



CITY COUNCIL AGENDA

Tuesday, November 19, 2024, 5:30 PM
1020 E. Pioneer Road Draper, Utah
Council Chambers

5:30 PM STUDY MEETING

Discussion: The status of the Town Center Station Area Plan and the next steps for moving forward.

Jennifer Jastremsky and Todd Taylor

Council/Manager Reports

6:00 PM BUSINESS MEETING

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Public Comments**

To be considerate of everyone attending the meeting, public comments will be restricted to items that are not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

4. **Consent Items**

4.a **Approval of November 12, 2024, City Council Meeting Minutes.**

4.b **Approval of Resolution #24-61**

A Resolution appointing Jenny Haase and Falguni Dharodiya to the Draper City Community Engagement Committee. Staff: Kellie Challburg.

5. **Items for Council Consideration**

5.a **Interviews: Applicants for City Council Vacancy**

Applicants will be heard in randomized order as provided by the 2024-2025 Master Ballot Position List. Each applicant will be given 2 minutes to speak.

5.b **Action Item: Resolution #24-60**

A Resolution appointing an individual to fill the vacancy in the office of Draper City Councilmember created by the resignation of Cal Roberts. Staff report Mike Barker.

6. **Oath of Office administered for new Council appointment.**

7. **Adjournment**

I, the City Recorder of Draper City, certify that copies of this agenda for the **Draper City Council** meeting to be held **November 19, 2024**, were posted at Draper City Hall, Draper City website www.draperutah.gov, and the Utah Public Notice website at www.utah.gov/pmn.

Date Posted:



Laura Oscarson, MMC, City Recorder
Draper City, State of Utah

In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Laura Oscarson, City Recorder at (801) 576-6502 or laura.oscarson@draperutah.gov, at least 24 hours prior to the meeting.

MEMO



To: City Council

From:

Date: 2024-11-19

Re: Approval of November 12, 2024, City Council Meeting Minutes.

Comments:

ATTACHMENTS:

[CC 11.12 Minutes - DRAFT.pdf](#)

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY,
NOVEMBER 12, 2024, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST
PIONEER ROAD, DRAPER, UTAH**

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Bryn Heather Johnson, Tasha Lowery, Fred Lowry, and Cal Roberts

EXCUSED:

STAFF: Mike Barker, City Manager; Kellie Challburg, Assistant City Manager; Scott Cooley, City Engineer and Public Works Director; Spencer DuShane, Assistant City Attorney; Rich Ferguson, Chief of Police; Jennifer Jastremsky, Community Development Director; Malena Murray, Human Resources Director; Rhett Ogden, Parks and Recreation Director; Laura Oscarson, City Recorder; Linda Peterson, Communications Director; Clint Smith, Fire Chief; Jake Sorensen, Network Manager; and John Vuyk, Finance Director

OTHER: David Dobbins, Dobbins Advisory Group, LLC

Study Session

Update: Parks Capital Improvement Projects

Parks and Recreation Director Rhett Ogden provided an update on Parks Capital Improvement Projects, and answered questions from the Council.

Discussion: Emergency Management

Fire Chief Clint Smith explained changes in administration of emergency management to improve efficiency and oversight. Chief Smith spoke of the possibility of adding a part-time Emergency Management Specialist position if funding were available. The Council and staff discussed the importance of having a position dedicated to coordinating community help in emergency situations.

Discussion: Point of the Mountain Transit Project Recommendations

Community Development Director Jennifer Jastremsky said Utah Transit Authority (UTA) had requested feedback regarding the Point of the Mountain Transit Project and areas of historical impact. Ms. Jastremsky reported UTA proposed to mitigate the impact of removing historic track in Draper with placement of an informational plaque. She said the Utah State Preservation

Office concurred with the proposal, and the Draper Historic Preservation Commission concurred and recommended the City concur. A majority of the Council appeared to indicate support.

Council/Manager Reports

- City Manager Mike Barker reported 42 applications had been received as of the start of the meeting for the City Council vacancy created by the resignation of Councilmember Roberts, due to his election to the Utah House of Representatives. The Council seat term would be November 19, 2024 to January 5, 2026. The Council and staff discussed the process to fill the vacancy.
- Mr. Barker provided an update regarding Jordan Valley Water Conservancy District.

Business Session

1. Call to Order by Mayor Troy K. Walker
2. Pledge of Allegiance led by Councilmember Roberts
3. Public Comment
None
4. Consent Items
 - 4.a October 15, 2024 City Council Meeting Minutes
 - 4.b Resolution #24-56 appointing Traci Gundersen as Draper City Attorney
 - 4.c Resolution #24-58 reappointing Doug Ovard as a member of the Draper City Parks, Trails, and Recreation Committee
 - 4.d Resolution #24-59 reappointing Ty Montalvo to the Draper City Building Board of Appeals

Councilmember T. Lowery moved to approve the Consent Items. Councilmember Roberts seconded the motion.

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

	Yes	No	Absent
Councilmember Green	X		
Councilmember Johnson	X		
Councilmember T. Lowery	X		

Councilmember F. Lowry	X
Councilmember Roberts	X

5. Items for Council Consideration

5.a Public Hearing: Local Consent for a Limited-Service Restaurant License for White Tomato Draper LLC dba White Tomato Artisan Pasta

Business License Official Travis DeJong explained the request for Limited-Service Restaurant License, and reported the application met all distance requirements.

Mayor Walker opened a public hearing, and closed the public hearing seeing no one come forward.

Councilmember T. Lowery moved to approve Local Consent for White Tomato Draper LLC. Councilmember Green seconded the motion.

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

	Yes	No	Absent
Councilmember Green	X		
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Roberts	X		

5.b Action Item: Resolution #24-55 approving and adopting a litigation settlement agreement between Draper City and Geneva Rock Products, Inc., resolving Case No. 220905804

David Dobbins with Dobbins Advisory Group, LLC shared a timeline of Geneva Rock Products, Inc. intent to expand its claimed vested mining use to 142 acres acquired in 1999 (currently zoned A-5, which did not permit mining). In 2022, Draper filed a lawsuit in the Third District Court seeking a judicial determination that Geneva Rock did not have the vested mining use described in a 2021 Declaration and Notice of Vested Mining Use, and therefore was not entitled to expand its mining operation onto the 142 acres. A Motion for Summary Judgment filed by Draper earlier in 2024 was denied on March 20, 2024.

Mr. Dobbins presented the following settlement proposal:

- Draper City will not challenge Geneva's Declaration of Vested Mining Use.
- Geneva Rock will not leave highwall in Area "A" (area graded to meet Draper City development standards).
- Specified area in A not eligible for post-mining development.
- Geneva relinquishes and disclaims all statutory or equitable vested mining use rights it has claimed in the Declaration to expand extractive operations into Area "B."
- Forego extractive operations in Area B (to be treated as a conservation easement area), notwithstanding the fact that the hatched portion within Area B is approved by DOGM for Extractive Operations under the 2022 RNOI.
- If the Vested Mining Use Statute were to be altered by the Utah Legislature, such alteration(s) shall not affect the efficacy or validity of this agreement.

Councilmember Green said he believed the current proposal was the best the Council had seen, and the best the City could get. He expressed support for the settlement proposal. Councilmember T. Lowery said she agreed. Councilmember F. Lowry expressed support, and thanked staff and Geneva for working diligently. Councilmember Johnson expressed support for the settlement proposal, and said she hoped residents understood the many months of negotiation and work involved. City Manager Mike Barker recognized the role played by the City's contract legal representative, Maria Windham.

Councilmember Roberts moved to approve Resolution #24-55. Councilmember Green seconded the motion.

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

	Yes	No	Absent
Councilmember Green	X		
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Roberts	X		

5.c Action Item: Resolution #24-54 approving the sale of parcels 28-33-203-007-0000 and 28-33- 203-010-0000 to Draper Highland, LLC

David Dobbins, consultant with Dobbins Advisory Group, LLC, explained the proposed sale of ten acres purchased from Canyons School District, currently zoned for half-acre residential lots. Mr. Dobbins reported no financially feasible proposals were received for a cemetery, and the City would continue to look for other cemetery options. He showed a proposed development layout.

Draper City paid the school district \$5,850,000 for property, and would receive \$8,500,000 upon sale of the property. The City and school district would split the \$2,650,000 profit (\$1,325,000 each).

Councilmember T. Lowery said she appreciated the process the City had gone through, and emphasized the City would continue to look for cemetery options.

Councilmember Green moved to approve Resolution #24-54. Councilmember T. Lowery seconded the motion.

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

	Yes	No	Absent
Councilmember Green	X		
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Roberts	X		

5.d **Public Hearing: Ordinance #1626 amending text of the Land Use and Development Code (Title 9) of the Draper City Municipal Code relating to standards for Accessory Dwelling Units (ADUs)**

Planner Todd Taylor presented proposed amendments to standards for ADUs to:

1. Allow the property owner to occupy either the main dwelling or the ADU and rent, lease, or loan the other.
2. Allow for more properties in the mapped area prohibiting internal accessory dwelling units (I-ADUs) to qualify for the deviation necessary to be permitted to have an I-ADU.

Mr. Taylor reported the Planning Commission reviewed the proposed ordinance and recommended approval.

Mayor Walker opened a public hearing.

Victoria Neeshan, Draper resident, said she bought her home intending to welcome her parents to live with her. The intended situation did not happen, so she welcomed roommates to rent her basement. Ms. Neeshan said she received a Notice of Code Violation in September of 2024, and was glad the Council was considering the proposed amendments. She said she hoped the Council would respect property rights and trust that homeowners would be good stewards of their homes.

Mayor Walker closed the public hearing.

Councilmember F. Lowry moved to approve Ordinance #1626. Councilmember Green seconded the motion.

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

	Yes	No	Absent
Councilmember Green	X		
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Roberts	X		

6. Adjournment

Mayor Walker thanked Councilmember Roberts for his years of service on the Draper City Council. Councilmember Roberts said it had been an honor to serve on the City Council, and said he would miss working closely with fellow Councilmembers and staff.

Councilmember Green moved to adjourn the meeting. Councilmember Roberts seconded the motion, which passed by unanimous vote (5-0).

The meeting adjourned at 7:46 pm.

MEMO



To: City Council

From:

Date: 2024-11-19

Re: Approval of Resolution #24-61

Comments:

ATTACHMENTS:

[R-24-61.pdf](#)

RESOLUTION NO. 24-61

A RESOLUTION APPOINTING JENNY HAASE AND FALGUNI DHARODIYA TO THE DRAPER CITY COMMUNITY ENGAGEMENT COMMITTEE

WHEREAS, the Draper City Council has established the Draper City Community Engagement Community to focus on engaging the community and fostering unity and belonging to all Draper City residents; and

WHEREAS, the Council recognizes the importance of engaging residents within the City; and

WHEREAS, the Mayor desires and the Council hereby consents to the appointment of Jenny Haase and Falguni Dharodiya as members of the Community Engagement Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Appointment. Jenny Haase and Falguni Dharodiya are hereby appointed to serve on the Draper City Community Engagement Committee according to the laws, ordinances, and regulations governing the Committee for the terms specified herein.

Jenny Haase	November 19, 2024 through November 30, 2028
Falguni Dharodiya	November 19, 2024 through November 30, 2028

Section 2. Severability. If any section, part, or provision of this Resolution is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 19TH DAY OF NOVEMBER, 2024.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, MMC, City Recorder

VOTE TAKEN:	YES	NO	ABSENT
Councilmember Green	_____	_____	_____
Councilmember Johnson	_____	_____	_____
Councilmember T. Lowery	_____	_____	_____
Councilmember F. Lowry	_____	_____	_____
Mayor Walker	_____	_____	_____

MEMO



To: City Council

From:

Date: 2024-11-19

Re: Interviews: Applicants for City Council Vacancy

Comments:

ATTACHMENTS:

[Candidates in Ballot order.pdf](#)

ATTACHMENTS:

[2024-Master-Ballot-Position-List.pdf](#)

Applicants in Ballot Order

Bradshaw	Tara
Bennett	Tracy
Benson	Kenneth
Burton	Heather
Bodell	J Martell
Clegg	Chris
Colemere	Jeff
Cook	Thomas
Christensen	Jessica
Watson	John K.
Woods	Gregory Travis
Wheatley	James
Wieser	Allison
Willey	Emily
Williams	Abbey
Williams	Alecia
Withers	McKell
Ross	John Andrew
Neuenswander	David
Nish	Rob
Jensen	Brandt
Jarman	Parry
Jonas	Robert
McPherron	Shaun
McDonald	Laurel
Mecham	Kris
Murdock	Kenneth
Monroe	Tera Lea
Kraft	Roger
Kocherscheidt	Christian
Smith	Terry
Stewart	Lance

Steidel	Heidi Lynn
Spencer	Jonathan
Green	Kade
Garner	Michael
Godfrey-Roberts	Traci
Lazo	Shawnna
Loeffler-Cobia	Jennifer
Freeman	Spencer
Fluty	Lisa
Taber	Jacob
Tapking	Douglas
Vawdrey	Marsha
Herzog	Chrisella
Hernandez	Adrian
Harrison	David
Haugen	Andrea
Quinlan	Angie
Dredge	Doug



State of Utah

SPENCER J. COX
GOVERNOR

OFFICE OF THE LIEUTENANT GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

DEIDRE M. HENDERSON
LIEUTENANT GOVERNOR

2024 – 2025 MASTER BALLOT POSITION LIST

In accordance with Utah Code Section 20A-6-305, Utah Lieutenant Governor Deidre M. Henderson hereby establishes the Master Ballot Position List, establishes written procedures for election officials to use the Master Ballot Position List, establishes written procedures for the Lieutenant Governor in conducting the randomization in a fair manner, and provides a record of the random selection process used.

A. Master Ballot Position List

- | | |
|----|---|
| 1 | B |
| 2 | Z |
| 3 | C |
| 4 | W |
| 5 | R |
| 6 | E |
| 7 | N |
| 8 | A |
| 9 | J |
| 10 | Y |
| 11 | M |
| 12 | K |
| 13 | S |
| 14 | G |
| 15 | L |
| 16 | F |
| 17 | T |
| 18 | X |
| 19 | P |
| 20 | U |
| 21 | O |
| 22 | V |
| 23 | H |
| 24 | I |
| 25 | Q |
| 26 | D |

B. Written procedures for election officials to use the master ballot position list.

In accordance with Utah Code Section 20A-6-305, election officers shall use the master ballot position list for 2024-2025 to determine the order in which to list candidates on the ballot for any election held during those years.

To determine the order in which to list candidates on the ballot, the election officer shall apply the randomized alphabet as so:

- The candidate's surnames as listed on the declaration of candidacy
- If two or more candidates have surnames that begin with the same letter, the list shall be applied to each subsequent letter in the candidates' surnames as listed on the declaration of candidacy
- If two or more candidates have an identical surname as listed on the declaration of candidacy, the list shall be applied to the candidates' given (first) names as listed on the declaration of candidacy

C. Written procedures for the Lieutenant Governor in conducting the randomization in a fair manner and record of the random selection process used.

The Office of the Lieutenant Governor will conduct the randomization process by drawing wooden letter tiles from an opaque bag and following these procedures:

1. A wooden tile with each letter of the alphabet printed is to be placed in an opaque bag
2. Three individuals are to be selected to draw tiles out of the bag
3. The order the individuals draw tiles out of the bag is selected at random by rolling the die
4. The person rolling the highest number on the die picks first, the second highest roller picks second, and the lowest roller picks third
5. Ties are broken by rolling the die until one of the individuals in the tie rolls a number that is higher than the other person they are tied with
6. Letters are pulled out of the opaque bag until all tiles are removed
7. The order the tiles were picked from the bag became the Master Ballot Position List

The randomization was done on Tuesday, January 9, 2024, at 10:00 am in the rotunda of the Utah State Capitol. Notice of the meeting was published on the Public Notice Website and broadcast live on Zoom. A recording of the meeting can be found on the www.vote.utah.gov website.

MEMO



To: City Council

From:

Date: 2024-11-19

Re: Action Item: Resolution #24-60

Comments:

ATTACHMENTS:

[Resolution #24-60 filling a council vacancy.pdf](#)

RESOLUTION NO. 24-60

**A RESOLUTION APPOINTING _____ TO
FILL THE VACANCY IN THE OFFICE OF DRAPER CITY
COUNCILMEMBER CREATED BY THE RESIGNATION OF CAL
ROBERTS**

WHEREAS, Cal Roberts was duly elected as a City Councilmember for Draper City in November of 2019 and took office in January 2020; and

WHEREAS, Cal Roberts was elected as a Representative in the Utah State Legislature on November 5, 2024, and resigned his seat on the Draper City Council on November 12, 2024, thereby creating a vacancy in the office of City Councilmember; and

WHEREAS, the City Council is required by Utah Code Section 20A-1-510 to fill the vacancy within thirty days of the vacancy being created; and

WHEREAS, the City Council provided a public notice inviting interested and qualified individuals in the city to submit their names to the City Council for consideration as candidates to fill the position of City Councilmember; and

WHEREAS, the City Council, in an open and public meeting held on November 19, 2024, received presentations by the candidates present at the meeting and considered the qualifications and background of each of the candidates.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Draper City Council hereby appoints _____ to serve as a City Councilmember for Draper City until January 5, 2026;

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 19TH DAY OF NOVEMBER, 2024.

ATTEST:

DRAPER CITY

Laura Oscarson, MMC, City Recorder

Troy K. Walker, Mayor

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry

YES NO ABSENT

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Mayor Walker