

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, DECEMBER 15, 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; Rhett Ogden, Recreation Director; Christina Oliver, Community Development Director; Clint Smith, Fire Chief; Britnee Johnston, Communications Director; and Bob Wylie, Finance Director

This meeting was held electronically.

This meeting will be an electronic meeting according to Draper City Municipal Code 2- 1-040.

Determination 2020-25, pursuant to Utah Code Annotated 52-4-207(4)

I, Mayor Troy K. Walker, do hereby determine conducting an electronic meeting of the Draper City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Draper City Council to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state, and local leaders, including the Draper City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- Governor Herbert and the Utah Department of Health have recently issued updated orders in response to record numbers of COVID-19 cases and COVID-19-related hospitalizations. The orders implement statewide what has been termed a “mask mandate” and have severely limited social gatherings in an attempt “to prevent and control the rapidly changing consequences of COVID- 19 throughout the state.”
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with applicable health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents and the public in general.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

To participate, please see the options below:

- Listen through the Draper City website - <https://www.draper.ut.us/95/Agendas- Minutes>
- Email comments to public.comment@draper.ut.us. These will become part of the public record.
- Those wishing to speak during the meeting, send a request and include your name, address, and phone number which you will be calling from, for the Zoom meeting ID to public.comment@draper.ut.us.

Study Session

1.0 **Legislative Update: Representative Brady Brammer**

- 1.1 Representative Brammer said that part of the presentation was to answer any questions the Council had about the upcoming legislative session. He said that there should be a significant tranche of information coming out the following day about the state's budget status. He said that was still a little bit under wraps because they were moving some of the numbers to ensure they were being responsible. He said that Utah was a well-managed state that had done well through COVID-19. He said that some of the revenue of the state was considered false revenue because it resulted from tax stimulus money. The state did not want to build models with that kind of stimulus packed in and account for the current stimulus package that was under debate in the US Senate was creating some movement in numbers. He said that Utah was the only state that raised money for education funding during the middle of COVID-19. He said that was because citizens had sacrificed a lot to make sure that Utah was stable financially.

Coming up on the legislative session Representative Brammer believed that there would be a continued commitment to public education money. He said that some of the issues he predicted would be questions of separation of power regarding emergency powers and how long those could extend. For example, the Governor, an executive mayor, or other executives in various political subdivisions, need to go back to their legislative body for approval to continue with executive actions. What that meant was that it had been unclear if the Governor could keep Utah in a state of emergency and continue to declare States of Emergency without legislative approval. A similar question existed regarding if a county executive or mayor could keep their county or city in a state of emergency for longer than 30 days without approval. Representative Brammer said it was likely that rules would be defined around the issue. Additionally, there would be a lot of adjustments regarding the Health Department to provide clear guidance on what they can and cannot do in terms of their powers. He said that the State and individual health departments were unsure of where their power begins and ends. This created more drama and uncertainty than was needed.

Mayor Walker asked if the State had done so well during COVID, what was the rush to change the emergency powers. He said that if the emergency powers exercised had not hurt the state, why was there movement on the issue if there had been little impact.

- 1.2 Representative Brammer said that he had spoken to two separate issues: the budget and executive powers. He said that the state had done well with its budget because it had planned. Regarding the state, there were two types of funding: ongoing funding obligations that get renewed each year and one-time funds that could be applied to a project before the money went away at the end of the fiscal year. He said that since 2011, Utah had been in a surplus economy. Instead of bonding during these high years, projects were funded with cash. Projects were paid for as they went along. As a result, when the economy dipped, there was a lower amount needed for the on-going budget and one-time funds could be replaced if needed with bonding or could simply be re-allocated to cover any shortfalls.

That created a lot of budget flexibility to ensure from a fiscal standpoint, Utah could fully fund projects and increase education funding.

Separate from state budgeting, there is a discussion about how Utah's economy was performing. Overall, it had done well during COVID. Utah had a 4.1% unemployment rate. This, however, does not speak to how entities are performing structurally. There had been a lot of push and pull about if the executive and legislative powers had been functioning as they were supposed to. An example of this was when the executive branch reached out and made no-bid contracts for various purchases at the beginning of COVID. Some of those purchases were done well, but others were done without the oversight that was typically needed to spend that kind of money. When certain statutes were suspended, they were not suspended following what was the expected process. They were suspended in ways that caused concern. For example, the statement that someone did not have to pay their rent if they were impacted by COVID. The Governor could not add that if. In an emergency, however, the Governor can say that he/she/they were suspending the statute that allows for courts to process evictions so that no one can be impacted during that time. But the Governor should not be able to unilaterally modify the contracts of every renter and place a condition on the contract. That falls to a legislative role to set policy if they choose to involve themselves in that way. Representative Brammer said that it was not that Governor Herbert was power-hungry and bent on doing bad things, or that he did bad things. Clarity was needed so that entities knew what their lane of action was. He said that there were lots of people who could offer strong leadership and do a good job during an emergency. He felt that additional clarity on powers and the process to gain more powers, was necessary should COVID or a COVID-like situation continue.

- 1.3 Representative Brammer said he anticipated that the next item to come before the legislators was an attempt to create a remediation zone for Utah Lake. Part of Draper City is in Utah County and would be impacted by that legislation. Currently, Utah Lake was controlled by the Utah Lake Commission, a loose inter-local agreement between 16 different public entities that contribute funding to help the lake. The legislation would change the structure so that an entity called the Utah Lake Authority would be established and have control over the use of the lake, as well as taxing authority and fee authority within the boundaries of the authority, and have fee authority for impacts on water quality so that they could engage in water quality remediation. He said that should be coming out fairly soon and would likely be a highly discussed item. It was similar to the type of entity like the Point of the Mountain Authority or the Inland Port Authority. These were state-level authorities that sat on top of local jurisdictions. He said that historically there was not a steady source of income, land use, and lake use authority to effectively manage the lake. The Utah Lake Authority was intended to be a step to better address lake management.
- 1.4 Representative Brammer also anticipated that there would also be quite a bit of social justice type issues. The first of these issues were efforts towards Police reform in response to Black Lives Matter. He said that there had been quite a few bills filed in response to police. He had not seen any of the specifics of those bills filed as they were not yet public and would not go public until the week of the session. He said that he thought that a lot of

the bills came from the democratic side, so there was some posturing without as much likelihood of success in passing those bills. He said that he also felt that there would be a little bit of relief from gun control bills this year than a typical year as folks were more uncomfortable and skittish in restricting gun control after the summer that caused a fear of safety with citizens. He said that the makeup of the body was roughly the same. There was one seat that flipped from republican to democrat, but otherwise, all of the senate seats were the same. Additionally, the leadership teams from the House and Senate remained the same.

Representative Brammer asked if Draper engaged in some of the road fees that some cities did. Mayor Walker said no.

Representative Brammer explained that there likely would be some attempts to do some legislative clean up surrounding road fees as a result of a recent lawsuit and resolve some of the issues between Pleasant Grove and its citizens. The legislature intended to better define what constituted a fee versus a tax.

Mayor Walker interjected that Draper did want the power to create a toll road in between Salt Lake and Utah County over Traverse Ridge and Suncrest Drive. He emphasized that Draper seriously wanted the power to raise money to maintain that road. He asked if Representative Brammer could open a bill file for Draper.

Representative Brammer said this was the first he had heard of the initiative. He asked that Draper send him more information on the path Draper was thinking about and how Draper intended to structure collecting fees. He said there were not a ton of toll roads on non-federal land. He said that he could involve UDOT to see if they had concerns and take a further look at what authorization and legislation was needed to make the toll road a possibility.

Mayor Walker thanked Representative Brammer for his update.

Representative Brammer clarified his responsibilities. He said that he was on the Judiciary Committee, the Business and Labor Committee, and was the Vice-Chair of Infrastructure and General Government. This meant that he dealt with all of the roads and buildings throughout the state and how those projects were funded. He was also the chair of Administrative Rules. This meant that when an agency made any rules, he reviewed them to make sure they were within the confines of the authority given to that agency.

Regarding the toll road, Representative Brammer informed the Council that it was a little late in the game to expect that the issue would be addressed during the most immediate upcoming legislative session. That said, it was something they should start now to make it happen in the 2022 legislative session. He did not want Draper to have false hope that it could happen that quickly.

2.0 Presentation: Moderate Income Housing Plan Report – Christina Oliver

- 2.1 Christina Oliver, Community Development Director, explained to the Council that in 2019 the Utah State Legislature passed legislation requiring cities to adopt a moderate-income housing plan with specific strategies and targets identified to increase the number of moderate-income housing units within their municipality's boundaries.

She explained that when Draper updated their General Plan in 2019, the plan included three categories—transportation, land use, and moderate-income housing—required by the state legislature. She further explained that under Utah Code Draper must: (a) update its 5-year estimates of moderate-income housing needs; (b) conduct a review of the moderate-income housing element and its implementation; (c) report the findings for updated planning to the Utah Department of Workforce Services and our Association of Government and Metropolitan Planning Organization no later than December 1 of each year, and (d) post the report on the Draper City website.

Ms. Oliver then provided an update of the five goals that the City adopted through the General Plan process. She said that the City was required to adopt a minimum of three strategies, as well as some additional requirements because Draper had a major transit system with the FrontRunner and TRAX.

In 2020, one of the requirements imposed by the legislature was for each city to, “consider general fund subsidies or other sources of revenue to waive construction-related fees that are otherwise generally imposed by the City.” Draper’s goal was to explore funding sources available to offset or waive, fees charged by the City to developers who are building housing units that are affordable to low- and moderate-income households. To do this, staff determined that it was not fiscally prudent to just come before the City Council to ask for a full waiver of those costs. Instead, staff hired a consultant to go through the fee structure so that staff could better articulate exactly what the fiscal impact would be of waiving certain fees on specific moderate-income projects. She said that the process was already underway.

The second item that City has had to adopt from the legislature was to, “create or allow for, and reduce regulations related to accessory dwelling units in residential zones.” Draper’s goal was to support the reduction of government and regulatory constraints to enhance housing affordability, such as updating Draper City Municipal Code (DCMC), streamline project coordination, shorten processing time, and promote innovative design. Ms. Oliver explained that generally speaking, accessory dwelling units were a permitted use in single-family residential zones. However, the staff had not seen many applications for this type of unit. She said that they were market-driven.

The City also had to choose between two options because of the presence of the FrontRunner and TRAX. Drapers choose to pursue the state’s mandate to “encourage higher density or moderate-income residential development near major transit investment corridors.” Draper had the goal to consider a variety of strategies to increase housing intensity and diversity in appropriate locations, including near commercial areas, transit centers, major employment centers, and major transit investment corridors. In 2019, Draper City was awarded a grant by Wasatch Front Regional Council (WFRC) to study the

Town Center at the TRAX station area. In 2021 the City plans to commence an infrastructure review of the one-mile area surrounding the TRAX station. Once the pandemic has stabilized, the staff also plans to commence a market study.

The next strategy required by the state was to, “apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services. Draper wanted to leverage state, federal, and matching funding opportunities for housing rehabilitation and preservation of high quality, safe, and affordable housing. Ms. Oliver explained that before her employment with Draper City, David Dobbins, the City Manager, was highly involved in creating an Inter-Local agreement with Salt Lake County to transfer funds collected through various redevelopment areas in Draper City to Salt Lake County which then, in turn, were turned over to the housing authority. These funds were then able to be utilized in ways that had the greatest impact throughout the region.

Finally, per the state’s mandate, Draper has applied for or partnered with various programs administered by a metropolitan planning organization or other transportation agencies that provide technical assistance. Draper planned to leverage opportunities with such organizations when completing long-range planning projects. She explained that this was tied directly with the process with the town center that they hope to complete in 2021, bearing the impacts of the pandemic.

Ms. Oliver then displayed Draper’s Moderate Income Housing Plan and reviewed some of the key statistics. She first highlighted anticipated population changes and noted that the numbers did not come from census data, but rather from the American Community Survey. She explained that staff anticipates that when the census numbers were released that these projects would change based on that data. The first table of the report showed that roughly 20% of occupied housing units in Draper were filled by renters. She said that trend stayed pretty stable through 2025. This means that owner-occupied structures existed at about 80%. These statistics already accounted for projects that were on the books. The City reported this data monthly to other organizations that utilize the numbers. For owner-occupied households, the average household size was 3.44. She said that number was not estimated to change by 2025. The average renter household, however, would increase over the next five years from 3.05 to 3.59 people per household. Ms. Oliver noted that owner-occupied house’s cost showed a downward trend by 2025.

- 2.2 Councilmember F. Lowry asked for clarification. He wanted to know if for Draper to receive funding, they would have an obligation to look at medium-income housing around transit corridors, particularly the town center.

Ms. Oliver said that the state wanted municipalities to promote moderate-income housing. She noted that moderate-income housing was defined with three tiers, the lowest of which did not affect Draper. Despite the state’s desire to have moderate-income housing addressed across the region, there were no significant consequences in the legislation. However, she anticipated that the legislation would be firmed up in the upcoming session.

Councilmember F. Lowry asked if Ms. Oliver could restate what moderate-income housing was. Ms. Oliver said that they did, surprisingly have some affordable units in Draper City, but the 2020 shortage was roughly between 65-80%. Draper was short 515 moderate-income units for renters and 330 moderate-income units for households. She said that deficit was not as substantial as other cities because there were some moderate-income housing units available. However, the legislature would like to see moderate-income housing shortages decrease.

Councilmember F. Lowry asked if Ms. Oliver had 2025 numbers. Ms. Oliver said that staff had not been provided those numbers. The reports were generated by Workforce Services. Councilmember F. Lowry asked if Ms. Oliver was saying that Draper was anywhere from 300 to 65 units short. Ms. Oliver said that the report indicated that Draper was just over 800 units short in total.

- 2.3 Councilmember Roberts asked if the City had a view on what potential legislation would look like. Ms. Oliver said that she had seen a few ideas floated, but that she hesitated to name them until a bill was filed.

Mr. Dobbins said that the league received a call this week about some legislation that would not necessarily address this specific issue, but that addressed accessory dwelling units that would make it so that cities could not regulate them. Essentially, a homeowner could have someone live in it and rent from it and the city would not be able to regulate that. There was also a push to privatize plan review and building inspections so that a developer would not have to submit plans to the city. They could go out to the private market and get plans done and signed off. The city would not have a chance to review the proposal. There was also a push to look at requiring affordable or multi-family housing, like a quota. There was a general sense in the legislature that cities were the cause or a significant part of the problem of affordable housing. Because of this, the legislature was looking at different options they could impose on cities to address the issue.

- 2.4 Mayor Walker said that it was easy to say that cities were the impetus for the problem. He said that it was not cities, it was neighborhoods that did not like affordable housing.

Ms. Oliver said that the part of the equation that was far too often left out of the conversation was that land costs vary. As a result, developers' margin was not part of the conversation. She said that they understood that there was a certain breakeven point for projects. However, there was also a margin quota and the city was being looked at to carry a portion of the burden so that, perhaps, development margins were not reduced.

- 2.5 Councilmember Green asked if there was anything that staff needed from the Council to accomplish their mission. Ms. Oliver said no and thanked Councilmember Green for the offer. She said that she felt as though their work with Lewis Young in auditing the city's fee structure would be beneficial. If the state legislature came forward with penalties for not zeroing out the quotas that were given to them, she felt that the city would be very well armed to present the fiscal impacts of whatever waivers may be required to the Council so that the city was not subject to the consequences that were built into the legislation.

Mr. Dobbins asked if the Council had to formally adopt the plan. Ms. Oliver said no.

3.0 Update: Draper Deals – Britnee Johnston

- 3.1 Britnee Johnston, Communications Director, said that Draper Deals, the COVID-19 relief program, just wrapped up.

To get the program started, staff met with Herriman City officials who had already implemented Herriman Bucks. They helped Draper with processes regarding how to get started and how to print and get gift cards to residents. Draper's program was mirrored closely to what was implemented in Herriman. For business outreach, the Business Licensing Office provided a contact list of approximately 1,200 Draper businesses. Draper City invited businesses to register through a postcard, email, and phone calls. Within the first week, 75 businesses registered to participate in Draper Deals. Overall, 103 businesses participated in the program. Regarding resident outreach, three \$10 gift cards were mailed to 16,966 households using USPS records. The program was promoted through the Draper Forward newsletter, email newsletter, and social media. Staff fielded calls and emails from residents asking about the program and coordinated providing 150 replacement gift cards.

As a result, 68 of the 103 businesses received gift cards from customers for reimbursement. 14,854 gift cards were used by Draper residents at Draper businesses. This was a 29% return rate, on par with other programs such as Herriman Bucks. \$148,540 was paid to businesses by Draper City through CARES Act Funding.

Broken down by industry, restaurants received the most gift cards (\$82,490 or 56%). 30 vendors in that industry participated. This was followed by groceries (\$47,870 or 32%). This indicated that most residents used the gift cards on things they needed. The third highest industry was retail (\$10,960 or 7%). There was a great degree of variety in the other industries that received gift cards.

The community offered positive feedback. Residents wanted to help local businesses and others needed the extra cash themselves. Some residents shared how the \$30 helped them in a time of need as they had been laid off or sick. Businesses were all positive and thankful for the program. They saw new customers come in and returning customers who had not been in for a long time. Businesses would participate in the program if it were done again. The program also sparked service within the community. A Draper resident/business owner used his Draper Deals to buy groceries for a homeless individual. Further, other cities took note. North Ogden reached out asking how Draper did their program since they heard about it and wanted to implement it themselves.

If the program was to be conducted again, the ways staff would implement the program differently would be to (1) allow for a longer time to use the gift cards; (2) make the envelope more colorful to stand out more; (3) use the Draper City newsletter mail permit instead of the printer's permit to save processing time; (4) provide a specific timeframe for residents to pick up gift card replacements; and (5) provide a longer lead time for

businesses and provide drafted social media posts to help them encourage customers to use Draper Deals at their business.

To conclude, Ms. Johnston showed a new COVID-19 interactive dashboard that was under development by Draper's GIS team. This could be shared with residents so that they could sort available businesses based on location and industry.

Councilmember Green asked if they should do the program again. He asked if there was remaining funding that could go out before Christmas.

Mr. Dobbins said that staff had talked about that. Technically, they had used all the CARES Act Funding by adjusting salaries for first responders. However, that money freed up General Fund money. If everyone used the program, it was expected that the program would have resulted in \$500,000 of spending. The actual spending was much less, ~\$150,000. Based on what was budgeted, there was still money remaining to do a second round. He said that staff did not think they would be able to get the gift cards printed and done during the holiday season. Because of this, it was staff recommendation that if the Council wanted to do the program again to implement it at the beginning of the year.

Councilmember Green asked if the program could focus on groceries. Mr. Dobbins said that the Council could allocate the money towards certain types of business. Councilmember Green said that he wanted to help every business they could.

Councilmember F. Lowry said that it would make it hard to limit the program to certain businesses because the idea was to support all businesses. Councilmember T. Lowery said that she felt as though some people did need the groceries. Councilmember Green said that if they spent \$150,000 during the first round, he felt it was fine to spend another \$150,000 out of the \$500,000 budgeted. He said to do it again. Councilmember Vawdrey agreed and said that based on the results by industry, the top two items were food.

Councilmember T. Lowery said that it was really important to keep restaurants going. It was restaurants that were struggling. Mr. Dobbins said that some of it were the logistics of the program. He said that when Ms. Johnston said that they need to replace the gift cards, the reality was that Ms. Johnston would walk outside one-by-one to hand people replacement cards.

Councilmember T. Lowery said that she wished that they had a better process because she recognized that the labor to implement the program was quite intense for Ms. Johnston. She asked if they could do a "kick off the New Year by supporting our local businesses" campaign.

Mr. Dobbins said that he had heard from several businesses that there was a lot of concern that if there was not another relief package by Congress that they were worried about how they would make it; they were barely hanging on. He said that doing the program in January would be a welcomed initiative.

Councilmember T. Lowery said that was an irritating detail; every other county in the state got the third infusion of funding. Salt Lake County was the only county that did not see that third infusion. Councilmember Roberts asked why that was. Councilmember T. Lowry said that the County received the money but decided not to distribute it to cities. All of the other cities that were not in Salt Lake County received more money.

Councilmember Roberts asked if it was worth it to try and target the program more. If the purpose of the program were to try and spur business activity on those places that were hit hardest, he wanted to know if it was smart to think about how the program could target getting the dollars in those businesses' hands. He said that some businesses had been hammered by COVID and other businesses were doing great.

Mr. Dobbins said that he felt like implementing that would be hard. Someone would have to decide that one business got the money, and another did not. Across the board, he felt that everyone said that businesses were glad that the program was done.

Councilmember F. Lowry said that he thought there was a great possibility that they would see more activity in the second round. Mr. Dobbins agreed. He felt that because residents and businesses had heard about the program that there would be greater participation.

Councilmember F. Lowry said he liked the idea of starting the program off with the New Year and believed that if they started promoting the program now, residents would be more informed.

Councilmember Vawdrey said that if staff were able to limit the pickup time for replacement cards, she felt that it would help staff a lot. Even though it would be hard, staff should just stick to those times. People should expect to come during a specific time.

Councilmember T. Lowery suggested that the gift cards were just re-mailed to residents. Ms. Johnston said that risked that residents would lose them again. Mayor Walker said that there was a flow of cars out front for the gift cards on some days.

Councilmember T. Lowery asked if City Hall was going to open up again. She wondered if they might get to the point that they could be left at the front desk for pick up. Mr. Dobbins said that would be an option. He said that the staff intended to look about re-opening at the beginning of the year.

Mayor Walker asked the Council if they were all in favor of doing a second round at the beginning of the year. The Council wanted to do a second round given what it offered to restaurants and for residents to get groceries.

Councilmember T. Lowery said that feedback from businesses was that once residents got to the businesses, they spent more than their \$30. There were a lot of new customers that came in that they had not seen before. Places like Piper & Scoot have email addresses that had never been in the store before. This helped businesses in unanticipated ways.

Councilmember F. Lowry said that his theory was that for every dollar that was spent, it was three dollars in value. Councilmember Vawdrey said that there should be the expectation that the second round would be more successful, so the city would spend more on the next round. She wondered if they needed to limit the amount sent to residents to \$20. Councilmember F. Lowry said that the money was already budgeted.

Mr. Dobbins said that if everyone used the gift cards, they budgeted \$500,000. Because \$150,000 was used in the first round, there was \$350,000 remaining. Even if there was twice the take rate on round two, they would still be within in original \$500,000 that was budgeted.

In response to the Council's continued discussion about reducing the amount, Ms. Johnston said that she felt that offering three \$10 gift cards was nice because residents could split up where they spent the money.

Councilmember T. Lowery said that the three gift cards did confuse some of the businesses who thought they could only take one gift card. She said that was something they might want to reiterate: the gift cards work the same as cash.

Mayor Walker noted that there was a need for a closed session and that there were exactly 30 minutes before the Business Session. He thanked Ms. Johnston for the update and asked if there was a motion to go into a closed session for litigation purposes.

4.0 Closed Session: By Motion

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

4.1 Councilmember Vawdrey moved to recess into a closed session to discuss litigation and property acquisition. Councilmember T. Lowery Moved to second 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 Council/Manager Reports

5.1 Councilmember Vawdrey asked where staff were regarding changing Draper's chicken ordinance for units based on the size of the property. She had spoken with someone who worked at IFA. She said that they were going nuts trying to supply homeowners with these animals and feed. She felt that the issue was a big deal.

Mr. Dobbins said that he would follow up to see where staff were in looking at the ordinance.

- 5.2 Councilmember F. Lowry said that he had a resident mention that on Highland Drive where the city installed a fence between the property owners and the road. Much of the fence, which was probably installed 20 years ago, had come down. He wondered if the staff could look into getting the fence repaired or removed. Mr. Dobbins said staff would take a look at it to see what it would take to get it fixed or replaced. Councilmember F. Lowry thanked both Mr. Dobbins and Mr. Cooley.
- 5.3 Councilmember T. Lowery said that she and Councilmember Vawdrey had spoken with Mr. Dobbins about having Santa go out and visit the elementary schools. She had seen this done in Woodland Hills and it was, “really, really, really cute.” He went out in the neighborhoods in Woodland Hills and threw out candy canes. She felt that residents would like something like that if it were at all possible. Mr. Dobbins said that the staff was still trying to work out details.
- 5.4 Mayor Walker wanted to let the Council know that in meeting with various mayors from Utah County and the Wasatch Front, Utah Transit Authority (UTA) presented the same alternative analysis that was presented to the Council. The alternative analysis passed in the group with a 94% approval of the 40 or 50 people in attendance. A similar group voted that the BRT going from the prison to the freeway down south was what everyone was on board with. The following Thursday, the group was going to elect the consultant from the Point Commission who will plan the prison site. The consultant would be hired and in place before the end of the year. He noted that Ms. Oliver was involved and spent many extra hours to vet applicants.

Ms. Oliver said that there were some really good applicants. Over 40 hours had been dedicated to interviewing the top applicant teams. It had been narrowed down. It was exciting to have the consultant finalized because there were strong teams proposed. She felt that they were going to be lucky with the outcome.

- 5.5 Councilmember F. Lowry asked if there had been any update on the Ranked Choice Voting. Mr. Dobbins said that he spoke with Sherrie Swensen directly. He said that there were a couple of issues. Ms. Swensen had been authorized to purchase the equipment needed. She had some logistical concerns that she was working through. She said that she would have a better idea at the beginning of 2021. He polled all of the city managers in the county. About 2/3 of the city managers have expressed interest in finding out what it would take. They were almost all in the same boat: contracting with Salt Lake County. He said what they were looking to do was have a group of cities get together with Sherrie Swensen to talk through what the issues were. Most cities did not want to go out on their own and do their elections. Ms. Swensen had told other cities that they can do it, it was just figuring out the logistics of how to make it happen.

Councilmember T. Lowery said that she thought that other cities had moved forward on voting on the item. She said Riverton was voting on it tonight. Mr. Dobbins said that several other cities—Millcreek, West Valley, Riverton—have all said that they were interested in Ranked Choice Voting, but that they had to defer to Salt Lake County who

runs the election. According to Ms. Swensen, there were some IT issues with how the system was programmed and how to advertise.

Councilmember F. Lowry asked if Sandy City had expressed their stance on Ranked Choice Voting. Mr. Dobbins said that he had not heard from Sandy City. He said that there had only been a few cities who said that they were not interested at all.

Mayor Walker said that if Draper wanted to do Ranked Choice Voting because part of Draper City fell in Utah County, Draper could do Ranked Choice Voting through Utah County if Salt Lake County fell through. Mr. Dobbins said potentially, yes.

Mayor Walker said that Utah County had already done it for several cities. They had worked out the IT issues.

Mr. Dobbins said that Draper would be a little different because it would not be a Utah County ballot. Because of this, if there were Salt Lake County voting issues, like a bond, that was not on a Utah County ballot then Draper residents would not be able to vote on it. He said that he was moving forward to try and get answers.

Business Session

1.0 Call to Order: Mayor Troy K. Walker

2.0 Public Comments

No one requested to speak.

3.0 Consent Items

- a. Approval of Resolution #20-55, adopting Section 10350 - Distracted Driving, of the Personnel Policy Manual**
- b. Approval of Agreement #20-179, Assessment-in-Lieu for McMillan Subdivision**
- c. Approval of Agreement #20-180, Assessment-in-Lieu for Montague Residence**

3.1 Councilmember Vawdrey moved to approve the Consent Items. Councilmember Green seconded the motion.

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

4.0 Public Hearing: Ordinance #1470, vacating the right-of-way of Wheatfield Way and Wheatfield Circle located within the Greenfield Farms Subdivision (Legislative Action)

4.1 Scott Cooley, Engineering/Public Works Director, explained that this item was the right-of-way vacation of Wheatfield Way and Wheatfield Circle. He noted that it was part of a larger development. A developer came in and purchased all of the homes. The development was located just north of IKEA. The roads were currently delineated through

a plat. The city needed to vacate those roads so that the developer could turn the area into a single lot to develop. Mr. Cooley noted that staff knew this item was coming and that the city had no need for those roads. He added that as was indicated in the packet, it was required to attach an exhibit A that included a meets-and-bounds legal description for the right-of-way so that the county would record the document. Because of this, any motion proposed would need to include the attachment of a meets-and-bounds legal description.

4.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.

4.3 Councilmember Green moved to approve Ordinance #1470, vacating the right-of-way of Wheatfield Way and Wheatfield Circle, with the attachment of a meets-and-bounds description. Councilmember T. Lowery seconded the motion.

4.4 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: Resolution #20-56, approving the 2020 Water Conservation Plan Update (Administrative Action)

5.1 Brien Maxfield explained that Utah State Code 73-10-32 required that every water provider have a water conservation plan that was required to be updated every five years. As part of the update, a public meeting was required to have a conversation about water conservation that allowed for public comment. The minutes from this meeting and the resolution would be added to the appendix of the plan.

Mr. Maxfield showed a figure of the distribution of Draper City's water usage defined by the gallons per capita per day (GPCD) usage. Draper City had adopted a conservation goal as of 2014. The city's current goal was to get to 183 GPCD by the year 2025. He explained that this goal was indicated by the green line on the chart. The blue line showed the actual usage of the system. The black line represented the trended usage towards the city's goal. The red line indicated the conservation goal that also trended downward. Essentially, the goal was for the usage to always be below the red line.

In 2015 the state legislature decided to do an audit of the systems in the state and how they were doing regarding conservation. In 2019 the state adopted regional goals where they divide the state into regions. The regional goal for Salt Lake and Tooele County is 187 GPCD, as established in 2019. The city had not officially adopted that conservation goal, but the city was already trending very close to achieving the regional goal. The goal was supposed to be achieved by 2030 whereas the Draper City goal was for 2025.

The conservation plan outlined four activities to concentrate on over the next five years:

1. Expanding and cooperating with partners and other agencies in wastewater reuse. This primarily focused on a relationship with WaterPro that would be discussed at future meetings.

2. Continuing public education programs. Outreach efforts included fliers, events such as Water Week, and conservation-oriented ordinances on landscaping, specifically commercial landscaping.
3. Evaluating and strengthening conservation ordinances; and
4. Installing advanced metering infrastructure and enhancing leak detection.

Mr. Maxfield stated that the adoption of this report met the state code requirements.

- 5.2 Mayor Walker opened the public hearing. No one came forward so Mayor Walker closed the public hearing.**
- 5.3 Councilmember Green moved to approve Resolution #20-56, approving the 2020 Water Conservation Plan Update. Councilmember Vawdrey seconded the motion.**
- 5.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.**
- 6.0 Action Item: Resolution #20-57, adopting the Active Transportation Plan (Administrative Action)**
- 6.1 Eric Lundell explained that Draper participated in the Active Transportation Plan with Sandy. The plan was funded by the Wasatch Front Transportation Council.

The plan was similar to Draper's Transportation Master Plan or the trails portion of the Parks and Trails Plan. The Active Transport Plan took the two plans and merged them and ensured that there was continuity between Draper, Sandy, and the Wasatch Front Regional Plan. The Active Transport Plan features greater data, primarily from Strava than the Transportation and Parks and Trails Plans. He noted that Corner Canyon's bicycle trips had to be toned down in the plan because there were so much data from Strava. The plan also looks at signal activation for pedestrian crossings. Utah Transit Authority (UTA) and Front Runner transit stations were also evaluated.

The creation of the plan began just before the pandemic. Despite this, the group orchestrating the plan was still able to get public feedback. They held an open house at the tree lighting in 2019. Also, there was a steering committee composed of someone from Engineering, Planning, and Parks & Trails. The steering committee met three times. There were also responses from 187 Draper residents who participated in an online survey. Public feedback primarily came from the South Mountain and SunCrest areas. There was also an interactive map where residents could comment on specific trails, bike lanes, or pedestrian crossings and comment on the area's strengths or weaknesses. Some common comments were additional bike lanes with a partition to keep cyclists safe and that the extension of the Porter Rockwell Trail would be appreciated.

The plan outlines the proposed projects in three tiers. Mr. Lundell noted that if it made more sense to do a project in tier two or three first, the plan was flexible and allowed for that. He said that the plan also was broken down by the cost of the projects. A project's

rating was impacted by its expense. He added that one of the biggest benefits of working on the plan was that it created more funding sources to complete projects.

When Mr. Lundell displayed the final plan, he explained that solid lines were existing trails and that dashed lines were proposed projects. Generally, the new projects tried to make connections in areas where there were safety concerns. The joint plan between Draper and Sandy can be viewed, as well as graphs and public comment, at www.activesandydraper.com until November 27, 2021.

Councilmember T. Lowery said that when she looked through the plan what she noticed was that 60% of Draper residents said that there was a lack in the sidewalks. Mr. Lundell said that there were a lot of places in the town center zone that lacked sidewalk connections. He said there were a lot of areas in Draper where there were only sidewalks on one side of the street. Overall, Draper had fairly good sidewalk connections, despite the knowledge that there were gaps. The new plan did address those areas.

Councilmember T. Lowery added that 60% of residents said that they do not exercise or did not exercise more because of the gaps in sidewalks and a lack of connectivity. She felt that as a significant data point. Mr. Lundell agreed. He said that it was an issue that he felt the plan and survey helped Draper identify more clearly.

Councilmember T. Lowery said that she would like to know where the most pressing needs were for sidewalk connectivity. She said that if Draper was claiming that they were such a proactive transportation city, then they needed to push forward with sidewalks. She said the report also talked about trail connectivity. She wanted to know if there were trails that needed to be connected.

Mr. Lundell said that the trail that saw the most comments on needing connectivity was the Porter Rockwell Trail. There were also a lot of comments about 300 East. He said that he believed that Todd Hammond had received federal funding to move forward on the project. He said that if the Council looked at the type of the project they could see if it was multi-use or what it was providing. The first-tier projects would benefit most people. The first project, the East Jordan Canal Trail, incidentally, had the highest cost. He noted that projects D10-D14 were all sidewalks.

Councilmember T. Lowery said that some of the projects seemed like they were such a low cost that the city should just do them.

Councilmember F. Lowry said that he felt that D11, Pioneer Road from 1400 East to 1840 East, was also important.

Mr. Dobbins cautioned the Council that the numbers were probably broad. He said that the problem that they typically ran into with sidewalks was that often the projects were not just putting down the asphalt or concrete. Often the property needed to be purchased or there were stormwater issues. Additionally, it was best practice to install the sidewalk in its final placement which meant the road had to be widened. As a result of these additional needs,

project numbers can escalate fast. He said that staff could prioritize the projects from a cost standpoint and tell the Council which projects Engineering and Public Works could knock out.

Councilmember T. Lowery said that she would like to see the projects from a cost and greatest number of beneficiary standpoint. Mr. Lundell said that he was unsure if Councilmember T. Lowery had been able to look into the report. He explained that the report outlined five different categories that contributed to overall ratings. He said that adopting the plan did not require that the projects needed to be done in the order outlined in the plan. It just outlined needed future projects.

Councilmember T. Lowery said that Draper had put a lot of money into its trails on the mountainside. She thought that there were a lot of people who preferred to recreate right here on Draper streets. She said that she saw families all the time just walking on the sidewalk. She said that she felt that sidewalks needed to be an equal priority in a lot of ways. She said that safe passage on sidewalks was safe passage to school and your neighbor's house, to your church, to get groceries. She said that if we want to encourage people not to take their car then the city needed to put some money behind it.

Mr. Cooley said that one of the advantages of the study was that it helped the city get more money and allow the city to do more of the projects. It identified easy and lower-cost projects. Regarding some of the bigger projects, it would take the city a long time to justify that kind of money. Because the study was done, it opened up the opportunity to get additional funding that the city did not usually have the opportunity to get.

Councilmember T. Lowery said that she knew that there were grants for safe walking routes and clean air opportunities. Mr. Cooley agreed. He said that the new plan was just a first, proactive step. He said staff had already done projects like connecting sidewalks along Fort Street. He said that the staff was looking forward to doing more of these types of in-town projects.

- 6.2 Kai Toinaka, Parametrix Consulting, added that the sidewalk projects got added for several reasons including public comments. Another source of the plan that highlights potential sidewalk gaps and could be another place to look for more sidewalk improvements would be the walk analysis that was done at several TRAX stations and other locations. In that section, possible sidewalk improvements were highlighted that would help improve connectivity in key activity centers.
- 6.3 Mayor Walker said that the plan was done before the UTA came out with its performance alternative for transit expansion. The preferred alternative included a bridge coming across from the prison site to the PluralSight building. He asked that the Council keep on their horizon regarding active transportation planning that whatever bridge was built would require a trail connection or a moving sidewalk to connect active transportation into the site.

Councilmember T. Lowery said that as they work on the road, they should ensure that the bike lane was sufficient. Councilmember F. Lowry asked what the time frame was for adopting the plan and starting to get the funding to complete some of the projects. Mr. Lundell said that many of the funding applications would be due in February or March. In talking with Parametrix there was certain funding from the state that could go towards projects that were not tied to state facilities as a result of adopting the plan. He said Draper still had to apply for the money and the projects would need to be approved, but the plan allowed them to apply to a few more sources.

Councilmember F. Lowry wondered if the plan needed to be updated to match closer to what UTA had come up with at the Point. Mr. Cooley said that the Point was just one area out of the whole system. He said that staff were aware of UTA's plan and would keep it in mind. Councilmember F. Lowry said that he was concerned if it would hinder the possibility to get funding if the plan changed. Mr. Cooley said no. The Active Transportation Plan would continually change.

Councilmember T. Lowery asked Mr. Dobbins if the city already had some funds available. Mr. Dobbins said that the Council would have some one-time funding that could be allocated to some of these projects. He said that he sensed that what the Council was looking at was knocking out some of the sidewalk connection issues that could be solved quickly. Councilmember T. Lowery said yes. She also emphasized trail connections where a little piece was needed to push users through.

Councilmember F. Lowry said that even the one on 13800 South where the city spent all that time getting it approved was a final thing to get the trail finished off.

6.4 Councilmember Green moved to approve Resolution #20-57, adopting the Active Transportation Plan. Councilmember T. Lowery seconded the motion.

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

7.0 Action Item: Approval of Resolution #20-58, appointing the 2021 Mayor Pro Tempore (Administrative Action)

7.1 Councilmember Vawdrey moved to approve Resolution #20-58, appointing Councilmember T. Lowery to be the 2021 Mayor Pro Tempore. Councilmember F. Lowry seconded the motion.

7.2 A roll call vote was taken with Councilmembers Lowery, Lowry, Roberts, and Vawdrey, voting in favor. Councilmember Green opposed. The item passed four to one.

8.0 Action Item: Approval of Resolution #20-59, approving the 2021 Council Assignment List (Administrative Action)

8.1 The Council Assignment list was displayed.

Councilmember T. Lowery nominated Councilmember Vawdrey for Parks, Recreation & Trails Committee.

Councilmember Vawdrey said that she had some discussion. She felt that most folks wanted to stay where they were assigned. If everyone agreed she did not want to engage in discussion.

Mayor Walker summarized that the only change would be in the assignment to Parks & Trails.

Councilmember F. Lowry said that Councilmember Green had served as the Mayor Pro Tempore. He asked if something needed to be switched there.

Mayor Walker wanted the discussion to be consistent, so he went through the items one-by-one.

Regarding Parks & Trails, Councilmember T. Lowery explained that Councilmember Vawdrey had not yet had the chance to serve on that committee and had done a lot of work on the hiking trails. She thought it would be a cool opportunity.

Councilmember F. Lowry wanted to add something to be considered in the future about Parks & Trails. Because the city had grown so much and put so much energy into parks and trails, he felt that they should consider having a trails committee and a parks committee that would allow greater focus on both those areas more.

Mayor Walker suggested that Councilmember F. Lowry's idea be discussed as another item. He asked each member of the Council if they agreed to assign Councilmember Vawdrey to Parks & Trails. The Council was in favor.

There was no comment on assignments until the Trans-Jordan Landfill Alternate Member. Councilmember T. Lowery asked who was the member. Mr. Dobbins said it was a staff member. Councilmember F. Lowry asked Councilmember Roberts if he had been able to be involved. Councilmember Roberts said that he had attended some initial meetings and had toured the facility. He said that it was a technical appointment. He did not have a lot of input or drive. He felt that the landfill was pretty forward-thinking.

Concerning the Legislative Policy Committee (LPC) Councilmember T. Lowery said that she did not need to be assigned because she was going to their board meeting already. She said that if there was someone who wanted to serve on that committee they could. Councilmember Roberts said that he would like to serve on that committee to learn. The Council approved.

8.2 Councilmember Vawdrey moved to approve Resolution #20-59, the 2021 Council Assignment List. Councilmember Roberts seconded the motion.

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

9.0 Adjournment

9.1 Councilmember Green moved to adjourn the meeting. Councilmember Roberts seconded the motion.

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

9.3 The meeting adjourned at 7:49 p.m.