

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MAY 3, 2022, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, Councilmembers Mike Green (by Zoom), Tasha Lowery, Fred Lowry (by phone and Zoom), 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, Public Works Director; John Eining, Police Chief; Bret Millburn, Assistant City Manager; Malena Murray, Human Resources Director; Rhett Ogden, Recreation Director; Laura Oscarson, City Recorder; Linda Peterson, Communications Director; Clint Smith, Fire Chief; Jake Sorensen, IT; and Bob Wylie, Finance Director; Jared Zacharias, Assistant Finance Director

Study Session

**Councilmember F. Lowry joined the meeting by phone

1.0 Training: Land Use – Mike Barker

1.1 Mr. Barker announced that there would be a land use training, which would take place in two parts. He explained that land use was protected at both the Federal and State level, and gave some examples of how the City could legally acquire land. He elaborated on the parameters of the action and said that it referred to the exaction of public or private property for new development. He said that for example, some projects might be required to take a half-width of a road if the project had a high impact on the surrounding area. He noted that no property could be taken without just compensation. He also clarified that there was a distinction between “exaction” and “zoning regulations,” which referred to things such as setbacks.

Mr. Barker reported that they had received some negative public feedback regarding exaction. He explained that exactions were legal unless they went too far, and elaborated that an individualized analysis had to be done in each exaction case to determine how much land could be taken. He discussed a court case regarding an exaction that had taken place in California, in which a

private landowner increased the size of their oceanfront property, and then had been required to include a public setback with beach access. He said that the Supreme Court had struck down that exaction, on the basis that there had to be a correlation between what the developer wanted to do and what the mandated exaction was. He shared several more examples of court cases in which an exaction had been struck down and reiterated that an analysis must be done in each exaction case, to determine if it would be legal or not.

Councilmember Roberts asked for clarity about the analysis and asked what tests were done. Mr. Barker explained that they had to determine if there would be a negative impact on the public if there was no exaction, and gave traffic mitigation as an example. He said that they also had to ensure that the exaction would improve the issue or not. Mr. Aegerter gave some examples of cases in which it had been proven that exactions would resolve issues with a development. Mr. Dobbins added that they had a similar process with impact fees as well, and said that it did require some element of subjectivity to determine how much the City could charge residents.

Mr. Barker explained that in the case of exactions, the City had to weigh the cost to the developer versus the cost of the impact of that development on the public to determine if an exaction would be needed. He also noted that the exaction had to be in proportion to the size of the development. Mr. Dobbins commented that they also referenced the City's General Plan to determine if an exaction was legal. He added that they also checked with the City's Code to determine what kinds of exactions they could require. Mr. Barker also said that once they concluded on an exaction, which was a binding decision, the developer would have to comply to move forward with the development.

2.0 Police Department Annual Report – Chief John Eining

- 2.1 Chief Eining shared the current number of staff in the Police Department and said that there was 60 total staff, with 40 sworn police officers. He noted that they had made internal changes as needs had changed, but there had been no change to levels of staffing since 2018. He read some statistics about the number of calls they received each day and said that on average, each police officer received about seven to eight calls per day. He noted that some calls could be resolved within minutes, and some took several hours. He commented that they had instructed the police officers to mitigate their self-

initiated work over the last two years to reduce their exposure to COVID-19 and that they had been focused on calls that came in from dispatch.

Chief Eining shared that their numbers of drug-related offenses were going down, and reported that the majority of their drug-related arrests were from traffic stops. He shared a heat map of the City and noted that the majority of crime happened in a more high-density area, where there were many shopping centers and a high volume of traffic. He noted that the SunCrest area had a low crime rate, despite some complaints from residents about the area. He added that the Ramada Inn was a constant problem for them, and it had a lot of drug activity, as well as suspected trafficking. He said that Veranda had about 600 calls for service in the last year alone. He said that their goal was to have a dedicated traffic patrol to help reduce crime rates in those problem areas.

Chief Eining said that their arrest numbers were down, and that show of force arrests was down. He explained that “show of force” arrests were cases in which the police officer had approached with a handgun or a Taser. He explained that all of these cases were carefully reviewed to ensure that the use of force had been legal. He commented that there had been one case in the last year in which pepper spray had been used. He shared that so far this year, there had been five traffic fatalities, which was far more than usual for the City. He said that there had been a shooting at the Hampton Inn, which was a high profile case, and there had been another shooting at Veranda recently. He said in total, there had been seven shootings over the last several months, which was abnormally high. He said that there had been an average of 36 unintended deaths last year, and explained that was the death of someone who had not been under a doctor’s care. These deaths could be of natural causes, accidents, or suicide.

Chief Eining stated that their next goal was to publicize and distribute their Strategic Plan for the next five years, and noted that it would focus on the Point Project development. He imagined that they would need to begin the hiring process for that in the next five years so that they would be prepared for the population of that development. He commented that hiring police officers was different, and discussed the training process for new police officers. He noted that it was a challenge to hire new staff that was interested in the position, as well as qualified enough for the role. He also explained that it was difficult to account for the Point Project at this stage of the development since

it was still unknown what the population would be. He said that they had also started a recruitment program, and the members of the program were currently visiting satellite facilities to find good candidates for the force. He added that they were also focused on outreach to the community, and said that they had recently held a women's self-defense class.

Councilmember T. Lowery asked if they were responding to many calls at Airbnbs, and Chief Eining said that they did not have an abnormally high amount of cases that took place at short-term rentals. He noted that there had been one shooting case that they had responded to at an Airbnb.

3.0 Report: Fire Department Exchange – Firefighter Connor Carpenter and Paramedic Erin Lytle

- 3.1 Chief Smith discussed a conference that Draper City firefighters had recently attended. He noted that the conference was paid for by a government grant, and it had been no cost to the department for the firefighters to attend. He mentioned that there was another upcoming conference that would take place in Reno, and that was also partially covered by a grant.

Paramedic Erin Lytle introduced herself and stated that Draper had been deployed on several wildland protection programs throughout the Western United States over the last several years. She said that they had received the Utah Outdoor Recreation Grant in 2019, which had allowed them to purchase a mobile trailer, create a new trail, and hire a seasonal field crew for mitigation. She discussed that they had recently attended the Fire Department Exchange (FDX) conference to network with other agencies, and while attending this conference they had developed a post-exchange action plan. She recognized the potential damage to the SunCrest community in the event of a wildfire and explained that the plan included prevention measures and evacuation policies for the SunCrest development, which she noted was a high-risk area. She elaborated that the plan worked in conjunction with other agencies, such as the Federal Emergency Management Agency (FEMA), and noted that the agencies shared information.

Firefighter Connor Carpenter quoted "an ounce of prevention is worth a pound of cure," and discussed the importance of mitigation. He commented that wildfires had changed landscapes across the United States, and said that in recent years, there had been a change in thinking as the importance of

mitigation became more widely recognized. He stated that the National Cohesive Strategy had been created, and worked with lawmakers to develop policies that assisted with mitigation efforts. He said that the Strategy aimed to develop resilient landscapes, and put out fires with minimal impact when they did occur. He shared the Utah Wildfire Risk Assessment portal, which was a map of the State that indicated high-risk areas. He noted that Draper was in one of the highest risk areas in the State. He said that the safety measures listed in the National Cohesive Strategy would take years to accomplish, but they were important ways to decrease the impacts of fires.

Mr. Carpenter discussed prescribed fires within City limits and highly populated areas and explained that it was an effective, inexpensive way to achieve ecological improvement and a fire resilient landscape. He added that burning at lower temperatures decreased some of the negative impacts of unplanned, high-intensity wildfires, and commented that prescribed fires also allowed them to control the direction and path of the fire. He hoped that moving forward, they would be able to use all of their mitigation techniques, and acknowledged that they would need the support of the City and Council. He asked that the Council continue the support that they had shown the Department so far, and thanked them for their time and support.

4.0 Council/Manager Reports

- 4.1 Councilmember T. Lowery reported on the ongoing issue with coyotes. She said that another resident had complained about them after her dog had been taken, and she felt that they were getting more aggressive. Chief Eining replied that there was not any good solution, and said that people could not hunt or shoot them within City limits. He added that the coyotes were also too smart to fall for traps. He discussed that the coyotes would be an ongoing issue, and said that one of the best things to do was educate the public as to how they could haze or intimidate coyotes when they were spotted. He commented that it was one of the issues with living in the foothills, and said that agencies did not step in unless coyotes went after people rather than pets and small animals. He summarized that they could not be eradicated, but the best thing to do would be to learn how to coexist with them. He noted that leg traps intended for coyotes also posed a threat to humans and pets, and so they were not a viable option

- 4.2 Councilmember T. Lowery also discussed the Draper Community Foundation and said that residents had reached out to her with concerns about the upcoming parade. She reported that residents who lived along the parade route were disturbed by campers and trailers that arrived up to a month in advance of the parade, and this blocked off the residents' access to their homes. She asked if they could limit the time that campers could be parked to only a week before the actual parade. Councilmember Roberts agreed that they should limit the time that campers could be parked. Chief Eining commented that currently, parking there was legal, and there was no Code that inhibited the campers from being parked indefinitely. There was a discussion that they could write an ordinance that was specific to the period of the parade.
- 4.3 Councilmember Roberts asked about the Traverse Ridge Special Service District (TRSSD) budget, and Mr. Dobbins replied that they were in the process of amending their tax rate, and intended on going through with the normal process. He said that those funds would be available for the next fiscal year.
- 4.4 Councilmember F. Lowry discussed that Food Truck nights would start in two weeks, and would take place on Mondays throughout June. He said that they would monitor how they went to determine if they should continue them through July. He said that they were also going to arrange to have live music to create a festival atmosphere.
- 4.5 Mayor Walker reminded the Council of the upcoming celebration of Cinco de Mayo.

Business Session

** Councilmember F. Lowry joined the Business Session by Zoom.

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 The prayer was offered by Pastor Nate, Corner Canyon Church and Paramedic Erin Lytle led the Pledge of Allegiance.

Mayor Walker recognized Paramedic Lytle for having created a two-day program, All Future Female Firefighters (AFFF), that she used to introduce high school senior girls to firefighting as a career. He said that 18 high school girls had taken part in the program. He noted that Paramedic Lytle had been one of the original hires of the Fire Department, and said that she had been a fantastic employee for them over the years.

3.0 Recognition: Katie Tinoco, a teacher at Draper Elementary, was named 2022 Canyons School District Teacher of the Year.

3.1 Mayor Walker recognized Katie Tinoco for being awarded the 2022 Canyons School District Teacher of the Year. He said over the summer, she had taught Chinese schoolchildren English in a dual-language immersion program and noted that due to COVID-19 travel restrictions, she had been stuck in China for the first part of the school year.

4.0 Public Comments

5.0 Consent Items

- a. Approval of April 12, 2022, and April 19, 2022, City Council Meeting Minutes.
- b. Approval of Resolution #22-21, a Resolution appointing DeLaina Tonks as a regular member of the Draper City Planning Commission.

5.1 Councilmember Vawdrey moved to approve the Consent Items with amendments to item b. Councilmember T. Lowery seconded the motion.

5.2 A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green	___	___	x
Councilmember T. Lowery	x__	___	___
Councilmember F. Lowry	x__	___	___
Councilmember Roberts	x__	___	___
Councilmember Vawdrey	x__	___	___

6.0 Public Hearing: Ordinance #1540 and #1541, an Ordinance amending the official Land Use Map of Draper City for approximately 0.84 acres of property from Residential Low/Medium Density to Residential Medium Density and an Ordinance amending the official Zoning Map of Draper City from RA2

(Residential Agricultural, 20,000 square foot minimum) to R3 (Single Family Residential, 13,000 square foot lot minimum) for the property located at approximately 192 East 13560 South. The application is known as the Norman Family Flag Lot Land Use and Zoning Map Amendments.

- 6.1 Ms. Pickering directed the Council to the location of the property on the map and explained that the applicant wanted to change the land use designation from residential low use density to residential medium use density. She said that if the request was approved, the applicant intended to subdivide their property into two lots. She noted that the Planning Commission had recommended approval of the request unanimously.
- 6.2 Mayor Walker opened the public hearing.
- 6.3 Applicant Jeffrey Norman expressed that he loved living in Draper City, and said that he and his wife had reached retirement age, and no longer felt able to maintain the entire property. He said that he intended to subdivide the lot so that he and his wife had less land that they would have to manage. He added that subdividing the lot would also be financially advantageous to them, and stated that his neighbor was in support of the plan.
- 6.4 Mayor Walker closed the public hearing.
- 6.5 Councilmember Vawdrey moved to approve Ordinances #1540 and #1541. Councilmember T. Lowery seconded the motion.
- 6.6 A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green	___	___	x__
Councilmember T. Lowery	x__	___	___
Councilmember F. Lowry	x__	___	___
Councilmember Roberts	x__	___	___
Councilmember Vawdrey	x__	___	___

- 7.0 Action Item: Ordinance #1535, an Ordinance of Draper City amending the text of the Land Use and Development Code (Title 9) and the Land Development Code (Title 17) of Draper City Municipal Code relating to definitions, exactions,

special regulations in commercial zones, deviations from design standards, building design, site design, parking location, parking area design and construction, height limitations and exceptions, cross access and connectivity, and other typographical and de minimis corrections in code sections 9-3- 040, 9-11-070, 9-11-110, 9-22-030, 9-22-040, 9-22-050, 9-25-050, 9-25-080, 9-27-120, and 17-1-040; and enacting sections 9- 5-220, 17-1-160, and17-5-035.

7.1 Mr. Draper recalled that this item had previously been brought before the Council and that a public hearing had been held regarding this item. He briefly went over the history of the proposed amendment and highlighted changes that had been made to the ordinance text since April 12, 2022, when the public hearing had been held. He noted that the main change that had been made was that the Zoning Administrator would have the authority to review and approve additional heights in commercial zones.

7.2 Councilmember T. Lowery moved to approve Ordinance #1535. Councilmember Roberts seconded the motion.

7.3 Councilmember Roberts felt that this would give the City Council additional power to ensure that residents' quality of life was preserved regarding traffic, so he was in favor of the Development Code change.

7.4 A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green	___	___	X__
Councilmember T. Lowery	X__	___	___
Councilmember F. Lowry	X__	___	___
Councilmember Roberts	X__	___	___
Councilmember Vawdrey	X__	___	___

8.0 Public Hearing: Ordinance # 1539, an Ordinance of Draper City amending the text of the Land Use and Development Code of the Draper City Municipal Code relating to the Irvine CSD Medical Text Amendment

8.1 Ms. Jastremsky indicated the area in question on the map and said that this was not a property-specific text amendment. She gave a succinct history of the office buildings that were currently on the property and said that the

proposed amendment would add medical and dental services as an additional permitted use for the zone. She elaborated on the definition of medical services. She noted that the Planning Commission had recommended approval of the change unanimously.

8.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the Public Hearing

8.3 Applicant Scott Irvine briefly commented on his reasoning for the proposal.

8.4 Councilmember T. Lowery moved to approve Ordinance #1539. Councilmember Vawdrey seconded the motion.

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

	Yes	No	Absent
Councilmember Green	___	___	x__
Councilmember T. Lowery	x__	___	___
Councilmember F. Lowry	x__	___	___
Councilmember Roberts	x__	___	___
Councilmember Vawdrey	x__	___	___

9.0 Action Item: Resolution #22-20, a Resolution establishing the Draper City Tentative Budget for the Fiscal Year ending June 30, 2023, and setting the public hearing for May 17, 2022, to take public comment on the Tentative Budget.

9.1 Mr. Wylie stated that the proposed budget was balanced, and overviewed some of the main points of the budget. He said that the budget met the needs of Draper City, and said that the budget for the City was \$117,206,100. He noted that the City did not yet have a certified tax rate, so they had made an estimate for the budget. He said that the General Fund budget was down about \$5 million compared to last year, and he explained this was because last year they had had American Rescue Plan Act (ARPA) funds that they would not have for this fiscal year, but he said the General Fund was still at a healthy

balance. He touched on their other major funds and said that they were all also at healthy balances.

Mr. Wylie said that twelve new full-time employees had been built into the new budget and said that those would come out of the General Fund. He added that with the addition of the new employees, there would be 298 full-time City employees. He shared images of the document pages that went over the employees, which showed the breakdown of departments and divisions. He also shared a pie chart that indicated the different sources of revenue in the General Fund and said that 80% of the revenue came from taxes. He also shared that 62% of the City's expenditures went to payroll.

** Councilmember Green joined the meeting at 7:47 PM via Zoom.

Mr. Wylie discussed the Capital Projects Fund, which were large projects that carried over from the last fiscal year. He shared the list of projects that had already been approved and noted that several new projects would meet the needs of the growing population of the City. He highlighted some main projects, which included pickleball courts, new trails, and enhanced outdoor recreation. He stated that the total amount in that fund was \$34 million. He also briefly discussed the Water Capital Project Fund and pointed out that the new projects in that fund were for replacement vehicles. He said that the Solid Waste Fund needed to replace a garbage truck, which would be \$30,000, and several roll-off dumpster trucks. He shared a screen that listed all of the Fleet Management requests for new vehicles and highlighted that the main request was for seven new police cars for the new officers on the force.

9.2 Councilmember Roberts said that in his view, the main thing that residents wanted was open space preservation, traffic mitigation, and public safety. He felt that the budget addressed public safety and open space preservation well, and asked how they would address traffic mitigation. Mr. Dobbins replied that the new budget included a dedicated traffic patrol officer, who would focus on areas of the City that experienced a lot of accidents. He felt that the patrol would help with the public safety aspect of traffic congestion. Mayor Walker agreed that the traffic patrol would be a great addition to the City.

9.3 Councilmember Vawdrey moved to approve Resolution #22-20, accepting the Draper City Tentative budget, and setting the public hearing for May 17, 2022. Councilmember T. Lowery seconded the motion.

9.4 A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green	x__	__	__
Councilmember T. Lowery	x__	__	__
Councilmember F. Lowry	x__	__	__
Councilmember Roberts	x__	__	__
Councilmember Vawdrey	x__	__	__

10.0 Recess to a Draper City Community Reinvestment Agency Meeting.

10.1 Councilmember T. Lowery moved to recess to a Community Reinvestment Agency meeting. Councilmember Vawdrey seconded the motion.

10.2 A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green	x__	__	__
Councilmember T. Lowery	x__	__	__
Councilmember F. Lowry	x__	__	__
Councilmember Roberts	x__	__	__
Councilmember Vawdrey	x__	__	__

11.0 Adjournment

11.1 Councilmember Roberts moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

11.2 A voice vote was taken. The motion passed unanimously.

11.3 The meeting adjourned at 8:07 p.m.