

Approved March 10, 2020

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 11, 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: 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 Report: Semi-Annual City Deposits & Investments Report – December 2019

Bob Wylie, Finance Director, explained that the City is required to submit a Semi-Annual Deposits and Investments Report to the State twice a year. This summarized the cash the City has on hand as of December 31st and June 30th. He explained the City is governed by the State Money Management Act which dictates how they can invest, in addition to an investment policy that the City Council adopted.

As of December 31, 2019, the City had \$101,000,000 in cash on hand. He outlined how the money was distributed: (1) Bonds through U.S. Bank; (2) \$20,000,000 in the Utah Public Treasurers Investment Fund which supports the Redevelopment Agency (RDA) and funds new projects, liabilities to developers and housing development; (3) Wells Fargo checking accounts; (4) \$30,000,000 through Morton Advisors; and (5) \$48,000,00 in the Public Treasurers' Investment Fund (PTIF).

He explained that the City becomes cash-driven when the property taxes are received in December and then again when the sales tax comes in. He said that it is not unencumbered money; when the City budgets for capital projects they are funded upfront from this reserve. The other money that the City has, such as impact fees, generally has restrictions.

Councilmember Cal Roberts asked how the Wells Fargo checking accounts are funded.

Mr. Wylie said the money is seeded from things such as utility payments and transfers from other accounts. Generally, they do not take money from Morton Advisors, though they could. For the most part, revenues support those accounts and money isn't required to be transferred.

2.0 Presentation: Capital Improvement Projects

- 2.1 Rhett Ogden, Parks and Recreation Director, provided an update on the City's current construction projects. He explained that the projects he would highlight are projects that were already funded and would be within budget.

The first project was a playground replacement. He noted that because of the age of Draper, the City replaces about one playground a year. They are hoping to replace the playground in Draper Park, the city's most-used park. Because of this, they wanted to put in a better than average playground. To accommodate for this expense, they had taken on a smaller project last year to be able to save some money in the Playground Replacement Fund. They will issue a request for proposals later this year with a brand new "awesome" playground next year.

The next program he talked about was the funding they receive each year for parks and trail pavement management. He reminded the Council that last year they focused on repaving parking lots at places such as the Dog Park, Smithfield, the amphitheater, the arena, etc. Two years previously they fixed the cracks on the Porter Rockwell Trail. This year, they plan to use the money towards slurry to go over the Porter Rockwell Trail.

He then transitioned to talking about the Corner Canyon Creek East Jordan Canal Trail – Phase 1, that was intended to help connect several of Draper's different trail systems. He explained that the project has had some funding challenges. As a result, the trail was broken up into two sections, one of which was not funded and was not currently being worked on and the south section that is federally funded. They are currently trying to finish some negotiations with Project Engineering Consultants (PEC) and the Utah Department of Transportation. The section that was north of Carlquist Drive would go up for bid within the week. He explained this section of the trail would be more difficult financially because it was fully funded by the City as opposed to being federally funded. He explained that there was a section between Carlquist and Golden Pheasant Drive where the canal bank needed to be moved to install the trail. Because of this, depending on funding, it might be necessary to do this section as a separate phase.

Councilmember Mike Green asked about the Bellevue Trail. Mr. Ogden explained that because of funding, Parks and Recreation had been asked to pause on that project and wait for the Council's authorization. Councilmember Green said that the neighbors in this area wanted to come up with a way of covering the canal. He explained that there was an unusual way the properties line fell and their relationship with the easement. Mr. Ogden said that he could get an estimate from the canal company from a similar project. A private business had the canal covered near the Home Depot. He said it was several million dollars for a very short section.

Currently, the trail would connect through the sidewalk. In this instance, the neighbors own the property to the middle of the canal. However, both the City and the canal company have an easement through the property. If the City were to connect the trail this way, they

would have to use their easement and the neighbors didn't want that. They hoped that the City would be able to raise some money to fund an alternative to putting the trail in their backyard. There was a reference to a map to help orient the Council to what the path of the trail would be through the neighborhood and Bellevue Park. Mr. Ogden said that this project was in Parks and Recreation's five-year plan.

Councilmember Fred Lowry asked for an estimate of the cost of the project. Mr. Ogden said it would be about \$200,000.

Rhett Ogden, Parks and Recreation Director, talked about the Peak View Trailhead project. He presented images of the project's concept. He said they were able to get the contractor up at Peak View this winter before projects got crazy. He explained that it would have 48 parking stalls, with pull-through lots to accommodate trailers and equestrian users. He said that the area was graded and the restroom was built. Because of weather they had to stop work in mid-January, but hope to continue in mid-March with project completion by the summer. The road will be paved all the way from the neighborhood to the parking lot, giving a lot more access to the canyon through this new trailhead. He said the project was going well, was in budget and was being done by the same contractor who completed Coyote Hollow.

Councilmember Fred Lowry asked if there was going to be a gate going from Orson Smith Trailhead to the north. Mr. Ogden said that yes, it would be gated between Peak View Trailhead and Orson Smith Trailhead so that the only access would be from SunCrest Drive.

The next project Mr. Ogden talked about was a second dog park. He explained it would have both shelter and picnic areas. It would be unique in that the area would be fenced off to create an off-leash area for dogs to run free, and still be contained. This project will begin in the spring of 2020 with an estimated completion date in the summer of 2020.

The next projects covered were the installment of picnic shelters at Sunrise Station, Inauguration, Pleasant Meadow, South Ridge, Deer Hollow, and Meadow Lark parks. After the project is completed all parks in Draper City, excluding three mini-parks, would have a picnic and sheltered area. In addition to the shelter being updated in Meadow Lark Park, they will also install a paved pathway between the parking lot and the shelter, connecting the trail system in addition to creating better accessibility to the playground. Harper Construction won the bid. This will be the first time the City has worked with them. This project is also estimated to be completed by summer 2020.

In regards to the boat launch project into the Jordan River at Rotary Park, Mr. Ogden said they were expecting a contract from the County that will transfer the money budgeted by Draper City to Salt Lake County, who will then manage the project since it is on the County's property. He reminded the Council that Draper received the Tourism, Recreation, Culture, and Convention (TRCC) Grant for \$550,000. The Council approved \$500,000 for the project to put in a playground valued at over \$1,000,000. For the project to be successful, the parking lot will need to be widened and create access to more parking and

pull through stalls. His department was still trying to decide if they would need a concrete ramp or if floating docks would be an option. In addition to the money from TRCC, the Parks and Recreation Department plan to apply for an outdoor recreation grant to help fund the project.

The Council asked about the timeline for the project. Mr. Ogden said that this year the City would develop a better plan for the project and apply for their funding. The bid would occur in January or February of 2021 with construction beginning in the spring of 2021.

Mr. Ogden then addressed this year's projects which would include the Fango Trail, the Deer Ridge off-leash area, the Edelweiss Trail, and the Bonneville Shoreline Trail (BST). He said that the BST still has some challenges. He said the Traverse City Mountain Trails Foundation was planning to apply for a \$150,000 grant that would have some match, roughly \$30,000, from Draper City. Lehi would also be providing a match up to \$70,000 to connect Draper's southern trail system all the way through. He said this would be a great step in connecting the Bonneville Shoreline Trail. Draper already has about nine miles of the BST. This project would add about six miles, half of the remaining distance.

Lastly, Mr. Ogden talked about the Parks and Recreation master plan. He informed the Council that their current master plan was written in 2008. Given that Draper is a vastly different city since then, the department will establish a steering committee, pick one of six different consultants, and have several public meetings to help them draft a new master plan to be approved next year. He asked the Council if they had any questions.

Mayor Walker asked about the status of the paving of the Porter Rockwell Trail to connect to Lehi. Mr. Ogden said that the contractor on the project had assured Parks and Recreation that it would be done this summer. Someone stated that the project had been short on funding, but that MAG had kicked in some extra money to connect the gap. Mr. Ogden confirmed this and added that the contractor thought they had addressed all of the property acquisition elements, but recently discovered there was one more piece that they needed to work on.

There was discussion about which of Draper's trails connect all the way into Lehi. Mr. Ogden said that Lehi was planning on putting a pedestrian bridge over State Route 92. Mayor Walker stated that the completion of these projects would allow someone to travel from Ogden to Provo all on the trail system.

Greg Hilbig, Trails and Open Space Manager, talked about the counters that were used to gather data to understand how the City's trails were being used. He explained that two of the counters could differentiate between a bike, and a pedestrian as well as their direction of travel (a multi-counter), and the other two just counted traffic on the trail. Mr. Hilbig presented the findings, explaining that of Draper's 15 trailheads, he installed these counters at four: the Andy Ballard Arena, Brookside Trailhead, Coyote Hollow, and Orson Smith Trailhead. These counters were installed a year ago. At the Andy Ballard Arena, going into the canyon, there were 35,000 people on foot and 120,000 people on bicycles in 2019. This meant that the user traffic coming out of the equestrian center was 75% bike and 25%

pedestrian. At Orson Smith Trailhead, there was a regular counter that kept track of users. There were 91,000 people who went up the wooden steps up to the Bonneville Shoreline Trail.

He explained that one of the reasons why he selected these counters was because of the software that came with them. It allowed him to track the number of users at particular times of the day. He displayed data for the month of June at the Orson Smith trailhead. Daily usage ranged from 400 to 900 users, with Sunday being the busiest day. He also showed the hourly bike use out to the Equestrian Center on Saturday, June 1st. One statistic that he highlighted was that between noon and three o'clock on that particular Saturday, 175 people went through.

At Coyote Hollow, he had a counter from January to June before removing it before construction. During this period 30,000 people came through. After the construction was done in October he installed a multi counter to get a better sense of use.

He reported on some trends. At Andy Ballard, the use peaks in the spring, but drops off in the summer. He found it interesting that the use per day is pretty steady: there was a slight bump on Saturdays, but the park was still pretty busy during the week. The data also reflected that for weekday riders there was a spike in the morning, a lull during the day and a spike in the afternoon. On the weekends it was busy and stayed busy.

In regards to Brookside, the counter was installed in June at the bottom of the three downhill trails. There were 74,000 users. He explained, however, that if someone did three laps they would be counted three times.

From the four counters, where neither Brookside nor Coyote Hollow was up for an entire year, they registered 356,000 trail users, excluding the other eleven trailheads. He explained that he's hoping to get more counters to get a better sense of numbers and would like to place a counter on the Porter Rockwell Trail to get a sense of paved trail use. He compared this usage to State Park data. Out of 42 State Parks in Utah, there's only nine that have higher use numbers than Draper's trails. These were Bear Lake, Dead Horse Point, and Deer Creek to name a few.

The Councilmembers agreed the data could be useful for future planning and management of the trails.

Mayor Walker stated that Draper is one of the top Strava and TrailForks destinations in the whole country.

3.0 Report: Police Department Annual Report

3.1 John Eining, Police Chief, began his presentation of the Police Department's Annual Report.

Organizational Chart: He explained that they had 44 members on the patrol side, 16 civil staff and 44 crossing guards, totally an even 100 employees. Of the patrol members, there

were 31 police officers, not including the lieutenant. The rest of the staff is part of the detective unit.

Case Reports: He highlighted that over the past two years the number of calls for service had gone down. Case reports, however, had increased in 2019 compared to 2018. He said that this was in part due to how the department had chosen to report a case. In the past year, they overhauled their report management system (RMS) which impacted how cases were tracked. Citations had also decreased from previous years.

Citations: In 2019 the Police Department wrote 3,020 citations. One of the reasons why citations decreased was because a few years previously the department instituted a traffic division of two officers. Because the division was so small, their cars needed to be utilized elsewhere so the division was disbanded and incorporated into the graveyard shift. He emphasized that they still issue traffic citations, contrary to popular belief. He explained that the department tries to be strategic with their citations. A traffic committee meets monthly to go through the complaints that come into the department and then the committee tries to evaluate what needs to happen to make that street safer be it engineering, more patrol, or issuing more citations. Those citations are done by assignment. There was some discussion about Traverse Ridge Road. Police Chief Eining said that the average speed they write tickets for in that area was 18mph over the speed limit of 40 mph.

Number of Arrests: According to Police Chief Eining, the number of arrests had decreased, although not significantly, in 2019. What was interesting to him, however, was that when the department had to use force, it was the first year where they only utilized *hands-on force*. He explained that this was arrest-control type tactics in an instance when there was non-compliant handcuffing. This differs from a *show of force* which is when an officer takes their firearm or taser and comes up on the target when issuing demands, but does not fire the weapon. It is when the weapon (gun or taser) is fired that the situation would be labeled with a *use of force*. He said that the reason why they keep track of this statistic was if police ever had to use force, they want to be able to show that there were x number of occasions where they had to show force on a target, but didn't pull the trigger. This provides them with protection in the case of a civil lawsuit.

He said that of all of the calls they received only 3% resulted in arrests and of all the arrests made, the use of force was required in only 3% of those arrests. The show of force accounted for 2.1%, which meant that 1% of all arrests ended up in a wrestling match to get them into the handcuffs. Statistically, this use of force is very low and comparable to other cities. One of the things to the department's advantage that helps keep these numbers so low is that members of the department train once a month. By police standards, officers are only required to have 40 training hours a year. Draper officers, however, receive 160 hours of training per year.

Crimes: The major concern in Draper City was *property crimes*. These were primarily vehicle burglaries. What he found most frustrating about these was that almost 50% of them occurred when the vehicle was unlocked with property inside and therefore

preventable. Despite campaigning to have citizens lock their cars and remove valuable property from their vehicles, the City still struggles.

Residential burglaries had also increased, primarily when garage doors were left open. The commercial burglaries had also increased, but that was not an increase the department typically worried about. Many of these occurred at Kohl's department store. Chief Eining explained that Kohl's had a robust shoplifting team and catch a lot of individuals.

Auto thefts had also decreased. Most tend to occur during the wintertime when someone leaves their car running with their keys in the ignition to defrost their windshield.

Robberies had also decreased. He said that if a shoplifter gets in a fight with a store manager then it becomes classified as a robbery.

DUIs were also down. Chief Eining stated that this may be due to a decrease in drunk drivers, which would be a positive thing. It's not good if the police are not doing enough enforcement.

Sexual assaults tend to cause the department concern. They had 65 sexual assaults. He said that the number would probably be higher if the department were a little more proactive in finding these cases. He said that the City had a few hot spots that were extreme problems. There was discussion by the Council about changing the zoning of the problem area to an RDA to hopefully change the demographic and reduce crime.

In regards to *assaults*, Chief Eining said that most of these were domestic violence cases.

For perspective, in Draper City, 80% of the crimes are property crimes, and 20% are personal crimes. Theft was the majority of the crime.

Councilmember Tasha Lowery asked about all of the fence smashing crimes. She said that she had received a lot of calls about them. John Eining, Police Chief, responded that she should have constituents call the police and report the instance. All they can do is follow up and hope they get lucky. He said it was a hard crime to stop because it is probably someone who is running around at night and thinks it's funny to run through a fence, causing hundreds of dollars of property damage. Councilmember Tasha Lowery explained that it seems like it is a group of football players who just line up and charge through the fence. She has seen videos of it, all with the same car and wanted to know why they hadn't identified who was doing it.

He said another similar issue was the bb gun damage. One of the problems was that people don't actually report these crimes because they don't think they are serious. He emphasized the Police Department does want to know. In the bb gun situation, they deployed extra patrols and overtime shifts and were ultimately able to find the bb gun people. One of the detectives and a school resources officer interviewed 10-15 kids at Canyon High School. The police were able to get videos of one of them running around with a bb gun in his car. The police knew they had the kids who were doing the vandalism, but none of them

admitted to the crimes. However, as a result of the interviews, all of the bb gun issues stopped. A similar process could happen with the fence issue.

Overall *total crime* had taken a pretty significant drop. Draper's crime rate had gone down to 22.2 crimes per thousand giving Draper the second-lowest crime rate in the Salt Lake Valley next to South Jordan. He displayed a crime map where the darker areas represent higher places of crime.

Chief Eining said that one of his goals when he became Police Chief was to increase their community outreach. As a part of this effort, the Police Department held 18 different events that they either put on or participated in. One class that they were proud of was the women's self-defense class that was very successful.

In 2018 the department published its five-year strategic plan. He specifically addressed the goals that were laid out and highlighted which of those goals had already been met. One program that he featured was the Volunteers In Police Service (V.I.P.S) who would start their training the following night. He also thanked the Council for approving the pay scale change. He said that it really changed the dynamic of the Police Department because it allowed them to retain people and maintain a full staff. This differs from a few years previously when they often saw individuals leave to work at other stations because they could earn more pay elsewhere. The department also received its state accreditation last year, becoming the 5th department in the state of Utah to receive that. They also created a new logo and decals, and an all-blue color palette, including lights on the police cars. He emphasized again that they switched over to Versa Term, a new records management system. He said this was quite the transition, a summer-long project. The entire Salt Lake Valley will be transitioning to Versa Term, the same system. This will be the first time that has ever happened. This will allow the entire county to be connected because they will all be on the same data management system. This means that every city's police department will have access to case records for all cases in the valley. Another thing that happened in the past year was that two officers and one civilian passed the test to be drone pilots. The department also acquired a new Ford Escape and some e-bikes. He asked if the Council had any questions.

Mayor Walker asked about the Children at Risk Intervention (C.A.R.I.) program. Chief Eining said that the C.A.R.I. program is still active and evolving. He said he sits on the School Safety Committee. This committee is working on creating a state-wide threat assessment program so that everyone is working under the same protocols. In Draper specifically, the department still does get referrals for at-risk youth who are referred to the department's victim advocate who connects them to resources to help them. He said that he was excited about the state-level work. It got started last year following the Parkland shooting. The Mayor asked that Chief Eining communicate to him how he could help. He wanted to make sure that they were doing everything they could to support that program.

Chief Eining said again that he was very excited about the state-level effort. The trend across the nation has been to build, at great expense, these almost armored schools. It's

his opinion that money would be better spent on proactive approaches that better assess and care for mental health issues.

Councilmember Mike Green asked if the department is still giving out free gun locks to parents. John Eining, Police Chief, verified they were.

4.0 Council/Manager Reports

5.0 Closed Session – By Motion. The Draper City Council may temporarily recess the regular meeting and convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonably imminent litigation, or the purchase, exchange, or lease of real property, as provided by UCA 52-4-205.

5.1 Councilmember Tasha Lowery moved to adjourn to a Closed Session to discuss Litigation and Property Acquisition. Councilmember Vawdrey 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.

** The closed session started at 6:43 p.m. and ended at 7:00 p.m.

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Micah Turner, resident, offered a thought.

2.2 Jake Sorensen, a City employee, led the Pledge of Allegiance.

3.0 Proclamation: February 12, 2020, as a Day of Hope, presentation by Corner Canyon High School Hope Squad

Mayor Walker read the #DayOfHope Proclamation.

“Whereas in 2017 suicide was the tenth leading cause of death in the United States. And whereas in 2017, 47,173 Americans died by suicide with 1.4 million suicide attempts nationwide. And whereas in 2017 Utah ranked sixth in the nation in suicide. The national rate of suicide in Utah is 22.74 per 100,000 in population, a rate of 8.74 higher than the national average. And whereas in 2017 suicide ranked the seventh leading cause of death in Utah. It was the leading cause of death for Utahans ranked 15 to 24 and the second

leading cause of death for ages 25 to 44. Now, therefore, I Troy K. Walker, Mayor of the City of Draper, proclaim February the 12th, 2020, as a Day of Hope in the City of Draper and encourage all citizens to join together in the community in any way that is personally meaningful.”

He said that this was a somber proclamation, but that there were some fine young people in attendance that are doing something about it. He introduced the Corner Canyon High School Hope Squad.

- 3.1 Olivia Hulme, of the Corner Canyon High School Hope Squad, explained that they were a club that was focused on mental illness and kids who are struggling with mental illness and suicidal thoughts. She said that the primary focus of the club was on friendship because it was a big part of helping people get through and get help.

Ben Allen, a member of the Corner Canyon High School Hope Squad, thanked the Council for establishing the Day of Hope. He said it was a truly important topic and issue that has affected him personally as well as his family. He explained that his dad was a veteran of the Iraq and Afghanistan war. After coming back from the Iraq war, he developed Post-Traumatic Stress Disorder (PTSD) and this had major impacts on their family that will likely continue for the rest of his life. Allen said the help that his father received through the Veterans Administration had been amazing for him. One of the most recent events that personally impacted him was when his cousin died by suicide last year. Although he couldn't say that he was especially close to her, the impact it had on her family was heartbreaking. He couldn't emphasize enough the importance of communicating to those who are struggling that there will be a better day tomorrow.

Mary Wilkey, a member of the Corner Canyon High School Hope Squad, also thanked the Council for recognizing February 12th, 2020 as a Day of Hope. She said that as the Hope Squad, they believe in joining together as a community to recognize these issues and the impact that individuals can have on other people's lives. She said that suicide is a big issue that is preventable.

- 3.2 Councilmember Fred Lowry said that he didn't think that there was a greater team or group at Corner Canyon High School than the Hope Squad. He said that when you read the statistics from 2017 that Mayor Walker read in the proclamation about 47,173 Americans who died by suicide, it is important to remember that those are just the people who died by suicide, not committed suicide. He also emphasized that each of those people is an individual. He said that he has a 24-year-old son that is one of the 47,173 who died by suicide in 2017. He explained that he wanted to share this so that the Hope Squad could see that it impacts not just that individual but their families. He said that they are doing one of the greatest things that could be done in a school, remembering friendships and remembering that people have names. He said that we need to remember that each of those 47,173 people had names and were a product of God meant to help this world. He asked that as they participate in the Day of Hope that they let it go beyond that and spread so that Corner Canyon can become a big Hope Squad. He said he takes a great deal of hope knowing that they have youth who are willing to step up. He said that although he was not

at Corner Canyon High School he considered himself an honorary member of the Hope Squad.

- 3.3 Councilmember Mike Green also thanked the Hope Squad and said that whatever they needed from the City Council, their doors were open.
The Council took a photo with the members of the Corner Canyon High School Hope Squad.

4.0 Recognition: Mandi Brady, Miss Draper Program Director

- 4.1 Mayor Walker introduced Mandi Brady, Miss Draper Program Director. He noted that she was a past Miss Draper winner in 1998 and that her mother, Carol, was Miss Draper in the 1970s. He said that Ms. Brady had volunteered on the committee several times, becoming the Miss Teen Director in 2018 and the Miss Draper Program Director in 2019. He thanked Ms. Brady for her talent in helping young women become poised, articulate, kind, giving, and to stand with great character. He noted that the Miss Draper Program had transitioned to one that was significant and substantial with its emphasis on the contestant's character and goals, something he credited to Ms. Brady's work.

The Council took a picture with Mandi Brady, Miss Draper Program Director. There were some public comments following the picture. The current Miss Draper, Anna Petersen, thanked Ms. Brady for all of her work stating that it had changed her life and provided her with scholarship opportunities to attend college.

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 Micah Turner, resident, said that he has had a problem with parking on his street, Adobe School Lane. During the winter months, parking alternates from one side or the other. At a time when there was no snow, he got a ticket. He hoped that an addendum could be added to the rule for parking on alternate sides of the streets that only enforced this during weather periods that included snowfall. As a second point, due to the Day of Hope, he suggested that the Council nullify state funding for Planned Parenthood. He cited that a few years ago, funding for abortion became criminalized which led to two months where there were no abortions, but that federal and state funding was currently allowed. However, the City had the opportunity to nullify funding in Draper. This would allow the Council to avoid making the statement that individuals could not abort babies, but to remove the funding for it. He said that the State should not have the authority to take his money and kill babies. He added, that if an individual wanted to kill their baby, so be it, that would be between the mother and God, but as for him paying for it, he was not into it.

6.0 Consent Items

- a. **Approval of January 14, 2020, and January 21, 2020, City Council Meeting Minutes**
- b. **Approval of a Small Cell Master License Agreement with SQF, LLC, seeking City Council approval for a Master License Agreement with SQF, LLC for the installation of small cell sites in the public right-of-way.**
- c. **Approval of Resolution #20-08, resolution to appoint Cal Roberts as an alternate delegate to the Trans Jordan Board of Directors replacing Alan Summerhays.**
- d. **Approval of Resolution #20-09, amending the Consolidated Fee Schedule.**

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

Councilmember Fred Lowry said that a minor correction needed to be made to the January 14, 2020 minutes regarding the Council committee assignments. He said that he believed he was assigned the Canyon's Education Foundation, not Councilmember Tasha Lowery. He also said that there were a couple of places where the spelling of his last name, Lowry, was incorrect.

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

6.0 Action Item: Approval of Ordinance #1413, amending Title 2 of the Draper City Municipal Code regarding the City Council, Mayor, City Manager, Legislation, Appointed Officers, and Taking Office. (Legislative Action)

7.1 Russ Fox, Assistant City Manager, said that staff has been going through different provisions of the code. He said that the primary corrections in Title 2 were to meet state statutes or formatting changes. However, there were a couple of highlights he wanted to address and then open the item up for questions and discussions.

He said that one of the more interesting topics that arose when they started modifying the code was a discussion regarding Draper's form of government. The code had the City operating under the wrong type of government, a manager form of government. After conducting some research, staff discovered that in 1978 when the City incorporated, following state law and 1977 codes, Draper actually incorporated as a six-member council. They had several provisions in older ordinances that referred to that. They corrected the language to reflect that they are a six-member council with an appointed City Manager.

He explained that a lot of language was added to the "Powers and Duty" section of the code to align with state statute.

Another of the provisions that were amended was the section of code regarding all of the different ways the Mayor could vote. Additional language was added from the Utah State Code to represent all of the different things the Mayor was allowed to vote on. Similarly, there was an adjustment to electing a Mayor Pro Tempore to allow this individual to be elected for the whole year.

The section of code addressing the City Manager was one that underwent significant changes. This included clarifying the language around if a City Manager resigns without giving notice, and the office and time spent.

One of the biggest changes to the code occurred regarding the appointment and removal of employees. The staff ensured that it was consistent throughout the entire code that the City Manager would make a recommendation to the Mayor for the appointment of all officers and department heads to be confirmed by the City Council. Conversely, the City Manager can remove all officers and department heads after first giving notice to the Council. This allows anyone who needs to be removed as a result of performance or not following policies, can be removed like any employee in the City.

There was one oddity in the code that talked about the City Manager overseeing the Budget Officer. Because the current City Manager, David Dobbins, was appointed as the Budget Officer, they were unsure how he could oversee himself. Thus, some language was added. Mayor Walker asked if the code still read that the Mayor appointed the Budget Officer. Mr. Fox, confirmed yes the language reads that the Mayor acts as the Budget Officer unless he appoints someone.

- 7.2 Mayor Walker wanted to know about Title 2 chapter 6-040 in regards to taking office. He specifically cited section 2-6 and asked if it outlines how the City would address instances of military deployment of a member of the City Council.

Mike Barker, City Attorney, said this particular issue was covered by a different statute. The section Mayor Walker pointed to addressed who was qualified for office, and if an officeholder no longer was a resident of the City.

Councilmember Mike Green said that the question of military service is addressed in Utah Code 20A. Mr. Barker said it is included in state code, but had not been adopted into Draper City ordinances.

Mr. Fox said that how they have approached the issue in the past was that as outlined by state code and federal law if a councilmember gets deployed, the provisions and exceptions for a City Council vacancy don't apply in regards to military deployment.

Councilmember Mike Green directed the Council to Utah State Code Section 20A-1-513. Mr. Barker explained that Draper still follows this code, it just had not been incorporated into Draper City's ordinance. Mayor Walker asked if it could be. There was consensus that it could be or be directly referenced. Councilmember Green summarized that they

could add a third point under the appropriate section of code that read, “Councilmembers may be excused in accordance with Utah Code, Section 20A-1-513 for military services.”

Mr. Fox asked that if the Council wanted that language added that they make a motion. Mike Barker, City Attorney, counseled against drafting on the fly. He requested that this section be added during the next round of drafting. Councilmember Green said that he didn’t feel that it needed to be added as it was included in state code and therefore superseded Draper’s ordinances. Mr. Barker agreed.

Lastly, Mr. Fox, clarified an issue regarding Section 2-6-110 to ensure that it remains in the code.

Mayor Walker asked for an explanation of what it means to commit oppression, as referenced in Section 2-6-100. There was discussion about if this was an unconstitutional section of the code because the action was left undefined.

7.3 Councilmember Mike Green moved to approve Ordinance #1413, amending Title 2 of the Draper City Municipal Code place. Councilmember Fred Lowry seconded the motion.

Councilmember Fred Lowry moved to amend the Ordinance #1413 with section 2-6-110 to remain in the code. Councilmember Mike Green seconded the motion.

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

7.5 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion to approve Ordinance #1413 passed unanimously.

8.0 Adjournment

8.1 Councilmember Green moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

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

8.3 The meeting adjourned at 7:45 p.m.