battalion Chief Cody Jolley led the Pledge of Allegiance.

## **3.0 Recognition: Corner Canyon High School Football Team, 2019 6A State Champion**

3.1 Mayor Walker stated that if one attends a City Council meeting regularly they would be familiar with the success of Corner Canyon High School. Tonight the Council recognized the Corner Canyon High School Football Team for their 14-0 season and for winning the Class 6A State Championship where they beat American Fork 49-14 and finished ranked eighth nationally. The football team had won 26 straight games between last season where they went 12-0 and won the 5A State Championship and this season making them back-to-back State champions in two different divisions. The Mayor recognized the team's academic and athletic achievements including their quarterback Cole Hagen who was named the Gatorade Player of the Year and Van Fillinger who was named an All American. He also noted that the team's head coach was a finalist for the All-American Bull Coach of the Year Award.

Casey Sutera, the Defensive Coach, thanked the City of Draper for their support. He said that this support was evident in the fact that when the team returned home from the State Championship game, cars were lining the parking lot.

Mayor Walker said that one of the best games that he had watched was a game this season when the team was behind with less than a minute left in the fourth quarter and were able to come back and win.

## **4.0 Public Comments**

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

4.1 Jeff Kirkham, resident, said that he was representing his neighborhood that sits adjacent to the rail line. He thanked the Council for their service and said that their neighborhood (those in attendance at the meeting raised their hands) was grateful for the work that they do. He wanted to officially register the neighborhoods' concern for the Trax line to go through Draper's east extension versus the alternative to the west. The neighborhood sees that there is a great opportunity to prevent negative consequences when alternatives are present. He stated that he has lived in metropolitan areas such as Chicago and Houston and has loved the value of mass public transit. He saw it as a means to bring communities together and to make mobility available to citizens. However, what he observed was a

distinction between how the transit was developed between the two cities. In Houston, most of the decisions made were short-sighted and knee-jerk reactions to what seemed to be convenient and more cost-effective options that were available at the time. Whereas in Chicago these decisions were well thought out and heavily invested which lead to long-term solutions that meet the needs of citizens for a long time. He said that he felt that a similar situation existed in the different rail locations between the east and the west. He also asked the Council for advice on how their neighborhood could be more involved to help influence policy and said that they plan to be represented at coming meetings surrounding the issue.

**5.0 Consent Items**

**a. Approval of Resolution #20-05, designating Draper City as a Utah HERitage City during the year 2020**

Mayor Walker read Resolution #20-05. “Whereas Salt Lake City Utah was the place where the first vote under a woman’s suffrage law was cast and counted. Whereas Utah Territory Legislator passed the acting governor Steven Mann signed into law on February 12, 1870, a law granting voting rights to the women of the territory and days later an election was held where 25 women voted. Whereas Utah will celebrate in 2020 the 150<sup>th</sup> anniversary of the historic vote on February 14, 1870. Whereas Utah women voted for seven years before federal legislation revoked their suffrage and then organized and worked together to regain voting rights in the Utah State Constitution. Whereas Utah paved the way for women’s voting rights to spread across the United States, now, therefore, be it resolved that Draper will be designated a Utah Heritage City during the year 2020. A Utah Heritage City celebrates Utah as the first place that women voted under a suffrage law, honor the Utah suffragist who advanced the rights of women and promoted the democratic values at the core of the United States and acknowledge the legacy of strong, influential female trailblazers who serve in their families and communities and encourage women to continue to participate in civic life.”

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

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

**6.0 Public Hearing: Approval of Ordinances #1410 and #1411, Offices on 7th Land Use Map and Zoning Map Amendment. On the request of Keaton Morton for a land use map amendment from Residential Medium Density to Neighborhood Commercial and a zoning map amendment from RA2 (Residential Agricultural, 20,000 square foot lot minimum) to CN (Neighborhood Commercial) on 0.99 acres of property located at 681 East Pioneer Road and 12388 South 700 East.**

- 6.1 **Councilmember Mike Green moved to continue Ordinances #1410 and #1411 to the 3/10/2020 City Council Meeting. 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 #1418, amending the text of the Land Use and Development Code relating to Medical Cannabis. On the request of Draper City to amend various sections of Draper City Municipal Code Title 9 to comply with state law.**
- 7.1 Russell Fox, Assistant City Manager, informed that the State Legislature passed several items in regards to medical cannabis as a result of a special session. During the 2019 General Session of the Legislature, the Utah Medical Cannabis Act was adopted. Then, as a result of a special session, the act was amended in September of 2019. The act provides for the cultivation, processing, medical recommendation, and patient use of medical cannabis. Cities are mandated to adopt the new regulations by January 2021. The City is moving pretty quickly to adopt the regulations because of language in the state statute that says that if a municipality receives an application prior to changing their code, they must act per the state regulations.

Mr. Fox explained that at a minimum a city's zoning ordinance must permit cannabis establishments that cultivate, process, test and distribute cannabis, up to fifteen statewide. Also, the state has allowed up to fourteen medical cannabis pharmacies within four quadrants. A cannabis pharmacy is a facility that would sell medical cannabis products and devices. Cannabis production establishments must be permitted in at least one industrial zone and one agricultural zone. The medical cannabis pharmacy shall be permitted in any zone that is not primarily residential.

Mr. Fox displayed Draper's zoning districts, as well as those that are delineated as primarily residential on a zoning map. He then showed all of the zones that would have the permitted use for a medical cannabis pharmacy. In regards to the cannabis production establishments, Draper has two agricultural zones and two industrial zones that would be eligible for that type of facility.

What Mr. Fox proposed was to add the definitions to the code for a cannabis production establishment and a medical cannabis pharmacy that would refer directly to their appropriate section of the Utah Code. This would ensure that if the Utah Code was amended, Draper would not have to modify this section of their code again. The amendments to the code would establish purpose and scope of usage, as well as define which zones are primarily residential and therefore ineligible. The amended code would create an additional chapter, 9-42, that would address this issue specifically.

Mr. Fox explained that the state statute does allow the City to outline standards for usage. In regards to health and safety, the City can ensure that there are no emissions of dust,

fumes, vapor, odors or waste at cannabis production establishments; that no cannabis products are visible from outside of medical cannabis pharmacies; and that the establishments comply with the zoning regulations they are located in. The state statute also requires that these establishments acquire a state license and local business license. Also, there is a location requirement that states that a cannabis production establishment cannot be within 1,000 feet of a community location, nor within 600 feet of a primarily residential zoned district. Medical cannabis pharmacies cannot be within 200 feet of a community location district, nor within 600 feet of a primarily residential zoned district. He noted that the state statute does allow for a waiver or reduction of these requirements, but such applications can only be granted through the state. Establishments are allowed a 4 X 5 green cross to indicate both production and pharmacy locations, the listing of their hours and the name of the facility.

When the issue was discussed with the Planning Commission, it was recommended that a limit of one establishment per 40,000 people is set for both production and pharmacy facilities and that the hours of the pharmacy be limited to 9:00 a.m. to 9:00 p.m., similar operating hours to other standard pharmacies throughout the city.

Mr. Fox then showed where the first fourteen pharmacies had been selected to be located. He noted that Draper was not listed as one of the locations. He stated that as it stands now, Draper would not receive one of the first fourteen pharmacy licenses.

- 7.2 Councilmember Fred Lowry asked about exhibit c, the permitted zones for a cannabis production establishment. He wanted to know if those were the zones that the state statute would require the City to permit cannabis establishments in those zones. Mr. Fox clarified that they would have to allow it in at least one agricultural zone and one industrial zone. Because of this, it would be possible for the Council to limit the production to just one of the zones. However, the Planning Commission recommended allowing the cannabis facilities in both under the philosophy that the facilities have to be spread throughout the state.

Councilmember Mike Green stated that he only wants to allow the state minimum. Councilmember Lowry said that based on what was presented it seemed as though Draper was allowing for more than the state minimum. Councilmember Green felt as though it was unnecessary to allow within zone A5. He felt as if they could do zones A2 and M2. Councilmembers Fred Lowry and Tasha Lowery agreed.

In response, Mr. Fox cautioned against knowingly limiting the establishments was not possible. He felt that the better way to limit the number of establishments was not by reducing the zones, but by adopting the number of establishments based on population. He explained that while the locations of the pharmacies are currently meant to be evenly distributed throughout the state, there are not the same restrictions on production facilities.

### **7.3 Mayor Walker opened the public hearing.**

7.4 Angie Stallings, resident, voiced that they felt that the area where the gravel pit was located would be a great potential location for these types of facilities. She also felt that it would be optimal if they could avoid being selected as a location. However, should Draper be selected, the gravel pit area could be a location that would not impact the City. She stated that it is a very interesting topic and that for all of those in attendance who were not expected to be here for it, they are now engaged.

7.5 Melanie Phillips, resident, added that other states have had great success receiving revenue from the sale of cannabis. If she had to choose between the presence of cannabis or the gravel pit she would choose the cannabis over the gravel pit.

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

7.7 Councilmember Mike Green summarized that if the Council limits permitted use to only A2, and there is only one parcel in A2, and it isn't meaningful or earnest, they would be in violation of the state statute, so they must allow A5.

Mike Barker, City Attorney, said that it's important to note that anyone could come in and try to rezone an area. The mandate from the state is simply that it has to be allowed in one agricultural and one manufacturing zone. Because no one has a vested interest, he believed that only allowing A2 would meet the minimum requirements of the law and someone could come in and rezone to A2.

Councilmember Fred Lowry said that he liked that idea and that he did not feel comfortable with allowing the A5 zone. Applicants could request a place be rezoned to A2. Councilmember Green noted that in doing so an applicant would have to reduce their farm size from A5 to A2.

Mr. Barker asked what the difference was between A2 and A5 zones. Mr. Fox stated it's the minimum acreage: A2 is a minimum of two acres and A5 is a minimum of five acres.

Councilmember Tasha Lowery asked if in limiting to A2 zones they are essentially limiting the size of the processing plant.

There was more discussion by the Council on which zones to permit in the ordinance.

**7.8 Councilmember Fred Lowry moved to approve Ordinance #1418, amending the text of the Land Use and Development Code in zones A2 and M1, and M2. Councilmember Green 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 Resolution #20-04, declaring Property as Surplus. Property located at 789 East Corner Ridge Drive as surplus and authorizing the sale of the home.**

8.1 Russ Fox, Assistant City Manager, explained that the property under discussion was purchased by the City in 2018 because the home was flooded as a result of storm and drainage issues. A storm and drainage easement has been placed on the property and causes of the flooding alleviated. Currently, the city has done minor maintenance to the yard to keep it looking presentable, but no one is living in it. To sell the home the city must first surplus the property. The resolution to sell the property was brought to the Council in October of 2018 but was denied to ensure that all of the problems were fixed. With the problems all addressed, they are bringing the resolution forward to the Council again.

**8.2 Mayor Walker opened the public hearing, so Mayor Walker closed the public hearing.**

8.3 Councilmember Tasha Lowery asked Scott Cooley, Public Works Director, to provide a summary of the problems that were addressed.

8.4 Scott Cooley, Public Works Director, said that if the property was being developed today code would require that there was a low point storm drainage easement to drain across the property. Because this did not exist, the property would be flooded every time there was a major storm event. Although water never reached the home, it would flood the garage. To address this, the slope of the driveway was changed to orient away from the house and a ditch was dug from the collection point of the drive to divert the water around the back of the house. The property is now designed to direct floodwater away from the home. Also, the City now has an easement in place. Because of this, any future homeowner will be fully aware of the easement.

Councilmember Tasha Lowery said the last time the issue was discussed there were some remaining concerns regarding the flow of water around the back of the property. She remembered there being a retention pond or canal and asked if these concerns had been addressed.

Mr. Cooley said these were addressed. There was an area along the bank that had been built up to convey more flow than previously. He said the property went through a pretty major storm already.

8.5 Councilmember Mike Green asked Mike Barker, City Attorney if following the sale of the property they were certain that the City could deflect any liability if the problem continued in the future.

Mr. Barker said that the purchase contract could be structured with a disclosure and that the purchasers would assume any future issues.

Councilmember Green stated concern about having acquired the property as a result of the issue and to have spent taxpayer dollars to fix it. He not only doesn't want to put a resident at risk but wants to be certain that the problem has been fixed. He supports the surplus of the property and its sale, so long as the City has adequate protection as they move forward.

- 8.6 Councilmember Fred Lowry asked what kind of storms have occurred after the improvements were done to test their efficacy.

Mr. Cooley said that the storms had changed quite a bit in the last ten or fifteen years. Typically the City designs based on ten- and hundred-year storms that help establish a baseline amount of rainfall. What has been occurring recently, however, are higher intensity storms over shorter periods. He stated that he feels confident that the system can accommodate the storms. Also, there are many areas throughout the city that flood because properties were under-designed or there are problems with the system. Staff is going through the city trying to fix some of those areas. Staff feels as though they have taken all of the measures they can to ensure that the property is a safe home for future residents.

Councilmember Mike Green asked how much was spent on the project between the acquisition and repairs.

Mr. Fox said he thought the home was purchased for \$489,000 and between \$30K and \$50K in repairs. Mr. Cooley estimated that if the house sold today without any additional improvements they could get between \$400,000 and \$450,000.

- 8.7 Councilmember Mike Green moved to approve Resolution #20-04, declaring property as surplus and authorizing the sale of real property. Councilmember Marsha Vawdrey seconded the motion.**

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

Rhett Ogden, Parks and Recreation Director, provided an update on the possibility of getting an ice rink around the holiday season. This is something that has been requested and that they have looked into for several years. He still feels that real ice is not affordable and conducive given its cost of about \$39,000 for a month rental that does not include maintenance. The next option would be synthetic ice. A medium rink that could accommodate about 40 skaters would cost \$9,000 for a two-week rental or roughly \$20,000 for a one-month rental. If an ice rink is something the City wants to do, they need to sign the contract soon because the rinks get rented out well before the holiday season.

He described where the rink would be in Draper Park and explained that synthetic ice is a lubricant applied above a plastic layer causing about 20-percent more effort when skating. It doesn't take any refrigeration, so can be maintained in multiple climates.

Councilmembers said they were not interested in synthetic ice and asked if the city would be able to keep revenues for tickets/fees to skate on the rink. Mr. Ogden said the city would

be able to keep profits. They could either pay the company to manage the rink or do this themselves. However, maintenance does require a Zamboni.

Councilmember Mike Green said they would need 2,600 people paying \$15 to ice skate to break even. He thinks that it is doable over a 30-day time frame.

Mr. Ogden said that for the real ice, the rink would be smaller and could not accommodate 40 people. The rink would have to be hosted on the basketball court in Draper Park. If the rink were on the grass, the cost would be more because a subbase would need to be built underneath the ice.

Councilmember Tasha Lowery asked about what Herriman City was doing with their loop. Mr. Ogden said it was called the Herriman Ice Ribbon. They utilize an outside company to create and manage the rink. However, the square footage is a lot smaller because the middle is not ice. Councilmember Lowery asked how much it would cost to do a loop around the tree. Mr. Ogden said he was not aware of any tracks like that. Herriman built the loop in with the chillers when they created their splash pad.

Councilmember Green asked Mr. Ogden to put together a one-pager that outlines the costs, benefits and potential revenues and then put it as a study session item for the Council to decide on in two weeks.

**9.0 Adjourn to Closed Session to discuss Property Acquisition, Litigation, and/or the Character, Professional Competence, or Physical or Mental Health of an Individual**

**9.1 Councilmember Tasha Lowery moved to adjourn to a Closed Session to discuss Litigation with a 15-minute break first. Councilmember Mike Green seconded the motion.**

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

**10.0 Adjournment**

**10.1 A motion was made to adjourn the meeting, and unanimously approved by the Council.**

**10.3 The meeting adjourned at 7:59 p.m.**