

*Approved March 10, 2020*

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 18, 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

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**Dinner**

**Study Meeting**

**1.0 Presentation: Point of the Mountain Transit Study, Patti Garver**

Patti Garver, Project Manager from Utah Transit Authority (UTA) of the Point of the Mountain Transit Study, provides some background on the project. In 1999 the south tracks line opened (as represented by the solid blue line) and ended at the Sandy Civic Center. Then in 2012, the community rail south (represented by the black line) opened. In 2013, the south tracks line was extended from the Sandy Civic Center to Draper Town Center. Originally this line was intended to extend all the way to 14600 South, but because of insufficient funding, the line was cut short. In addition, in this study area, there was also a local bus service. In 2015 the Sandy South Jordan Circular Study was conducted and looked at adding a connection from the Sandy Civic Center to the South Jordan FrontRunner Station. That same year, the Southwest Salt Lake County Transit Study was also conducted that looked at an east-west connection between Draper Town Center, the Draper FrontRunner and Daybreak. It was at this same time that the study was conducted that the legislature decided to relocate the prison. As a result, an extension from the Draper FrontRunner station across the prison site to 14600 South was added. In 2017 the Point of the Mountain Development Commission decided to do a visioning study that resulted in several transportation projects. Utah Department of Transportation (UDOT) and UTA did a transportation analysis that looked at some of the top projects including “the blue line extension” that had a western alignment. As a result of the study, UDOT and UTA did an alternatives analysis to identify an alternative to connect Southern Utah County with Utah County while touching the prison site and connecting to the new prison site. Some of the key destinations of the study included Silicon Slopes and the prison site.

The preferred alternative sought to identify both the transportation corridor utilized as well as the mode of transit. Some of the factors considered were land use, ridership, travel

times, environmental impacts, costs, as well as input from the public and stakeholders. The project was started in August of 2019 when the project goals and objects were defined and UTA identified some initial alternatives. Currently, they are at a level of analysis of their alternatives with the ultimate goal of finding a locally preferred alternative.

Ms. Garver explained that they have a Technical Advisory Committee (TAC) in which Russ Fox, City Manager, provide feedback. She said that since the project started in August they have had five Technical Advisory Committee meetings as well as three Steering Committee meetings and a public open house in November that was well attended with almost 100 guests. A firm had also been hired to conduct public surveys and focus groups.

According to Ms. Garver, the goals of the project are not only to connect south Utah County with north Utah County but also to have that connection be fast and frequent. In doing so they hope to improve access and mobility, connections, and support land use and economic development while being affordable, leveraging existing plans and protecting the environment. The project is needed due to the congestion of roads, explosive climate and population growth and the amount of development.

Currently, the project is in the level one, or higher, evaluation stage and considers five alternative routes. As some of those routes are eliminated, they will move into stage two, or more in-depth, level evaluation to decide on the preferred alternative. The evaluation is based on previous studies, input from the TAC, and input from the public.

The five alternatives they are currently considering include a western light-rail alternative, eastern light-rail alternative, west bus rapid connection, east bus rapid connection, and an east-west bus connection. Three of the alternatives would utilize the FrontRunner. She asked that the Council keep in mind that these alternatives are very high level and were primarily intended to help UTA identify the best corridor and any issues that might arise.

Ms. Garver displayed a map that illustrated areas of opportunity UTA hoped to connect to. The first possible route, the western light-rail alternative, would start at the Sandy Civic Center and head west on 10100 South, crossing the freeway and connect to the South Jordan FrontRunner on the east side of the tracks, ultimately connecting to Lone Peak Parkway, where it would head south staying on the east side of the Draper FrontRunner station. From here it would continue south across the prison site and cross the freeway at 13600 South before traveling down to Lehi on the existing UTA right-of-way. The western bus route transit option would follow a similar route; however, it would travel on existing roads, except for when it got down to the prison site. This option would go into each of the FrontRunner stations. It would cross the prison site and then cross the freeway at 14600 South before traveling the rest of the way within the existing UTA right-of-way. The eastern light rail option would travel from the Draper Town Center Station south to Lehi within the existing UTA right-of-way. At 14600 South there would be a spur that would cross the freeway and the prison site before connecting to the Draper FrontRunner Station. The eastern bus route transit option would be almost identical, except it would be with a bus. Finally, the east-west connections would include a route that connects from the Sandy Civic Center to the South Jordan FrontRunner Station down to the river bottom and then

back. The second route would start at the Draper Town Center and head west on 12300 down FrontRunner Boulevard to the Draper FrontRunner State, south across the prison site over to 14600 South. The third east-west connection would connect Traverse Mountain with Thanksgiving Point.

- 1.1 Councilmember Fred Lowry wanted to know if this third connection between Traverse Mountain and Thanksgiving Point, would connect anything in between. Ms. Garver said that it would connect riders to the FrontRunner which ultimately gives them access to North-South travel.

Ms. Garver continued that the next steps on the project are to ensure that the alternative routes meet the project goals and objectives and to continue to conduct public surveys. They intend to have another open house in April. Following this, they will complete more analysis and in-depth designs to propose a preferred alternative. The study will also identify funding for the project. If deemed appropriate they will start the environmental document for the preferred alternative.

- 1.2 Councilmember Cal Roberts thanked Ms. Garver and said that it was very helpful. He asked what the decision-making criteria would be when considering the five different alternatives. Ms. Garver said that the primary considerations include land use, ridership, travel times, the economic impact (including cost) and feasibility. She said that the prison site would provide some challenges for some of the alternatives.

Councilmember Fred Lowry asked if Ms. Garver could expand on what some of these challenges were. Ms. Garver explained that the Highline Station at 14600 South was much higher in grade than the prison site. Approaching it was almost like going down into a canyon. This posed a particular engineering challenge for light rail whose tracks should not exceed a six percent grade. In addition, that route would require a huge retaining wall. She explained that not only would it cost more, but that it wouldn't look as nice. Councilmember Lowry asked if they could follow a similar concept as that of the FrontRunner. He asked if the FrontRunner could service the prison site. Ms. Garver said no.

## 2.0 **Presentation: Pressurized Irrigation System Expansion, David Gardner with WaterPro**

David Dobbins, City Manager introduced David Gardner, Assistant General Manager of WaterPro. Mr. Dobbins explained that there had been discussions for several years about adding pressurized irrigation to the west side of the city. Although many residents ask about when this would happen, staff felt that the real question was the cost of the project and who would pay for it. Representatives from WaterPro were present to provide some of these answers.

- 2.1 David Gardner, Assistant General Manager of WaterPro, introduced his colleague, John Ollem, the current engineer for the project. He explained WaterPro's concept for the project. He said that WaterPro had looked at a few different areas that had previously been

farm fields and serviced by the Crescent Irrigation Company, that had since been developed and categorized by the size of the lots to have a better understanding of potential water usage. He said that in total they looked at 623 acres that could potentially be watered with the proposed system. When the estimate was originally made five years ago, WaterPro believed the project would cost \$3,889,000. However, he believed that the project would have at least doubled in cost since. Some of the key components of the project included a water main on 700 West that would serve as the backbone of the system. In addition, the water main on 12300 South could also bring water down the east side of the city.

There was some general discussion by the Council about the \$8,000,000 cost of the project. They wanted to know how many homes would be serviced. It was estimated six years ago when the study was originally conducted that 365 connections would result from the project. With this estimate, the cost per connection would be \$22,917.00, a significant price for secondary water. Mr. Ollem said that as more development occurs it will become increasingly more expensive.

WaterPro stated that when they conducted the original study they had looked into different sources of funding. They hoped to get money through smart water grants, a program through Jordan Valley Water District that offers \$50,000 for conservation and would ask Draper City to put up some money that would allow them to install smaller mainlines that would result in fewer storage requirements. They also stated that there had been discussion about impact fees and if communities would want to bond to help pay for the project.

David Garner, WaterPro Assistant General Manager, addressed the rates. He said that in 2017 they estimated that residents could save \$500 a year, or \$10,000 over the life of the bond that would almost pay for the cost of the project at the time. He said that a small annual rate increase would help cover the project.

- 2.2 Councilmember Cal Roberts clarified that the project would require \$8,000,000 in additional capital costs and each user would save \$500 a year of water costs.
- 2.3 John Ollem, WaterPro Engineer, emphasized that because the study was completed six years ago there were certain assumptions about how the area would develop that formed the project design, capital cost estimate and proposed rate structure that are not representative of what is actually present in 2020. Not only have construction costs significantly increased but as the area developed a partially constructed system had been installed or fully tested. He explained that it is often costlier to create a functional system from one that has been partially developed.
- 2.4 Councilmember Mike Green asked what problem installing the system would solve. David Dobbins, City Manager, explained that residents on the west side of the city are paying for culinary water at a much higher rate than what they could pay if they could receive non-culinary water rates through WaterPro. Councilmember Green said that it seems as though the variable cost for residents was attempting to be lowered at the expense of a huge upfront cost.

- 2.5 Councilmember Cal Roberts said that a lot of people on the west side do ask about a pressurized irrigation system. He asked what were the possible ways to fund the project.
- 2.6 David Dobbins, City Manager, said bonds, general fund money, pass the full cost on to property owners by creating a district such that the property owners tax themselves to bond against and be paid back over time. Councilmember Fred Lowry said that based on the estimate it would take almost 40-years to pay that off. David Gardner, WaterPro General Manager, said that he had spoken with the Board of Water Resources who would be willing to give a 1% loan over a 20-year period. David Dobbins also explained that it's not great to use culinary water for irrigation because it's a finite resource, so by sourcing a different type of water the City would reduce their culinary water usage and be more water-wise.
- 2.7 Councilmember Tasha Lowery said that a complicated factor was that it was not just West Draper who did not have secondary water. There are other sections of Draper who are in the same position who will likely ask why West Draper was given secondary water at the reduced cost and they did not.
- 2.8 Councilmember Cal Roberts asked about the public opinion side of projects like this. He wanted to know if the City goes and asks residents if they want to bond or create a special district. Councilmember Mike Green responded that it was his experience that residents always state that they want whatever project even when it is explained that there would be a significant upfront cost. However, when it comes down to if residents are actually willing to increase their taxes they say no. Councilmember Tasha Lowery stated that what residents say is that they were "promised" the amenity, implying that the projects should be done at the City's expense.

Mayor Walker talked about an earlier project when the City was designing its own culinary water system. He explained the City had the opportunity to build their own well near SunCrest and pump their own water so that they did not have to buy water from Metropolitan Water Services of Salt Lake City. The project was estimated to cost about \$40 million which could have been passed on to the ratepayers, but it would have taken residents 40-years to save a dime.

David Dobbins, City Manager, said that the Council could decide if residents should be responsible for the full cost or if they wanted to allocate some of City funds to cover a portion of the initial capital investment. He said that he just needed to know the terms for that.

- 2.9 Councilmember Mike Green stated that he predicts that the area will develop in a way that will no longer meet the requirements to be serviced by culinary water. He was uncertain what problem he would solve at the cost of \$8 million dollars.
- 2.10 Councilmember Fred Lowry asked if it was Jordan Valley who was interested in purchasing some of Draper City's water to recycle it. David Gardner, Assistant General Manager of WaterPro, said that WaterPro asked about purchasing Draper's water. He explained that Draper City is their largest stockholder and they wanted to be able to take

the culinary water and recycle it so that it could be put to better use so that it came back and served citizens.

John Ollem, WaterPro Engineer, said that the water described was reuse water coming out of the Jordan Basin Reclamation Plant that has a filtration system that was designed to put water into a reuse and irrigation setting. He explained that WaterPro had already pursued a contract with the Jordan Basin Reclamation Plant, but that Draper City had water rights on every sewer in Draper City that goes there. That water goes to the plant, but without filtration, is not an acceptable water quality to be used for crop irrigation. To address this, WaterPro—in conjunction with other stakeholders in which Draper City would be included—was investigating drilling a well to be able to blend shallow groundwater with the reclaimed water to bring the water up to acceptable water quality. Until that infrastructure was implemented, Draper would not have access to reclaimed water that would be suitable for irrigation.

Councilmember Fred Lowry wanted to know if that water was purchased by WaterPro, would it help offset the cost of the pressure irrigation project. Mr. Ollem explained that it would give Draper their water, which would pass through WaterPro, to be returned to Draper. It would not help reduce the cost of the infrastructure.

- 2.11 Councilmember Cal Roberts wanted to know if a special district was created through bonding, how quickly it would take for residents to break even. David Gardner, WaterPro Assistant General Manager, said that the study would need to be updated to accurately know those numbers. He said that one positive result of the project is that when an entity builds its own water system the costs go up much slower than if purchasing the water from another entity. Councilmember Roberts said that he understood that it would take 40-years to earn a profit, but that until then the City would break even every year. He also asked if there was any benefit to the City, apart from providing the service to residents, by installing the system.

John Ollem, WaterPro Engineer, said that the City would benefit because they would know that the system was installed to WaterPro's standards for a pressurized system. In addition, the City would be offsetting their culinary use water for a less expensive alternative. In addition, it's not just the cost, but that it is also a question of resource management. Culinary water is less abundant than a lower grade, treated irrigation water resulting in the conservation of drinking water.

- 2.12 Mr. Dobbins reminded the Council that they had funded the reconstruction of 700 West and that if the waterline was going to be installed it would be better to do now, as opposed to rebuilding that road in five years to put the line in. He said they could potentially save money by doing the pressurized irrigation project in conjunction with the road reconstruction. He said because of this, the decision should be made soon and that if it was helpful for the Council he could provide them with revised numbers. The primary detail he needed to know was if the residents would be responsible for the full costs of the systems.

- 2.13 Councilmember Cal Roberts asked about the feasibility to run secondary water to Draper City parks. John Ollem, WaterPro Engineer, said that would be the simplest place to provide secondary water because the infrastructure was already in place and could happen at a fraction of the cost of putting in a new system. Councilmember Roberts said that if the parks could have secondary water as opposed to culinary water, that could result in significant savings to the City which could then go towards funding the project. There was support from other councilmembers that getting this estimate was a good idea.

### **3.0 Presentation: Traffic Study Update, Scott Cooley**

Scott Cooley, City Engineer, provided the Council with an update on the decisions made by the Traffic Committee. He explained that the Traffic Committee was composed of many of the City's department heads (Fire, Police, Engineering, and Legal) who consistently receive traffic complaints. By meeting together, it had made it easier to resolve problems.

He explained that the City complies with the regulations outlined in the Manual on Uniform Traffic Control Devices (MUTCD) that ensures all traffic signals are legally safe based on driver behavior. One of the complaints the committee addressed pertained to Willow Springs Lane on 600 East. He said that Willow Springs Lane in comparison with 600 East is a much bigger road. Because of this when drivers are on Willow Springs Lane they don't expect to have to stop at 600 East, a minor road and frequently blow through the stop sign at the intersection. When situations like this occur, the Traffic Committee analyzes the problem to determine if the traffic infrastructure is best for the situation. The Traffic Committee determined that instead of maintaining a four-way-stop at this intersection, removing the stop signs on Willow Springs would make the intersection in better compliance with the MUTCD.

Councilmember Marsha Vawdrey expressed concern for this change. She stated that given the location of Corner Canyon High School, she felt that there was already a speeding problem in that area and that removing the stop signs would make this worse.

In response, Mr. Cooley explained that stop signs are not actually intended to control speed. For him, the bigger problem is that people are running the stop sign causing accidents because the cross-traffic on 600 East doesn't currently have to yield. He said that if there was also a speeding problem, it needed to be addressed differently.

- 3.1 Councilmember Cal Roberts supports Mr. Cooley in his assessment that stop signs don't really help to control speed. Although one might think so because the car needs to come to a stop, people typically speed to the point of the stop and then accelerate quickly out of it (sometimes faster to make up for the time they had to stop.) He said that he believed there were other means to regulate speed such as enforcement or a different engineering idea.
- 3.2 Councilmember Fred Lowry asked if there were engineering solutions to slow down traffic besides stop signs. Several people said speed bumps or to narrow the roads.

Scott Cooley, City Engineer said that it is effective to narrow roads, but that costs a lot of money. He said that there are not a lot of alternatives except to increase the patrol of those areas.

Councilmember Lowry asked how effective the flashing speed limits signs that display a driver's actual speed was. David Dobbins, City Manager, said they were effective for a short period of time until people get accustomed to them. He also said that there have been instances where kids have utilized those signs to see how fast they were going. Mr. Cooley agreed that when they take the stop signs down it would be a good opportunity to place some of those signs in the area, but that enforcement was the best way to reduce speeds.

Councilmember Mike Green expressed concern about getting people used to the stop signs being gone on Willow Springs Lane and making sure that drivers on 600 East don't act under the false idea that cross-traffic will stop and pull out in front. Mr. Cooley said they will put signs out and that it doesn't take as much time as one thinks for people to adjust.

- 3.3 David Dobbins, City Manager, made the Council aware that the City was dealing with a lawsuit in regards to the railroad crossing on Pioneer Road. He said that anytime there is an accident, one of the first things those involved do is hire a lawyer to ensure that the City had followed every single engineering requirement. In the case of the railroad crossing lawsuit, they were looking at the height of the sign that stated not to ride one's bicycle across the track. If the City is out of compliance it opens the City up to a lot more liability.

Scott Cooley, City Engineer, emphasized that the Traffic Committee had hired professional traffic consultants to evaluate both the intersection at Willow Springs Lane and 600 East and the intersection at Pioneer Road and South Fort Street.

In regards to the intersection at Pioneer Road and South Fort Street, the City intends to install stop signs on Pioneer. After those stop signs have been installed for a while they intended to re-analyze the intersection of Pioneer Road and 900 East to see if it needs to remain a stop sign. Several members of the Council asked if the intersection at Pioneer and Fort Street needed a traffic light. There was a discussion about where the stop signs would be located and if it was an effective solution.

The consensus was that putting the stop signs in at Fort Street would not reduce the speed of traffic traveling east on Pioneer Road, but that it would slow down traffic crossing the railroad tracks and create gaps in the traffic flow.

Councilmember Fred Lowry expressed concern with the stop sign located on 970 East. He felt like it could potentially back up traffic that needed to merge onto Pioneer Road. Mr. Cooley said they could also put in a "Do Not Block Intersection" sign there, but he didn't think it would be necessary.

Councilmember Tasha Lowery said that she felt the intersection of Pioneer Road and South Fort Street really needed a light. Scott Cooley, City Engineer, said that they are adding a

lot of signals, but that this intersection was not on the list. The first step would be to put in the stop signs to determine if that was enough regulation or if a light was truly needed.

- 3.4 The next intersection that Scott Cooley, City Engineer, addressed was that of Traverse Ridge Road and Highland Drive. He explained that the City was doing work on Bangarter Parkway which becomes Traverse Ridge Road where the two streets intersect Highland. They are currently restriping the road and adding an additional lane in each direction. As the lane approaches Highland, there needs to be a transition into Traverse Ridge Road where the road will be reduced from two lanes to one. He said the transition could occur either on Bangarter or on Traverse. To help fully take advantage of the two lanes on Bangarter, the Traffic Committee suggested transitioning the lanes on Traverse. However, they have found that this has made access to local businesses and apartments challenging and caused traffic to back up on that side of the street all the way back to Manilla Drive. Part of the traffic problem is a result of the fact that the apartments only have a single access point. To help control the number of individuals making illegal left turns on this section of the street, the Traffic Committee would like to install a median from Highland Drive to Manilla Drive so that people are turning at the new traffic signal at a more controlled point. He recognized that there is a concern because people were used to being able to make a left turn and now will not be able to. To address this, there was one location where the median could be opened to allow for a left turn.

Councilmember Cal Roberts asked if there was a concern that people would pull a U-turn at Manilla Drive. Scott Cooley said there would not be room at that intersection so they would post no U-turn signs with enforcement.

Councilmember Marsha Vawdrey asked if the place where the median remained open became a problem if it could be closed. Scott Cooley, City Engineer, confirmed it could be closed after the fact.

Councilmember Fred Lowry asked how soon the new apartments would have access from Highland Drive. Scott Cooley, City Engineer, said that it was a good question, but that he did not know. Apparently, the developer had applied to start that process. He said it was very difficult to get everyone to cooperate with each other.

#### **4.0 Discussion: Building Height and Grading, Christina Oliver and Scott Cooley**

- 4.1 Christina Oliver, Community Development Director, explained that there have been a couple of projects in the City that have ended up being taller than they had hoped.

- 4.2 Pete Kane, Planner, explained that there had been a number of projects where the height of the buildings was taller than what was allowed. After investigating those projects, staff found that there was an issue with how the City defined building height. The City utilizes the standard measurement that has to do with average grade which generally is a good measure. However, the problem sites appear in places that are sloped and add a significant grade. Therefore, the issue is perceived building height, not the actual height of the building. He showed an example that was 35-feet tall. When looked at from one

perspective it looked like a standard three-story building, however, if the building is viewed from the opposite side in which the viewer is looking up, the building is still 35-feet, but there was an additional 12-feet of difference because of the terrace and slope area.

To help alleviate this issue a few measures could be taken: (1) limitations could be set on the right-of-way height of infill, (2) there could be restrictions on the height of retaining walls themselves or (3) adjusting the grading of driveway and setback slope limits.

4.3 Scott Cooley, Director of Public Works, addressed option 1: limitations on the right-of-way height of infill. He said that in most cases these issues resolve themselves because the cost to support designs like those discussed is so expensive that developers don't do it. He explained that the City Code addresses several different applications of grading, the primary aspect being drainage. At the site being discussed, drainage was a primary concern because the site drops 16-feet from one end to the other and slopes towards the existing dwelling. He said that 1300 East was actually eight feet higher than the property. In the case of the development of the property under discussion, the development of the site improved the drainage problem, although they created the building height problem in the process. The solution the staff proposed was to limit the rise in slope to eight percent from the back of their lot line to the right-of-way to shallow out the perception of the steep slope. He stated that requiring the eight percent was a fairly progressive change to the code that he believed would work. Staff went back through past development reviews and tested the idea on sites that were problematic. In the end, what the change would establish is the right-of-way elevation. He said that it was important that the drainage of the subdivision continues to be diverted to the City's public system on 1300 East to ensure homes would not get flooded.

4.4 Ms. Oliver explained that the City does not pump water. The proposed solution allows for the water to flow the way that Engineering needs it to without the City incurring more costs for additional infrastructure. If the slope was decreased from an eight percent to a zero percent slope there would be a flooding problem.

There were some questions by the Council regarding the drainage of the property under discussion.

It was specified that the proposed eight percent slope requirement, excluded hillside properties.

4.5 Mr. Kane provided two examples of how the other two action items – restrictions on the height of retaining walls and adjusting the grade of driveways and setback slope limits – could be applied. He said that changes could not be made to the project examples as they were already currently under construction, but that highlighted how similar problems could be eliminated in the future.

The first example he showed was at Harmony Hills. He talked about a property that had a driveway on a 12-percent grade from the parking lot to the building and has a sizeable retaining wall. Although the building has not been constructed yet, there will be a three-

or four-foot retaining wall separating the parking lot and driveway, the extreme slope and then a 35-foot building. He cited a similar example at Liberty Point. At this site, developers utilized terraced retaining walls that are greater than five feet each and abut the sidewalk. Although the building complied, it appears to the viewer that they are much taller. Staff recommended that they add an exception to the code that stated that on the front setback retaining walls could only have a maximum height of four feet. Fences are currently restricted on front setbacks to four feet and allowed six feet on the back setback. This would place retaining walls within similar requirements. In addition, the code currently only requires plantings behind terraced retaining walls. Staff would like to amend the code such that landscaping was required in front of all retaining walls so that their height was buffered by landscaping. Finally, retaining walls should not be adjacent within six feet of a street which would prevent retaining walls from butting right up against a sidewalk.

The final action that the staff proposed would require that lots meet the same grade as adjoining lots. In addition, staff would like to amend the limit on the grade of driveways from 12 percent to 10 percent, with the exception of the hillside overlay district. There would also be a setback limitation of a two-foot rise. If all of these actions were adopted, in the case of Harmony Hills the height of the driveway would have been reduced by three feet and would drop the perceived height of the building.

There was a lot of thanks from the Council about the solutions proposed to address a significant issue.

## **5.0 Council/Manager Reports**

No items were brought forward.

## **Business Meeting**

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

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

2.1 Jake Sorensen, a City employee, offered the prayer.

2.2 Chief Clint Smith led the Pledge of Allegiance.

### **3.0 Recognition: Youth Council members create a Neighborhood Watch group in Deer Hollow.**

John Eining, Police Chief, introduced Sue Campbell, Neighborhood Watch Coordinator.

Sue Campbell stated that she has always had to goal to reduce Draper City crime numbers and that it was her belief that this was not solely the responsibility of law enforcement, but a community responsibility. She explained that she was approached by the City's youth

coordinator if there was something that Draper youth could do to help. Ms. Campbell challenged the group to get more neighborhoods involved in the Neighborhood Watch program. The four students being recognized today got their entire subdivision involved, 84 households. Because of this, she wanted to recognize Tyler Moffit, Emily Moffit, Kale Smith, and Mia Smith.

She read, “As a youth leader, Tyler Moffit and his peers united his entire community to deter crime. On November 12, 2019, the Deer Hollow community formed their own Neighborhood Watch. Thanks to volunteers like Tyler, the residents in Deer Hollow are actively engaged in the safety of their community.”

#### **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 Mayor Walker opened the meeting for public comment.**

**4.2 Mayor Walker closed the meeting for public comment.**

#### **5.0 Consent Items**

- a. Approval of Resolution #20-07, authorizing the Mayor to grant a Public Utility Easement on Real Property owned by the City for Peak View Trailhead Granting a Public Utility Easement (PUE) for Rocky Mountain Power for new power service for Peak View Trailhead.**
- b. Approval of Resolution #20-10, amending Section 8080 - Sick Leave, and Section 9030 - Tuition Reimbursement of the Personnel Policy Manual**
- c. Approval of Resolution #20-11, implementing Section 7070 - Fitness Facility, of the Personnel Policy Manual**
- d. Approval of Resolution #20-12, appointing Brenda Taylor as a member of the Youth Council Advisory Board**
- e. Approval of Resolution #20-14, for a Lease Agreement with New Cingular Wireless PCS, LLC, seeking City Council approval for a Lease Agreement with New Cingular Wireless PCS, LLC (AT&T) for the installation of an equipment shelter and infrastructure at the SunCrest water tank.**

**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 Ordinance #1422, Nielsen's Frozen Custard Development Agreement Request, on the request of Steve Nielsen, representing Nielsen's Frozen Custard and Diner, for a Development Agreement modifying Title 9 design standards on 0.70 acres of property located at 1462 East Draper Parkway.**

6.1 Jennifer Jastremsky, Planner, explained that the property was located off of Draper Parkway in the same shopping center as the Walmart Neighborhood Market and was currently developed as a bank building, but was currently vacant. The property had a growth area land designation with a community commercial (CC) zoning designation. She explained that the applicant is before the Council tonight to allow for the redevelopment of the property into a '30s and '40s themed diner. There were several deviations being requested in the development agreement that Ms. Jastremsky wanted to orient the Council to.

She presented a table that referenced the section of code under discussion, what is required, the proposed deviation the applicant wanted to make from the code, and the deviations that could already be granted by the Planning Commission.

1. The first item under discussion pertained to code section 9-25-100 regarding parking. The applicant wanted to have a shared parking configuration for the required parking amount on site. It was the staff's conclusion that based on the proposed restaurant and the existing property there would be enough existing parking on site for their proposed use. What the request would allow would be for them to count some of the shared parking with the rest of the property towards their requirement should some spaces be lost during the redesign of the building. She explained that the entire shopping center was within a single subdivision and has a shared parking agreement amongst the different businesses.
2. The second item under discussion was code section 9-23: Landscaping. The site was currently landscaped. The applicant wanted to keep the landscaping that was in place and match any additional required landscaping with what was currently there rather than conform to the current code. Ms. Jastremsky said that staff had not analyzed existing landscaping to see if the existing landscaping was deficient in the current code.
3. The third deviation addressed building placement, section 9-22-050(A)(1) and (5). Current code requires that buildings have their main facades and entrances oriented towards the street. This agreement would allow the main façade to face west, the direction the current building was oriented.
4. Fourth, in regards to generators and equipment, code section 9-22-050(C)(5)(a) and (b), requires that such items be screened with wall landscaping or other screening. The proposed agreement would exempt the property from those screening standards.
5. Next, code section 9-22-050(F)(1) on parking and circulation, requires that a traffic study be conducted if a project is perceived to create a significant increase in traffic. The development agreement would exempt the project from the requirement. Ms.

Jastremsky stated that the Engineering Department had reviewed the proposed site and determined that a traffic study would not be required.

6. In regards to pedestrian circulation, code section 9-22-050(G)(1) and (3) states that a pedestrian walkway must be installed between the public sidewalk and a public entrance as well as there be different roadway materials at the entrance to a parking lot. This might be a sidewalk or crosswalk or additional pavement. The requested deviation would exempt the property from those standards. The applicant stated that adding the walkway to the entrance would impact existing landscaping.
7. Seventh, building context, as defined by code section 9-22-040(A), requires that when a structure is built in a shopping center that it has a similar design, character, and theme as existing and surrounding buildings and reflect the character of the neighborhood. The applicant, however, was proposing a very different themed structure.
8. Similar to building design, section 9-22-040(F)(1) of the code defines the building's façade colors. The current code requires that all buildings have three colors on the façade. Staff counts all four walls separately. The proposed building would only have two colors.
9. Section 9-22-040(F)(2) of the code has specifications regarding color utilization. It requires a sensitivity to the look of surrounding buildings in the vicinity. However, because of the diner's theme, the proposed building would be very different than what was in the shopping center and wants to have a black and white building.
10. The primary materials allowed for buildings are defined in section 9-22-040(F)(3). The code requires the use of two primary materials on the façade including brick, stone, ceramic tile, etc. The proposed building would only have one primary material, ceramic tile. Ms. Jastremsky added that the building would be 100 percent primary material even though the code only requires that 75 percent of a building be the primary material.
11. Windows and awnings are required to be complementary in color and style according to section 9-22-040(I)(3)(b) of the code. The awning would be a different material than the rest of the building.
12. The sign code as outlined in sections 9-26-070(A)(1)(c) and 9-26-120(Q) of the code prohibits them from extending above the roofline. The applicant does have an ice cream cone sign feature that they would like to have extended above the roofline. The sign is 78 square feet in size.

Ms. Jastremsky pointed out that the last column of the table indicated if a deviation was possible in the code. Up to this point, deviations were possible, but that ceased to be the case when they began discussing signage and lighting.

13. Continuing the discussion of signs, according to section 9-26-060(G)(4)(b) of the code, neon lighting was outright prohibited. However, this would allow them to have neon

signs. Ms. Jastremsky said she did have some elevations that specified where the applicant was requesting to have the signs and how they might look.

14. In regards to wall signs, the applicant was requesting additional signage than section 9-26-070(A)(1) of the code would typically allow. Typically, buildings are allowed 83 square feet of wall signage. With the ice cream cone sign and the more traditional wall signage, the applicant would have 173 square feet.
15. The applicant was also requesting additional sign area for monument signs as well. Section 9-26-070(A)(2) of the code allows for 24 square feet in sign area and 6 square feet in height. The applicant's proposed signage would be 32 square feet in sign area and four inches taller than what the code allows. They also want a change panel component that would increase the total square footage for the sign area.
16. Section 9-26-070(A)(6) of the code limits awning signs to 20 percent of the sign. The applicant's awning would have a 59 percent sign area. Ms. Jastremsky explained that typically with awnings they see the company name or street address. However, the applicant has proposed to have full wall signage attached to the awning.
17. In regards to lighting, the exception would allow any existing lighting to remain on sit, exempting any existing lighting to come into compliance with section 9-20 of the code. It would not exempt any new lighting to have to comply. It would also allow neon lights as previously stated.

After listing all the exceptions, Ms. Jastremsky displayed the proposed site plan. She explained that the applicant intends to eliminate the existing bank building and construct a new building for their diner that would include a large outdoor sitting area with both grass and concrete. The drive-through area would be expanded and the existing landscaping and parking maintained. Currently, the site complies with both the minimum landscaping and parking requirements.

Ms. Jastremsky also displayed sketches of the building which showed how the single primary material would look as well as how the ice cream cone sign would extend above the roofline of the building. She also showed pictures of the proposed signs which ask for a greater percentage and square footage than the code allows. She pointed to the fact that on their wall awning the applicant proposed a strip of neon lighting and wanted all of their wall signage to also use neon lights, including the ice cream cone. This ice cream cone sign would extend about seven and a half feet above the roofline.

Because neon signs are not allowed in the code, the Planning Commission spent a lot of time discussing options with the applicant. They suggested the applicant utilize LED lights which are permitted in the code, but the sign would still need to be shielded with some kind of cover or an actual structure that covers the lighting.

Ms. Jastremsky displayed an image of their restaurant in South Jordan so the Council could see what the proposal would look like. She summarized that the Planning Commission

heard about the item at their January 23<sup>rd</sup> and February 13<sup>th</sup> meeting. They recommended denial of the proposal on a 4-1 vote with the findings that: (1) the proposal does not meet the requirements of Draper City code and (2) the proposed agreement does not conform to the general aesthetic and physical development of the area.

Finally, she displayed the current site location of the empty bank building.

- 6.2 Councilmember Tasha Lowery asked to look at the charts regarding the roof to clarify if the roof needed to be screened. In response, Ms. Jastremsky said that in regards to generators Draper's code requires that these are screened. She said that the applicant would be able to better explain what they intend to build that would be exempt from this. Councilmember Lowery also asked about the neon lighting. She wanted to know if there was another way to deal with the neon. Ms. Jastremsky stated again that the code prohibits neon lighting outright, but that there are other types of lighting that could be explored to provide a similar effect. In addition, the code doesn't allow for exposed bulbs.
- 6.3 Councilmember Fred Lowry asked about the neon lighting as well. He asked for clarification as to if the applicant was asking for an exception to keep the neon lighting exposed as opposed to covered. Ms. Jastremsky said she did not believe they were requesting to cover the neon light. To meet the code the applicant would have to not only use a different type of light, but it would also need to be shielded or covered in some way. Councilmember Lowry also wanted to know why the monument signs were not presented to match the size of those throughout the city. Ms. Jastremsky said that would be a question for the applicant.
- 6.4 Councilmember Marsha Vawdrey wanted to know what In-N-Out Burger did with their lighting. Ms. Jastremsky said she wasn't sure, but that they don't have the same lighting as other locations so that they can conform with Draper City code.
- 6.5 Steve Nielsen, the applicant, thanked the City Council for their invitation to be there. He explained that he and his wife founded Nielsen's Custard and Diner 39 years ago. He wanted to have his attorney, Joseph Barber, present.
- 6.6 Joseph Barber, the applicant's attorney, addressed some of the Planning Commission's reasons to deny the applicant's proposal. In response to the comment that the application did not meet with Draper City Code, Mr. Barber said that Section 9-5-200(C) provides in Draper City code what needs to be included in a Draper City development agreement. He felt that what was required – a legal description, restrictions, and conditions, configuration of the project, a statement of the value of the project for the city as a whole, a timeframe, a description of the various city approvals required before the commencement of the project, provisions for enforcement and provisions for making amendments – were all included in the development agreement as outlined by Draper City code. He said that the Planning Commission asked the city attorney at the meeting if there were any concerns regarding the development agreement and none were voiced. Because of this, the applicant is claiming that the finding of the Planning Commission that the development agreement did not meet code was incorrect.

In addition, Mr. Barber cited section 9-22-030 that addressed deviations in design standards. He read that it states if a project has “features in excellence in design above those that are required the Planning Commissions shall have the discretion to amend some or all of the design standards as long as such deviations are consistent with the purpose and intent of the policies and development standards pertaining to the applicable zoning district or land use category as described in the chapter.” He said that when he reads this he takes some important things. First, the Planning Commission has the discretion to amend all or some of the design standards. He said that in this area they are in the CC zone which is intended to provide areas where commercial use can be established towards local residents as opposed to out-of-town patrons. He said that is exactly what Nielsen’s Custard is: a unique, beautiful building and business that would provide Draper City residents with a place unique to themselves. He said that although there are other diners that are scattered across the state, Nielsen’s Custard is not a national chain.

Secondly, Mr. Barber addressed the other reason the Planning Commission stated for denying the development agreement: that the building was not in accordance with the look and feel of surrounding establishments. He said that was a pretty subjective standard and felt that there were a lot of different businesses within the city that one could claim was outside of the aesthetics of the surrounding area. He said one could look at the building and understand why it had a different aesthetic and would add to the variety within Draper City.

Finally, Mr. Barber cited city code section 9-22-10(2) which said that the purpose of design standards and guidelines was to facilitate exception design in the built environment and preserve the quality of life in Draper City. He quoted, “Draper City welcomes a variety of businesses, including local and national retailers for whom branding has become an important aspect of developing a successful and competitive business. While Draper City acknowledges this fact, the design standards enumerated in this chapter are intended to help and encourage the development of imaginative and unique design solutions which meet these branding needs while at the same time preserving Draper City’s unique history and community identity.” He stated that the applicant’s building design, with the ice cream cone and awning signs, as well as the neon lighting surrounding the building, is a unique design that is critical to their branding. He continued that if the lighting design is changed to an LED, or is capped or hidden, it would distract from the branding and the competitive edge and business they need to be successful in this city and Nielsen’s ability to bring that unique design to residents of Draper City. He requested the Council take this into consideration so this business can be built here and take away the empty bank building that was doing nothing for the City and therefore be able to put in a restaurant that will bring the City additional tax revenue and bring the residents a place to meet and gather and have enjoyable meals with the understanding that these elements are an important aspect of Nielsen’s Custard and Diner’s branding.

Mr. Barber also made claim for why the proposed project went above and beyond design standards to warrant them being considered for exemptions including the amount of the property that would be landscaped, as well as the open seating area.

Councilmember Tasha Lowery asked Mr. Barber to explain how he could be both simultaneously unique and one of a kind, and also branded and part of a chain. In response, Mr. Barber said that Nielsen's Custard and Diner was unique in that it's a '30s and '40s style diner that includes outdoor patio seating. Although they have multiple locations across the state, it isn't a national chain.

- 6.7 Councilmember Fred Lowry said that he agrees that the restaurant is unique and that he appreciated Mr. Barber's emphasis that the zoning of the proposed location is designed to attract local residents. He said that he was concerned that the proposed building was not a compliment to residents and the area because it was located at the very end of a commercial zone right next to a residential area. Therefore, he was having a hard time understanding the need for the height of the sign and the neon lights when it is the custard and ice cream that to him defines what Nielsen's Diner is.

Councilmember Mike Green said that the free market will determine if it's a good product. He said that he goes to Starbucks, who has all sorts of different signs all over the place, but because the coffee is good he goes there. He agreed that he didn't think that having an extra five feet of signage would give the business a competitive edge. He said that making this change would impact the community and the community standard and the feel of Draper.

Mr. Barber wanted to address Councilmember Lowry and Green's comments about the sign. He said that he didn't see anything about the sign that makes it detrimental to the health, safety, and wellbeing of the city. Councilmember Lowry said that they were not concerned about the sign from a traffic standpoint, but rather for an aesthetic standpoint.

- 6.8 Mr. Nielsen, the applicant, said that for 39 years he and his wife Debbie have run the Bountiful, Highland Drive, and St. George stores. They are tired. Two are custard only, one has food. He doesn't look at the restaurant as a chain. He told a story about how the previous Saturday the St. George store had over 1,600 people at the store, some of whom he would have guessed came from Draper. He also stated that the Highland Drive store results in 30 percent of Nielsen's Custard and Dinner's total business. Given this demand, he said they would be nuts to not expand the number of stores. He said that their children have paid the price for the family business, all growing up and working in the diners. He also talked about the number of investors who are interested in buying into the business not only because of the ice cream and food but because of the appeal of the building which brings in people who want to stage pictures with cars from the era and proving that it serves as a gathering place. He said that many years ago, *Salt Lake City Weekly* published an article that said that even if you don't like ice cream it is worth the trip to Bountiful to see the building. He said that they have tried to stay true in their diner to an art-deco '30s and '40s style, pre-World War II diner, inside and out. To them, it is not just a matter of branding, but rather a sense of community and family life for them. He said that the reason why they were interested in the site on Draper Parkway was that the view of the mountains would draw people to the diner to sit on the patio from all over. He said that they could

add another restaurant for half the land price in many other places, but that the idea of the diner with the mountains beyond was too tempting to pass up.

- 6.9 Councilmember Cal Roberts said that he agreed with Mr. Nielsen about the power of the view of the mountains and that was what the Council wanted to preserve. He said that he would like to see the cone lowered.
- 6.10 Councilmember Roberts asked Mr. Nielsen about their projected sales once the business stabilized. Mr. Nielsen said their projected sales were \$1.75-1.89 million within the first three years.
- 6.11 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**
- 6.12 Councilmember Mike Green said that he was not a fan of deviations in the code. He said that because other businesses have confirmed, he does not think that deviations are appropriate and that the government should treat everyone equally and that similarly situated individuals should be treated similarly. Because of this, he did not think they should approve any deviations. He said that the places where the Planning Commission is allowed to make deviations based on their discretion would be fine should they come to that conclusion, but that the places in the code where there are no deviations he was unwilling to support. He asked that the applicant come back with a proposal that brings those areas back into Draper City code, then the Council could have further discussion about the development agreement.
- 6.13 Councilmember Marsha Vawdrey said that she would really like to welcome Nielsen's Custard and Diner to Draper and that it would be a great asset, but that she also struggled with the number of deviations. It seemed to her that the City and the applicant could come to some sort of a compromise.
- 6.14 Councilmember Cal Roberts proposed a rhetorical question. He wanted to know why the code limits neon lights and signs above the roofline.

Christina Oliver, Community Development Director, said that over the history of the code there are various reasons for these stipulations. She said that the lighting standards had been revisited numerous times by engineers and developers. She said that signage was perhaps one of the most controversial topics in the code because everyone wants more. Limits to signage had been made to ensure that Draper did not turn into a city of pure signage.

Councilmember Roberts asked why they specifically preclude neon lights from the code.

Ms. Oliver said that section of the code predates her time with the city and that one of the suggestions she has received was that an illumination study is provided to better understand if neon could fit within the illumination standards of the city. Because they do not have that information, the staff does not feel they could provide a deviation.

Councilmember Roberts said that his point was that the City has this code surrounding neon lights. It seems to him that historically they have just abided by the code. He wanted to know why. He said he could understand the signage above the roofline and work to find a compromise. However, if Draper City code allows for the claw in the middle of the city, which in his mind is much more aesthetically controversial than a Nielsen's Custard and Diner, but wouldn't allow for a Nielsen's then there must be something wrong with the code. He stated that he believed that Nielsen's was a wonderful establishment and would be a nice addition to the commercial tax base – that \$20,000 a year was nothing to pass up – and what Draper City wants. He felt that it would be an establishment that would help build a sense of community within the City. He worried that if they stuck too dogmatically to the Code when they don't have a good reason the City could miss out on a great opportunity.

- 6.15 Councilmember Mike Green responded that the justification to holding to a community standard was that when you allowed one person to change the next person will also want the change and ultimately create a boulevard that ultimately doesn't look like it belongs in the community. He said that he did not like making the slippery slope argument, but that when you open up the door to change you open up the change to a greater or greater degree. Councilmember Green said that the location of the site is not exactly in a commercial zone and that it would be the tallest building in the area. He made the philosophical argument that uniformity and order are necessary for a city. The purpose of having a City Council was to ensure that there was orderly development. He did not feel convinced that there was substantial justification for the deviation. He said as an attorney who represents sign companies he wants uniformity because if there are different laws in different places it was impossible to be consistent with signage. He also stated that light pollution and height concerns were real issues.

He asked for Ms. Jastremsky to state which of the requested deviations did not have parameters for the Planning Commission to make based on their discretion.

Ms. Jastremsky said that the items that did not have the potential for deviation included items pertaining to lighting and signage. All of the other deviations requested had avenues within the code to be met.

After hearing this, Councilmember Green said that he is fine with the Planning Commission making the deviations within their discretion, but that he would want alternatives proposed regarding the lighting, awning signs, wall signs, and sign heights before he would be willing to enter into a development agreement.

- 6.16 Councilmember Fred Lowry said that he appreciated Councilmember Roberts question regarding the reason behind the code on neon lights. He wanted to know if this was because it was written before LED lighting had become so common. He wanted to know how a neon light compared to some of the newer LED lights.

Councilmember Tasha Lowery said that part of the code is to provide a feeling of continuity and cohesion. She said that as more and more deviations are allowed, the City moves further and further away from the feeling of continuity. She said that she felt like conducting a light study would help know if there was an actual difference between the neon and LED lights.

Ms. Oliver added that when the staff looks at these types of applications they separate the business from the application. She said that is important because although this application is a beloved product, she herself grew up close to the original store, the staff takes an unbiased approach and simply says if the next business comes in and asks for the same exceptions, at what point do they draw the line. She said that a lighting study would be one thing to request, but that a signage study would be another can of worms. The signage is limited for a reason at a particular location. She stated that if the Council would like for staff to look at both lighting and signage from a holistic perspective, staff could do that, but it would not be a quick, one-week turnaround.

Councilmember Fred Lowry said that he had a hard time believing that the standard monument signs would not be adequate for Nielsen's Custard and Diner and prevent them from communicating their message and feel. He also said that he would want to see the cone lowered. He said that the applicant was clearly creative and successful in giving their diner a unique feel. Why couldn't they be creative with design to make it unique to Draper?

6.17 Councilmember Tasha Lowery affirmed Councilmembers Roberts and Green's point about the fact that the site was located on the boundary of a commercial and residential zone. She said that she believed they were trying to be cognizant of the residential area. She told the applicant that they had selected a beautiful location and that she could see their business there. She believed that with a few modifications it could very easily be a wonderful gathering place for the community, but that she would like to see the applicant work with the City to make those modifications.

6.18 Before the applicant, Steve Nielsen, offered his last word, the Council joked with him about making a statement about the nutritional value of his product so that they could justify eating it. He said that although it was not highly publicized that the custard was made with a 10 percent fat mix which meant that it was 90 percent fat-free. He said that if they used one percent less fat, by law they would have to call it ice milk. He said that he had a patent on their ice cream machine and that was the key to their product.

He explained that when they originally purchased the property they thought that it would be too expensive to reconstruct the building so they were going to modify the bank to house the diner. He displayed a picture of how they planned to modify the building and explained that they were turned down because the proposed signs were above the roofline.

**6.19 Councilmember Mike Green moved to continue Ordinance #1422, Nielsen's Frozen Custard Development Agreement Request to the March 10, 2020, City Council Meeting. Councilmember Tasha Lowery seconded the motion.**

- 6.20 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: Provide Local Consent for an On-Premise Banquet Alcohol License for Belle Hall Event Center**
- 7.1 Christina Oliver, Director of Community Development, said that it was an on-premise event license being requested by Bella Hall Event Center located on 12101 South State Street. She said that Draper City does not limit the number of on-premise licenses. Ms. Oliver said it met the 600-foot pedestrian walkway requirement as well as the 200-foot as the crow fly's requirement.
- 7.2 Councilmember Tasha Lowery asked for clarification about the establishment. It was explained that it was a banquet hall that would be open on both weekdays and weekends.
- 7.3 Councilmember Fred Lowry asked how many square feet the building was. Ms. Oliver said she didn't know. The applicant was currently working with the development team to finalize the building process.
- 7.4 Councilmember Mike Green asked if they had already issued a permit at that location. Ms. Oliver said, yes, for the bar Leatherheads.
- 7.5 Ms. Oliver explained that the building was recently purchased and hopes to undergo modifications. Previously the building was a mall that has had various walls and partitions put up. The new owner of the building is working with city staff to ensure that it meets building codes.
- 7.5 **Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**
- 7.6 **Councilmember Green moved to approve the Local Consent for an On-Premise Banquet Alcohol License for Belle Hall Event Center. Councilmember Fred Lowry seconded the motion.**
- 7.7 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 8.0 **Closed Session: By Motion, as needed. 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.**
- 8.1 **Councilmember Tasha Lowery moved to adjourn to a Closed Session to discuss Litigation and Property Acquisition. 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.**

\*\* The closed session started at 8:17 p.m. and ended at 8:52 p.m.

**9.0 Adjournment**

**9.1 Councilmember Green moved to adjourn the meeting.**

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

**9.3 The meeting adjourned at 8:17 p.m.**