

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 15, 2022, 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; Fred Aegerter, Community Development Director; Mike Barker, City Attorney; Kellie Challburg, Chief of Staff; Scott Cooley, City Engineer; John Eining, Police Chief; Bret Millburn, Assistant City Manager; Laura Oscarson, City Recorder; Linda Peterson, Communications Director; Clint Smith, Fire Chief; Jake Sorensen, IT; Bob Wylie, Finance Director; Jennifer Jastremsky, Planning Manager

Study Session

1.0 Council/Manager Reports

- 1.1 Councilmember T. Lowery commented that she had attended a city-sponsored LocalScapes gardening class, and discussed that there had been great support and feedback for the classes. It was mentioned that the accessibility of the classes had been part of the reason that the class had been so popular.
- 1.2 Mayor Walker stated that House Bill 462 had passed which requires the City to create a Station Area Plan, and has a December deadline. He pointed out that they needed someone to take the lead on that. City Manager David Dobbins added that they had received a grant for the transit station by City Hall, and explained that since they had the grant, they would have to get an approval of their plans for the station from the State. He anticipated that the City would still have overall control over the design, location, and construction of the station. He said that they would hire an outside consultant to help them as well.
- 1.3 Councilmember F. Lowry asked if there was an update on the plans for Jensen Farms, and Mr. Dobbins replied that they would have more information about

that after they went through their budget process and had a sense of how much funding would be available.

- 1.4 Councilmember Vawdrey said that she had attended the Foundation Meeting for Draper Days, and reported that the Draper Days committee had not yet been able to find someone to organize the 5K run. She said that she had suggested a name, and commented that she hoped they would be able to keep the event as a part of Draper Days. The Council discussed the possibility of using volunteers or having the City coordinate the race.
- 1.5 Mayor Walker reported on the prison site and the Point of the Mountain Committee and stated that a subcommittee had interviewed nine developer groups, who all aimed to be the master developer for the site. Mayor Walker explained that whatever developer they selected would be responsible for phase one of the plans, and if the committee was happy with their work, that developer would be hired for the next phases as well. He added that phase one would encompass about 100 acres. He said that after those interviews, the subcommittee had narrowed it down to three candidates to develop phase one of the project. He said that now, those three groups would have to pitch their plans for phase two, and he said that process would take several months. He anticipated that whatever developer they selected could begin to reclaim the site by the end of the summer. He noted as well that the prison site would also get extra transportation funding. He commented that all of the developers had been impressive, and it would be hard to pick just one. He also briefly went over other planning, such as sewer and transportation, and noted that the City would have the final say in those details. He summarized that the project would be interesting to watch, and said there was a lot of interest in it, even from other states who were curious to see how it turned out.
- 1.6 Mayor Walker said the mass transit around the site would be great, and felt it would be one of the most impactful things that UTA had ever done. He did not know if it would end up being a light rail or a Bus Rapid Transit (BRT) system but felt that either way it would be a significant change in the area. He pointed out that the BRT would be less costly than the light rail, but he acknowledged that there were many sources of funding that could be used for a light rail system as well.

- 1.7 Councilmember Roberts asked if the developers had a tenant strategy, and Mayor Walker replied that they had not gone over the specifics of their tenant strategy, although all the developers had given feedback on the City's Code and zoning ordinances, and had suggested things that they would do differently.
- 1.8 Mayor Walker next gave an update on the homeless bill that had been discussed in their previous meeting and reported that he had been selected to lead a committee that would determine the homeless overflow location. He said that next week, there would be a Conference of Mayors, and they would meet to discuss what the best location for the homeless overflow building would be. He said that they would confer and give a recommendation to the State legislature as to the location, as well as produce the rules and regulations of how the building would be administered. He said that they had not gone over details yet, but their first choice was to use a hotel or motel as the building.

Business Session

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

- 2.1 The prayer was offered by Assistant City Manager Bret Millburn and the Pledge of Allegiance was led by Police Chief John Eining.

Mayor Walker recognized Planning Manager Jennifer Jastremsky for her service to Draper City. He commented that it was very difficult to maintain valuable employees, and said that Ms. Jastremsky had picked up a lot of the duties of the Community Development Director after the previous Director had resigned last year. He commended her for her hard work and dedication to the City.

3.0 Public Comments

- 3.1 Rosie Skinner, a resident, expressed gratitude to the Council for considering the bench initiative, and said that she had been working on it for over ten years. She said that her parents had been heavily involved in the City several

years ago, and she had grown up in the City. She wanted to have a bench to honor them in town, as well as provide that opportunity for other residents to honor the legacy of their relatives.

- 3.2 Laura Wilder, a resident, stated that she had lost her son two months ago, and he had requested to be cremated. She recalled that he had grown up playing in Draper parks, and he had wanted his ashes to be scattered in one of the parks. She asked if there could be a bench, or another kind of marker, which could be put in the park as a memorial to her son.

4.0 Consent Items

a. Approval of March 1, 2022, City Council Meeting Minutes

- 4.1 Councilmember T. Lowery moved to approve the Consent Items. Councilmember Vawdrey seconded the motion.

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

- 5.0 Public Hearing: Ordinance #1531 (Legislative Action), the applicant for this item, amending the text of Draper City Municipal Code relating to landscaping and parking standards in the Major Freeway Arterial Frontage Road (MARF) Zoning District, has requested that it be continued to a date uncertain.

- 5.1 Councilmember Vawdrey moved to continue to Ordinance #1531 to a date uncertain. Councilmember F. Lowry 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: Ordinance #1532 and #1533 (Legislative Action), an Ordinance amending the Official Zoning Map of Draper City for approximately 1.44 acres of property from RA1 (Residential Agricultural, 40,000 square foot lot minimum) and OR (Office Residential) to CC (Community Commercial) and an Ordinance amending the Official Land Use Map of Draper City for approximately 1.44 acres of property from Office/Service to Community/Neighborhood Commercial, located approximately at 231 East 13800 South within Draper City, otherwise known as the Draper 138 2 Zoning and Land Use Map Amendment.

- 6.1 Ms. Jastremsky gave a quick background and explained that the property included seven parcels, and the applicant wanted to have all of the parcels rezoned as Community Commercial, which is what the area directly to the south of the property was zoned as. She stated that the Planning Commission had reviewed this item, and recommended approval. She added that no development agreements had been proposed.
- 6.2 Mayor Walker opened the public hearing.**
- 6.3 Matt Smith discussed that there was already a lot of traffic in that area. He also pointed out that he kept hearing comments that the area would eventually be commercial, which he disagreed with. He commented that when he had bought his home, he had consulted the Master Plan, which had not discussed that area becoming commercial. He went on to say that once the area in question became commercial, then that development could be used as a beachhead for other nearby areas to be developed commercially. He was concerned that if this development was allowed to go through, it would encourage other properties to be zoned commercially in that area.
- 6.4 Howard Beck agreed with Matt Smith's comments and reiterated that one commercial development would set a precedent for other developments to follow. He showed the RA2 map and indicated where his property was. He said that when he had purchased his land, he had done so specifically because there was no commercial zone nearby. He thought it would be best for the community to leave that area zoned the way it was, and thought that it would be better to add more housing to the area.
- 6.5 Mike Shay agreed with both of the previous comments and said that the area had originally been designed for homes. He hoped that a developer would come through and develop housing units in the area, and said that he was opposed to the proposed zoning change.
- 6.6 Gus Bernardo said that he had concerns over what kind of businesses would go on the lots. He agreed with the previous comments and thought that given the traffic and the other businesses that were already in the area, it made more sense for the property to remain residential.
- 6.7 Mayor Walker closed the public hearing.**

- 6.8 The applicant, Charles Openshaw thought it would be helpful to give some history of the property. He said that in the past, there had been three houses on the property, but they had to be torn down when the road had been widened. He said that the houses had been a source of revenue for him, but he had allowed the houses to be torn down in the hopes that a new kind of development could go on that land in the future.

Councilmember Green said that there was a presumption that the current zone was appropriate, and asked Mr. Openshaw to present evidence or facts which indicated that the current zone was not suitable. Mr. Openshaw discussed that it did not make financial sense for them to replace the homes that were there. He said that the amount they had been compensated for the road widening was not enough for them to rebuild and make a profit off of single-family homes.

Councilmember T. Lowery pointed out that some of the property was zoned for office space, and asked why an office zone would be incompatible. Mr. Openshaw replied that due to COVID-19, he was hesitant to build offices, and pointed out that some lenders now refused to give loans for offices since they were no longer lucrative to rent.

Councilmember Roberts asked what the potential costs were to Draper residents if the zone change was allowed. Mr. Openshaw did not anticipate that there would be any costs to Draper residents if the zone change was permitted. He understood that traffic was a concern, but he said that the development was not intended to draw in traffic from other cities, but rather would offer services to those who already lived in the area, and so he did not imagine that the traffic would increase.

Councilmember F. Lowry said that most of the concerns that they had heard that evening were about traffic, and pointed out that office space would generate far less traffic than commercial development. He asked why the use on the north side of 13800 South was different than the commercial neighborhood to the south. Ms. Jastremsky replied that she was not familiar with the zoning history of the intersection, but she knew that before the road widening in 2017, there had been several residential homes that had since been removed.

Councilmember Green thought that the current zone was fine, and since there was no compelling reason to change the zone, he was against the proposed change. Mr. Openshaw suggested that an office would draw traffic that was not normally there, but commercial spaces would not generate traffic beyond what was already in the area. Councilmember F. Lowry pointed out that nothing was there now, and so any new development would attract more traffic to the area.

6.9 Councilmember Roberts moved to deny Ordinances #1532 and #1533. Councilmember Green seconded the motion.

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

7.0 Action Item: Resolution #22-10, a Resolution of the Draper City Council establishing a bench naming and installation policy for all Draper City Parks, Trails, Open Space, or other city-owned properties.

7.1 Mr. Dobbins explained that this would handle the guidelines as to the installation of memorial benches in Draper City. He quickly went over the parameters and criteria that a person had to meet to have a bench designated to them. He said that people could choose from a list of inscriptions, but they would not be allowed to write whatever they wanted on the plaques, and added that no logos or images would be permitted. He noted that they did not want to infringe on any free speech issues. He said that everything that would go on the benches would be pre-approved, and explained that people could not include anything that was not on the pre-approved list. He added that the Parks Department had a list of places that benches could go and that people could also suggest new areas for benches, although the area would have to be approved by the Parks department.

Mr. Dobbins stated that a bench would cost a couple thousand dollars, but was unsure of the exact amount due to supply chain issues and rising costs. He said that they would work with the donor, who would pay the total cost to the City, and then the City would oversee the installation of the bench. He noted that they had chosen materials that would be durable and last a long time so that no maintenance would be needed.

Lastly, Mr. Dobbins discussed that there was a stipulation that the bench must commemorate someone who had been deceased for at least a year, and said that the Council could choose to change that, in light of the public comments that had been made. The Council discussed the pros and cons of the one-year rule and felt that there was no reason to have that stipulation included in the resolution. The Councilmembers felt that it could be the family's prerogative if they wanted to install a bench less than a year after the death of their loved one. Councilmember T. Lowery felt that a year was arbitrary, and they did not need that rule.

7.2 Councilmember T. Lowery moved to approve Resolution #22-10 with the removal of one year after death requirement. Councilmember F. Lowry seconded the motion.

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

8.0 Adjournment

8.1 Councilmember Green moved to adjourn the meeting. Councilmember Roberts 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 7:41 p.m.