

Approved 09/16/14

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 2, 2014, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

PRESENT: Mayor Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 Presentation: Salt Lake County Parks and Recreation Needs Assessment – Martin Jensen and Callie Birdsall

[5:00:57 PM](#)

1.1 David Dobbins, City Manager, noted Salt Lake County has been involved in doing a Parks and Recreation Needs Assessment. The assessment included Draper City. He indicated Martin Jensen and Callie Birdsall are here this evening to go over the results of the assessment.

[5:01:13 PM](#)

1.2 Martin Jensen indicated it has been great to work with Draper City. Salt Lake County has partnered with Draper on many projects, and there are great things happening here. The groundbreaking for the Wheadon Park project is scheduled for September 24th at 10:30 a.m.

Mr. Jensen then explained that in 2012 Salt Lake County embarked on a full blown needs assessment, and it took them the entire year to complete. The County wanted to make sure they were providing the right services, in the right place, at the right time. They asked Salt Lake County residents, and they partnered with Utah State University to do the survey.

[5:07:52 PM](#)

1.3 Callie Birdsall, Communications and PR Manager for Salt Lake County Parks and Recreation, reviewed the results of the needs assessment.

[5:32:11 PM](#)

2.0 Discussion: Crossing Guards - Todd Hammond

[5:32:30 PM](#)

2.1 Todd Hammond, Engineer, reviewed the concerns of the various schools in terms of crossing guards and sidewalks. The recommendations were as follows:

- 13200 South (Fort St. to Boulder St.) - Completed
- 1300 East (Pioneer Rd. to 13200 South) - Next Year
- 13800 South (Bangerter to 300 East) - Spring 2016
- Budget widening projects as funding becomes available
 - 300 East (Pioneer Rd. – Carlquist Dr.)
 - Pioneer Rd (600 E. – 900 E. and 1300 E. – 1840 E.)
 - 13800 South (300 E. – Southfork Dr.)
 - 1300 East (13400 S – Wayne’s World Dr.)
 - Fort Street
 - 13400 South
 - 12500 South
 - Highland Drive
- Signage & Pavement Marking
 - Install no parking signs near Oak Hollow
- Speeding
 - Lone Rock Drive speed study

Dinner

[5:55:06 PM](#)

3.0 Discussion: Park School - Historic Preservation Commission

3.1 The City Council, members of the Historic Preservation Commission, and some residents discussed the Park School. They had a question/answer dialogue to discuss the potential demolition or renovation of the Park School.

Business Meeting

[7:02:19 PM](#)

1.0 Call to Order

1.1 Mayor Walker called the meeting to order and welcomed those in attendance.

[7:02:36 PM](#)

2.0 Comment/Prayer and Pledge of Allegiance

[7:03:05 PM](#)

2.1 The prayer was offered by Rabbi Benny Zippel, Chabad Lubavitch of Utah.

[7:07:25 PM](#)

2.2 The pledge was led by Bryan Arbon, Scout Troop #1651.

[7:08:47 PM](#)

3.0 Recognition: Sergeant Chad Carpenter resigned from the Special Weapons and Tactics Team after nine years of service. Sergeant Carpenter served with distinction and is being recognized for his leadership, commitment and professionalism. Sergeant Carpenter was instrumental in the development of the team and the training of future SWAT officers. His leadership and expertise will be missed.

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3.1 John Eining, Deputy Police Chief, expressed his appreciation to Chad Carpenter for all of his years of service as a member of the SWAT Team. He presented Sergeant Carpenter with a plaque and his wife with a bouquet of flowers.

[7:15:29 PM](#)

4.0 Citizen Comments

[7:18:21 PM](#)

4.1 Greg Matis 917 E 13400 South, expressed his opinion that the City Council should take the conservative approach to the Park School by choosing to save the Park School. He urged the City Council to avoid drastic measures by postponing the wrecking ball.

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4.2 Max Burdick, Salt Lake County Council, noted the Salt Lake County Council recently voted to approve the ZAP Tax renewal. The Councilmembers wanted to get around to the various City Councils and express their support of the tax renewal. It is common knowledge that Draper is ready for a Recreation Center; however, there has not been an official vote taken on this yet.

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4.3 Daniel Staker, 1207 Black Fox Court, read a statement about the importance of saving the Park School.

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4.4 Bruce Hevelone, 13004 South 1300 East, said he was not expecting to hear a Park School debate this evening; however, he does have something to offer. He noted the Park School is a memory in his mind due to him being a student there. His grandfather taught him to move on, to take what he has and make it better. He said he would like to keep the Park school; however, he expressed his opinion that the area would be better served with a new building in that location.

[7:29:36 PM](#)

4.5 Charlie Keates, 12190 South Balboa Lane #301, said she is a recent transplant to the area. She had some reservations in moving to the area, but she has been pleasantly surprised. However, she is not interested in a city that is made up of strip malls and such. She said it is in the best interest of the residents and tax payers in preserving the historic character of Draper. She has been very involved in the arts, and she expressed her opinion that there is a need for an arts center in the area.

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4.6 Spencer Shell, 6160 Eagle Nest Drive in Murray, noted he and his wife are opening a new ballet studio, and there are limited venues for dance performances. He agreed with the comments about saving the school and allowing opportunities for growth in the city.

[7:34:36 PM](#)

4.7 Briawna Anderson, 1854 Foxborough Lane, indicated she celebrated her fifteenth birthday in the Draper Park School playing the harp in a community theater production of South Pacific. She expressed her opinion that the City can incorporate new technologies into the renovation of the Park School to make it a thriving community Center.

[7:35:49 PM](#)

4.8 Courtney Curtis, 12026 S Catania Drive, noted he supports saving the Park School and creating the center of the city. The City has spent a lot of time and money on the parks; this is another important piece they need to preserve.

[7:38:03 PM](#)

4.9 Bonnie Rae Jean, 12640 South 1565 East, said she has lived in Draper for many years. She loves the fact that Draper is interested in maintaining the historic feel of the city. She said she supports saving the Park School.

[7:40:12 PM](#)

4.10 Aaron Anderson, 1854 Foxborough Lane, noted he and his wife moved to Draper several years ago. Draper is a community in transition trying to juxtapose modern influences with its rich historic past. The best way to accomplish that goal is to preserve the Draper Park School.

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4.11 Laraine Shoemaker, 616 East Hollow Creek Road, said she is married to Todd who serves as a member of the Historic Preservation Commission. She said when she travels she enjoys visiting the historical buildings. There are many people here tonight in support of keeping the Draper Park School. She expressed her hope that the City Council will notice the amount of people who are in support the school. Once it is gone, it is gone forever.

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4.12 Jan Black, 14016 S Somerset Hills Court, stated she is here to speak about the Draper Park School. She is the granddaughter by marriage of Reed and Wilda Beck. Reed Beck was the principal of the school for many years and Wilda was a first grade teacher. She asked whether the only reason the City is tearing it down is because of the money. She suggested they preserve it because Draper was a community first and a city second. The Draper Park School was part of that community. She hates to see any part of her historical genealogy torn down.

[7:45:04 PM](#)

4.13 Luana Guymon, 12383 Course View Lane, noted she is part of the Draper Historical Society. People come in to the museum everyday and see the beautiful painting of the round house. The people are saddened to hear that the building was torn down. She said it will be the same thing if the Draper School is torn down.

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4.14 Kristin Staker, 1256 South 600 East, said she remembers when Draper was a small community and everyone knew everyone in Draper. Every year they would celebrate Halloween at the Draper Park School. She then stated there would be many residents willing to help raise funds to save the school.

[7:48:05 PM](#)

4.15 Randy Shoemaker, 4096 West Helmsdale Circle in South Jordan, advised that Draper has a golden opportunity to preserve a vital part of the community. A lot of the historical homes in the city are slowly disappearing, and soon there will not be too many left. The school is pretty sound according to the architect, and the cost to preserve it is planned to be paid by private investors.

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** *The Council took a break at 7:51 p.m.*

** *The meeting resumed at 7:57 p.m.*

[7:57:15 PM](#)

5.0 Consent Items

- a. Approval of August 12, 2014, Minutes
- b. Approval of August 19, 2014, Minutes
- c. **Agreement 14-166**, For Approval of an Easement for South Valley Sewer Improvement District for sewer service at Wheadon Farm Park
- d. **Agreement 14-167**, Awarding the CDBG Project to England Construction LLC.
- e. **Resolution #14-52**, Reappointing Margaret Bird to the Tree Commission
- f. **Agreement #14-169**, To provide an encroachment easement on 3,092.88 square feet of City Right-of-way to Draper Pointe Office Park and to agree to convey the easement area to Draper Pointe Office Park at a later date.

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5.1 Councilmember Vawdrey moved to approve the consent items. Councilmember Summerhays seconded the motion.

[7:58:45 PM](#)

5.2 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[7:58:56 PM](#)

6.0 Action Item: Agreement 14-168, Award Agreement 14-168 - Freeway Pump Station Improvement Project to Whitaker Construction Co. Inc.

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6.1 Glade Robbins, Public Works Director, indicated they received seven bids for this project. The winning bid came in at \$2,006,000. The project involves installing two 400-horse power pumps and will accommodate for future growth. It will provide additional water supply to the SunCrest area.

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6.2 Councilmember Summerhays asked whether there is a backup generator. Mr. Robbins noted there is not, but it would be a good idea.

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6.3 Councilmember Colbert asked whether future impact fees will pay for this work. Mr. Robbins said it will. The future developments will be charged a water impact fee to cover the cost.

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6.4 Councilmember Rappleye moved to approve agreement #14-168. Councilmember Summerhays seconded the motion.

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6.5 Councilmember Rappleye expressed appreciation to Public Works for their work on this.

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6.6 Councilmember Summerhays noted this will take care of the problems in this area.

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6.7 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[8:02:07 PM](#)

7.0 Action Item: Ordinance # 1120, On the request of Derek Wright representing Wright Homes for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) and RA1 (Residential) to R3 (Residential) on approximately 36.9 acres at 11580 South 700 West. The application is otherwise known as the Osborne Farm Rezone Request. Staff report by Keith Morey.

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7.1 Keith Morey, Community Development Director, stated the City Council has heard this item previously. He displayed maps of the area. One of the key issues the City Council had was having a development agreement in place to clarify some of the concerns of the Council and neighbors. He reviewed the terms of the development agreement, which included:

- Maximum of 75 single family homes
- Caps density at 2.2 units per acre
- Lots adjacent to south property line to be 20,000 ft²
- Average lot size in excess of 14,500 ft²
- One public access point to Jordan River Parkway
- HOA to be formed to maintain common areas
- Applicant to comply with all other laws and requirements of the City

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7.2 Councilmember Rappleye said he thought they had talked about having the half acre lots next to the larger five-acre parcel. Mr. Morey noted they put the half-acre lots on the south side. There were some comments about whether those could be put on the north side, but with the access road coming in that area, there was a concern that the road would not function with those lots being larger.

Councilmember Rappleye indicated he liked the idea of having a buffer for the larger parcels.

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7.3 Councilmember Vawdrey asked Mr. Morey to point out the access to the Jordan River. Mr. Morey did so and advised they are not providing parking in this area.

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7.4 Councilmember Colbert questioned how staff finds this consistent with the General Plan. Mr. Morey explained that the future use that the General Plan suggests is moderate density. Staff felt it complies with that. It is a subjective finding, so the City Council may feel differently.

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7.5 Councilmember Summerhays asked whether Parcel A is proposed for open space. Mr. Morey noted it is. It does not have access to the street. He pointed out another parcel that is planned for open space. He said there could be a trail connection there as well.

Councilmember Summerhays questioned whether the City requires parking when they do something like this. Mr. Morey replied the City has not required it. In some cases, they have worked with the developers to provide it. That could be one of the conditions the Council places on a project for approval.

Mr. Dobbins noted when this is just for neighborhood access, this works well. When they provide parking, it invites people from outside the neighborhood, and it becomes a parking issue. The City Council needs to decide if they want this to be a community access point or just to provide neighborhood access to this general area.

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7.6 Councilmember Vawdrey noted she would like to see a trail on the two parcels if there is no parking.

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- 7.7 Councilmember Colbert expressed his opinion that the river is a benefit for the entire community and he does not feel they should block public access in any way. He has a lot of reservations about this project to begin with. He is trying to agree with Councilmember Summerhays and Councilmember Vawdrey in terms of providing significant trail access to the public and possibly some public parking.

[8:11:19 PM](#)

- 7.8 Councilmember Rappleye asked how Councilmember Colbert feels about the buffering. That is his major concern at this point. He said he agrees with the trail connection with the river.

Councilmember Colbert said the buffering on the south side is an improvement.

[8:12:50 PM](#)

- 7.9 Councilmember Stenquist noted the trail access is mainly to benefit the residents living in this area as opposed to a destination. The city does have the rotary park off 12300 South, and at some point, they had planned to put in another trailhead off 11400 South.

Councilmember Rappleye concurred saying he would worry about having a parking lot there, and Councilmember Summerhays agreed.

[8:13:36 PM](#)

- 7.10 Councilmember Summerhays said they could ask the developer if they can flip flop the half-acre lots to provide a buffer. The developer has tried to do what the City Council asked him to do, but it is just on the wrong side.

Mr. Morey clarified that this is just a concept plan and not the actual site plan. If the City Council has concerns, they can make it part of their motion to approve the development agreement, and require the developer to come up with a plan to address those issues. If the developer does not agree with the changes, they do not have to move forward.

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- 7.11 Councilmember Colbert asked whether the total density takes in account the larger lot with the existing home. Mr. Morey stated it is.

Councilmember Colbert indicated the large lot will be subdivided, which skews the average number of square feet.

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- 7.12 Councilmember Summerhays moved to approve Ordinance #1120 with the condition that they amend the development agreement to address the public access trailhead connection of Parcels A and B, and the half-acre lots to be changed to the north side of the property. Councilmember Rappleye seconded the motion.**

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7.13 Mr. Morey noted staff would add the language that the City Council has requested to the development agreement. He stated this language would prohibit the developer from keeping half-acre lots on the south side if he wants to keep them as well.

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7.14 Councilmember Summerhays amended his motion to state that there is a half-acre buffer on the north side. Councilmember Rappleye seconded the motion.

[8:19:03 PM](#)

7.15 Councilmember Rappleye noted he just wants a buffer between the larger lots and smaller lots. The City Council does not want to design this for the developer.

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7.16 Councilmember Stenquist agreed with the idea of providing trail access. He wondered whether the lot sizes should be addressed with the site plan process. Mr. Morey noted they do not have the ability to review or comment on the site plan because they do not have one at this point. This is the right opportunity to make the changes, because the City does have control right now that they will not have later on.

Councilmember Stenquist asked about the developer's concern that the larger lots would not give enough space for the road. He wants to make sure the City Council is not painting the developer in a corner with all of the requirements.

[8:22:13 PM](#)

7.17 Councilmember Vawdrey requested clarification that there would be public access for the trailheads, but there would not be parking. Councilmember Summerhays stated that is correct.

Councilmember Vawdrey advised she is comfortable saying the lots sizes on the north should be larger, but she does not want to specify what size they have be.

Mr. Dobbins noted the City Council could set a minimum lot size for the area.

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7.18 Councilmember Colbert said he is still opposed to this development. The R3 density is too dense for this area. If the City Council approves this request, they will be setting a negative precedent for this area. There will be traffic problems, and the City Council will have to approve all future requests for this density. The 700 West street is not designed for this type of density, and the City has not changed the transportation plan to widen this street.

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7.19 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote of 4 to 1.

[8:27:11 PM](#)

8.0 Action Item: Windsor Mill Preliminary Plat, Request for approval of a Preliminary Plat for a 17-lot subdivision on 7.01 acres in the R3 (Residential) zone located generally at 11450 South 800 West. Staff report by Keith Morey.

[8:27:35 PM](#)

8.1 Mr. Morey indicated this item has been before the City Council as well. He displayed a land use map of the area. In reference to some of the connectivity issues, the Parks, Trails, and Recreation Commission reviewed the discussion and the concept that was in the development agreement for an equestrian trail, and they felt like it was not productive. They felt the requirement should be turned into a multi-use access trail. The current landscape plan shows a proposed eight-foot sidewalk that goes to a parking area, and a cul-de-sac trailhead that accesses the Jordan River. There was a question of whether or not that trail connection exists through Soccer City. For some reason, the way it was approved was for the sidewalk to serve as the trail connection. The main points of the 2009 development agreement were:

- Lots on the east and south would be a minimum of 13,000 square feet
- Interior lots would be a minimum of 10,000 square feet
- Provides for 1 more lot than would have been allowed with the R3 zoning
 - The developer would dedicate 50 feet of open space
 - Construct a trailhead adjacent to the Jordan River with parking stalls
 - Construct a pedestrian sidewalk from the trailhead
 - Construct a 6-foot wide paved pedestrian trail and a 4-foot wide bark/mulch equestrian trail

Staff is recommending the City Council approve the application tonight with the condition that the equestrian trail requirement be removed, and to require a trail connection be developed through the property to the parking spaces and trailhead.

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8.2 Councilmember Summerhays recalled that the Parks, Trails, and Recreation Committee (PTRC) had the equestrian trail through the grassy area, but they decided to pull it out. Mr. Morey read a memo from the PTRC that stated they recommended a hard surface multipurpose trail that was 8 feet wide from 700 West along the south landscape to provide access to the parking trail.

Councilmember Summerhays indicated the trail should have gone straight without any interruption for the bicyclists and pedestrians. Mr. Morey agreed and said he is not sure how it went from that recommendation to being approved this way. The problem they have is that Soccer City is built and the trail connection is built.

Councilmember Summerhays said he is not trying to be argumentative, but the City Council discussed this and wanted the trail to meet the trailhead. Mr. Morey noted he understands that, but at some point, the Soccer City project was approved with the current scenario rather than the one Councilmember Summerhays remembers. The Windsor Mill

agreement in front of the City Council tonight was not a part of why Soccer City got approved.

[8:35:05 PM](#)

8.3 Councilmember Vawdrey asked whether the City Council is waiving the requirement that Windsor Mill put in the equestrian trail. Mr. Morey replied that is staff's recommendation. The equestrian portion of the trail would not connect to anything, so it did not make sense to require the developer to put one in.

Councilmember Vawdrey then questioned why the City Council cannot require them to bring the trail down to the south. Mr. Dobbins clarified that the City Council can either approve the rezone in front of them but keep the requirement that the property owner would install the equestrian trail as the Council originally had envisioned, or they can change the development agreement so the trail is not required.

[8:38:04 PM](#)

8.4 Councilmember Colbert indicated he is not sure how this was ever approved when it was contrary to what was originally approved. Mr. Dobbins noted he will go back and research the minutes to see how this was changed.

[8:38:51 PM](#)

8.5 Councilmember Stenquist moved to approve the Windsor Mill Preliminary Plat. Councilmember Rappleye seconded the motion.

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8.6 Councilmember Stenquist noted it is difficult to require this property owner to put in a trail when it was required of a different property owner. He said he can see legal ramifications if the City were to try to require that. He asked staff if this application complies with the current development agreement or if the development agreement would need to be amended to remove the equestrian trail requirement.

Mr. Morey noted the development agreement would need to be amended to remove the trail requirement and make it contingent upon the developer continuing the multiuse connection to the Jordan River that the PTRC recommended.

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8.7 Councilmember Stenquist amended his motion to remove the trail requirement. Councilmember Rappleye seconded the amended motion.

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8.8 Councilmember Summerhays noted he would still like staff to research how the Soccer City trail was changed.

[8:43:08 PM](#)

8.9 Mayor Walker clarified for the record that the agenda information that is before the City Council this evening did not include a letter from Kent Player. Whatever letter he is talking about is not a part of this application.

[8:43:57 PM](#)

8.10 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote of 4 to 1.

[8:44:41 PM](#)

9.0 Action Item: Rockwell Estates Plat Amendment, Request to amend the Rockwell Estates subdivision plat by changing the front garage setback from 25 feet to 20 feet. Staff report by Keith Morey.

9.1 Mr. Morey advised the applicant had previously come in and asked that the driveway setbacks be changed from 25 feet to twenty feet, which is what the ordinance requires. This is part of the South Mountain development agreement.

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9.2 Councilmember Vawdrey asked Mr. Morey the reason for reducing the driveway length. Mr. Morey explained this is part of an older agreement, and the City Code only requires the 20 foot driveway. The developer came to staff and said he just wants to comply with the twenty-foot standard rather than having it at twenty-five feet.

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9.3 Councilmember Colbert asked whether the original South Mountain development agreement had been abandoned.

Councilmember Stenquist expressed his opinion that it had been abandoned years ago.

Mr. Morey noted that the plat had been recorded, and it still had that requirement.

[8:48:12 PM](#)

9.4 Councilmember Summerhays noted he does not like twenty-foot driveways. His truck with the bumper hitch is twenty-four feet long.

[8:48:31 PM](#)

9.5 Councilmember Stenquist noted this does not preclude someone from having a longer driveway. Mr. Morey stated that is correct.

[8:49:46 PM](#)

9.6 Councilmember Rappleye said he does not see a reason to change it. The developer agreed with that requirement at one time.

Councilmember Stenquist noted this developer was not involved in the development agreement.

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9.7 Councilmember Stenquist moved to approve the Rockwell Estates Plat Amendment. The motion failed for lack of a second.

[8:50:35 PM](#)

9.8 Councilmember Rappleye moved to deny the Rockwell Estates Plat amendment. Councilmember Colbert seconded the motion.

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9.9 Mr. Morey clarified that this item has been on the agenda before. The development agreement associated with this property was amended with the Council's approval to allow this to happen. This is just the final step in the application to change the plat to reflect what they already approved.

Councilmember Rappleye asked whether the twenty feet has already been approved. Mr. Morey responded that it had been approved about three months ago.

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9.10 Councilmember Rappleye withdrew his motion.

[8:51:57 PM](#)

9.11 Councilmember Stenquist moved to approve the Rockwell Estates Plat amendment. Councilmember Rappleye seconded the motion.

[8:52:19 PM](#)

9.12 Councilmember Rappleye noted it was not clear what the intent of the application was tonight. He thanked staff for making the clarification.

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9.13 Councilmember Stenquist noted if the citywide standard is twenty feet, it seems fair to allow this development to have that standard. If the City Council is not comfortable with the twenty feet, they should look at changing that.

Councilmember Summerhays agreed. He said he would like to look at making the change.

[8:52:59 PM](#)

9.14 A roll call vote was taken with Councilmembers Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. Councilmember Colbert voted no. The motion carried with a majority vote of 4 to 1.

[8:53:20 PM](#)

9.15 Councilmember Summerhays asked Mr. Morey to remind the City Council when an application comes in that they have heard before.

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10.0 Resolution #14-53, Supporting the Creation of a Single Computer-Aided Dispatch System.

[8:54:33 PM](#)

10.1 Mr. Dobbins indicated this resolution is to show support of Mayor McAdams' efforts to have only one computer-aided dispatch system in Salt Lake County in order to make call routing more efficient.

[8:55:07 PM](#)

10.2 Councilmember Summerhays asked whether the other cities, like Sandy, are in support of this. Mr. Dobbins replied Sandy's calls are routed through Salt Lake City. Salt Lake City and VECC are the only places that take the emergency calls in Salt Lake City. Having different systems makes it difficult for them to interact with each other.

[8:55:33 PM](#)

10.3 Councilmember Rappleye stated he attended both of the Council of Governments (COG) meetings where this was discussed. They have been working on this for a long time. At the last meeting, Mayor Becker noted he would be signing the resolution. As soon as that happened, it triggered the rest of it happening. The County is putting the money out there to pay for this.

[8:57:46 PM](#)

10.4 Mayor Walker indicated this is similar to the book Lone Survivor when they lose their communication and they rely on some guy's satellite phone and that still does not work. The County is trying to get on the same page. This is a concerted effort to make the communication system better.

[8:58:53 PM](#)

10.5 Councilmember Vawdrey moved to approve Resolution #14-53. Councilmember Rappleye seconded the motion.

[8:59:05 PM](#)

10.6 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.

[8:59:26 PM](#)

11.0 Public Hearing: Ordinance #1122, Request to rezone 5.5 acres from RA1 to RA2 located at approximately 13000 S. 1300 E. This application is otherwise known as the Dun Roamin Rezone. Staff report by Keith Morey.

[9:00:17 PM](#)

11.1 Mr. Morey explained this item previously came to the City Council for R3 zoning. There was concern at that point about that kind of density in this area. He displayed a map of

the subject property. The current zone is RA1 and the Land Use Map suggests residential low to medium density. The City Council reviewed the request for R3 and denied it. Mr. Morey then reviewed the zoning on the surrounding properties and the access from 1300 East. The applicant tried to listen to the concerns and bring back a proposal that would make use of half-acre lots.

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11.2 Mayor Walker opened the public hearing.

[9:02:11 PM](#)

11.3 Mike Salazar, 13043 Summer Harvest Drive, said his biggest concern is the fire hazard. There is no way they would be able to get a fire truck down the lane. He does not see the other homeowners allowing a full size street to go in there, so this will be rezoning someone else's property in hopes that one day they can make it a real street. He noted the essence of what the developer is trying to do is probably part of the overall theme of the property, but it is just an island and it makes no sense to have the two streets so close together.

[9:05:07 PM](#)

11.4 Dirk Ostermiller, 12968 Fox Crossing Lane, indicated his home is just north of this application. He stated he has not been involved with this development at all, so he researched what RA1 and RA2 mean. The RA2 requires 20,000 for a single-family dwelling or a two-family dwelling. He asked if that means they can have a duplex on these lots. He noted he also has some concerns with getting the emergency vehicles into the subdivision. The traffic on 1300 East is very heavy and increasing the density will make the problem worse. He then stated he enjoys Draper. His family loves it here. The City Council is doing a great job, and everything about Draper is good in his opinion.

[9:06:57 PM](#)

11.5 Bruce Hevelone, 13004 South 1300 East, pointed out that the photo of the lane is incorrect. That is the south lane behind his home. He said he does not like political correctness. The political thing to do would be to say that the property has been like this for fifty years, so the City should just leave it alone. Mr. Hevelone noted he would rather the City allow this to happen. He expressed his opinion that the lane will stay a lane. He has seen the fire engine go up and down it before. They just have to turn around at the end. He recommended the City Council approve this application.

[9:08:28 PM](#)

11.6 Cameron Hancock, 13028 Summer Harvest Drive, stated when this was previously denied with the R3 request, the Planning Commission felt it was not harmonious with the other homes in the area, it was not consistent with the General Plan, and it was adverse to the other homes in the neighborhood. They determined that the access drive would have a negative impact for the surrounding homes due to the safety and traffic on 1300 East. The same reasons the Planning Commission denied it for the third acre lots is the same reasons it should be denied at the half acre lots. He expressed his surprise when the Planning Commission recommended approval of the half acre lots. This is not consistent

with the General Plan. There are one-acre lots surrounding this property. It will cause adverse affects to the existing homes. Traffic will increase, and this is not a very easy area for cars to come in and out due to the trees. If there are problems with the fire trucks accessing the property, it could impact the surrounding homes. He asked the City Council to deny this just as they did the third acre request.

[9:11:51 PM](#)

11.7 Hollis Hunt, 1025 East 13200 South, noted his concern is that the access to the property is not adequate. The concept plan shows the width at 26 feet, but it is actually only 24.9 feet. Under the private lane ordinance, it does not allow for the additional 5 houses. That exceeds what is allowed by that ordinance. The number allowed by this width is only 5, and there are already 3 houses using the lane. In talking with the owners of the lane, they do not plan to give anymore right-of-way to expand the lane. The zone may be compatible with the Master Plan, but the access is not. If the City Council approves this tonight, they may be giving the developer a false sense of hope that he can comply with that when he does his final site plan.

[9:13:58 PM](#)

11.8 Jeremy Jensen, 13039 South 1300 East, stated he has three issues with this proposal. The first concern is traffic. He said his in-laws live across the street from Fox Crossing, and there is an accident there every week. His second concern is that the people that live there are not in favor of the rezone. He knows that two of the three residents are against this application, so he does not know how the City can rezone their property if they do not want it done. The third reason is the character of the road. The character of this area is very valuable and important to Draper, and he would hate to see it start looking like Highland Drive in Holladay.

[9:16:08 PM](#)

11.9 Mayor Walker closed the public hearing.

[9:16:15 PM](#)

11.10 Councilmember Colbert said Mr. Hunt brought up a good point about the lane width. Mr. Morey noted the action tonight is just changing the zone. The way the ordinance is constructed right now sets the number of units a person can have based on the road width. Right now they could have up to five. The way the map looks right now, the two homes access off of 1300 East, and only one homes accessing of the private lane. It would mean that the application exceeds the number by one lot. If the developer cannot fix that by the time the site plan comes forward, he will only be approved for four lots. If he can get the additional property to allow the twenty-six foot width, he would be approved for more.

[9:17:52 PM](#)

11.11 Councilmember Summerhays asked whether Mr. Cousins and Mr. Skinner have provided a letter saying it is okay to down zone their home.

[9:18:14 PM](#)

11.12 Matt Lepire, applicant, explained those two homes do not meet the current zoning right now. He has spoken with all three of the current property owners, and one of them stood up tonight in favor of this application. The front two lots do not meet the current zoning. It does not down zone their property, but they will actually start meeting the zone. They are both just over half acre lots.

[9:19:55 PM](#)

11.13 Councilmember Rappleye noted the Fire Department has full review of the site plan. If they do not feel safe getting down the lane, this will not happen. Mr. Lepire noted he understands.

[9:20:24 PM](#)

11.14 Mr. Lepire thanked the City Council for their time.

[9:20:41 PM](#)

11.15 Councilmember Summerhays noted the current lane is 24.9 feet, so there can be 4 lots right now.

[9:21:46 PM](#)

11.16 Mr. Dobbins clarified that tonight the City Council is just considering the zone change. The developer has to comply with all of the Code requirements for the subdivision, and that approval will come to the City Council unless it is a minor subdivision.

[9:22:32 PM](#)

11.17 Mayor Walker noted this item will be on the next City Council agenda for consideration.

[9:22:50 PM](#)

12.0 Discussion Item: Creation of TRSSD Administrative Control Board - Ordinance No. 1124, A Draper City Ordinance Adopting Draper City Municipal Code Section 3-1-290, Traverse Ridge Special Service District Administrative Control Board; Establishing the Board; Delegating Powers for the Governance of the District to the Board; Providing for the Number of Members.

[9:23:25 PM](#)

12.1 Mr. Dobbins noted the City Council previously asked staff to look into what State law allows in terms of the creation of an administrative control board for Special Districts. The purpose of the discussion tonight is to go over what State law allows and to get information from the City Council for how they would like to proceed.

[9:23:54 PM](#)

12.2 Doug Ahlstrom, City Attorney, noted State law allows the City Council to create an administrative control board, and they can delegate specific controls to this board. He stated the Utah Code prohibits the following actions being delegated to the administrative board:

- Annexations powers

- Contracts that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects
- Levying a tax
- Issuing bonds payable by taxes
- Calling or holding an election for the authorization of a property tax or the issuance of bonds
- Levying an assessment
- Issuing interim warrants or bonds payable from an assessment
- Appointing a Board of Equalization

Mr. Ahlstrom then reviewed the various powers the administrative board can control as found in Utah State Code Section 17D-1-103. He noted these powers would allow the board the ability to do whatever they needed to do.

[9:29:51 PM](#)

12.3 Mr. Dobbins indicated most Special service districts operate autonomously, so they exercise all of those legal rights.

[9:30:22 PM](#)

12.4 Mayor Walker stated the only thing that concerns him is that without the ability to tax, it will be difficult for the District to borrow money. Any lender would want to know what the revenue stream is.

[9:30:56 PM](#)

12.5 Councilmember Colbert noted the City Council does not have to delegate all of the powers.

Mr. Ahlstrom advised the powers are already given to them by the State law.

Councilmember Stenquist clarified that the powers are given to the Special Service District, but the board may not be given all of those powers.

[9:31:33 PM](#)

12.6 Councilmember Colbert expressed concern about giving the board the power to condemn or to do something that would cause the City Council to raise the taxes and get the blame for it.

[9:31:43 PM](#)

12.7 Councilmember Stenquist noted if the City Council did not delegate the power for eminent domain, and the board felt the need to condemn property, he questioned whether they would just ask the City Council to do it on their behalf. Mr. Ahlstrom responded that they would.

[9:32:15 PM](#)

12.8 Mr. Ahlstrom advised any of the powers could be withheld from the board by the City Council if needed. Mr. Ahlstrom then pointed out that the board could have any number

of members that they wanted, and they shall be appointed by the Mayor, be registered voters within the Special Service District, or be an officer or employee of Draper City.

[9:32:47 PM](#)

12.9 Councilmember Colbert asked whether the board could be elected at some point. Mr. Ahlstrom stated they could if they are registered voters.

Councilmember Stenquist agreed that it would be good to have them elected.

[9:34:11 PM](#)

12.10 Mayor Walker noted it would be difficult to dissolve a board if the members were elected as opposed to appointed.

[9:34:51 PM](#)

12.11 Councilmember Stenquist indicated their responsibilities are fairly narrow. They would have to deal with the snow plowing and some road maintenance. The flip side is that the City Council would say the board is responsible for one hundred percent of the costs. He predicted that it will result in a net increase in the costs associated with those services. Councilmember Summerhays agreed saying it will also be more difficult than the residents realize.

[9:35:58 PM](#)

12.12 Mr. Dobbins advised they could enter into an Interlocal agreement with the City to provide the services. Right now the City does not charge the TRSSD for the mechanic that fixes the TRSSD's equipment. The City could have an agreement that states the City will charge the TRSSD an hourly rate to provide that service.

Councilmember Stenquist noted that makes it more clear in a lot of ways about what the District is providing and what the City is providing. He stated that would help. He wondered why anyone would even want to serve on this board. It seems to him that they would be beat up by the residents when they are unhappy.

[9:37:03 PM](#)

12.13 Councilmember Summerhays stated the whole premise behind this is that some residents feel the City has not been spending their money wisely.

[9:37:29 PM](#)

12.14 Councilmember Colbert advised if they contract with the City to provide the services, it will require even better documentation in order to differentiate the expenses.

[9:38:00 PM](#)

12.15 Mayor Walker expressed his opinion that the board should be appointed for several reasons. The board will never have the power to levy a tax, so it does not make a lot of sense to elect people to a position where they think they have that power but they do not. He questioned why the City would create that confusion. They can appoint the board and

see how that goes. If they find it is too problematic, it would be much easier to dissolve the board if they were appointed. He said he is certain there are people who are willing to serve on the board. He suggested they take applications and choose from those applications. The Council appoints a lot of the boards for the City. The Parks, Trails, and Recreation Commission are certainly not a “puppet” board nor is the Historic Preservation Commission or the Planning Commission.

[9:39:35 PM](#)

12.16 Councilmember Colbert asked whether the City would audit them. Mayor Walker noted they would have to hire their own auditors.

[9:40:11 PM](#)

12.17 Councilmember Colbert noted they have talked about whether the City would provide any services up there, such as continuing to maintain Traverse Ridge Road and SunCrest Drive.

Mayor Walker said the City would have to negotiate that with them.

Councilmember Summerhays stated they are a part of the city, so they would have to figure out what percentage of funds goes up there anyway.

Councilmember Colbert advised the argument is that the City provides some financial contribution already for snow removal per lane mile. He said he knows they do not technically have to do that. It might not be a legal obligation, but it is a moral obligation. He expressed his opinion that the City plowing the main arterial road through the district has a benefit to allow for the school bus to get up there safely. That is more of a municipal highway than a district highway. This will be a challenge, but he said he feels the City should negotiate with them, and the City should do something up there.

[9:42:39 PM](#)

12.18 Councilmember Colbert asked whether this will be brought back to the City Council in two weeks and questioned what is required for the notice.

Mr. Dobbins stated this action does not require a public hearing. Mr. Dobbins asked the City Council to let staff know about any questions they might have, so staff can be prepared for the next discussion.

[9:43:12 PM](#)

12.19 Subsequent to Council/staff discussion, the City Council agreed to discuss this item again on October 7th.

[9:51:29 PM](#)

13.0 Council/Manager Reports

[9:51:39 PM](#)

- 13.1 Councilmember Stenquist said the commercial zones allow for high-density residential developments. He questioned whether that meets the Council's intention for those areas. There might be areas that the Council may not want high-rise apartments built. He has heard someone might be interested in doing that between the post office and Juan Diego.

Councilmember Summerhays stated he and Councilmember Vawdrey were talking about this, and agreed there are some areas where this would not work. He agreed and said it is beginning to be a problem.

Mr. Dobbins noted in order for staff to bring this back to the City Council, it has to go through the Planning Commission, and that can take about three months. If the City Council is concerned about something coming up in the near future, they should pass a temporary land use ordinance that restricts that.

Russ Fox, Assistant City Manager, advised the requirement for the high-density housing in the commercial zones is that it must be a mixed use project. They would have to have retail or office on the ground floor. There are height restrictions involved as well. It would be difficult to do this on the ten-acre project north of the post office because it is not on a main street. The development off Bangerter is under Institutional Care, which is different than the commercial zoning. Staff has had a lot of interest in people wanting to do that in the commercial areas, but staff has stood firm on the mixed-use requirement.

Mr. Dobbins advised if someone were to come in with an application, and they met the mixed use requirement, there is currently no limit to the number of units they could have. It might be better for it to be clarified in the ordinance so the City Council knows what would be allowed.

Mr. Fox explained the ordinance used to allow people to come in with a parking study. The Beehive Homes were considered to be senior housing, so they convinced everyone that they did not need as much parking. The City has since changed the Code to require more parking and include visitor parking as well. The problem that exists with the Beehive Homes should not happen again.

[10:01:43 PM](#)

- 13.2 Councilmember Rappleye moved to allow the meeting to continue past 10:00 p.m. Councilmember Stenquist seconded the motion.**

[10:02:13 PM](#)

- 13.3 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[10:02:32 PM](#)

- 13.4 Councilmember Stenquist advised last week he attend the COG meeting, and they had a visit from the Director of the Division of Air Quality. Councilmember Stenquist relayed some of the residents' concerns about the dust from sand/gravel operations. There was

not a lot of resolution to that, but he passed it on. There is not a lot to do to control the dust when the wind speeds are above twenty-five miles per hour.

[10:03:35 PM](#)

13.5 Councilmember Colbert noted he ran into Mr. Rasmussen a few weeks ago, and he mentioned it would be appropriate for the City to recognize the farmers that are still actively farming in the community. Councilmember Colbert expressed this is a good idea. There are only a handful of farmers, and they have contributed a lot over the years.

Councilmember Colbert then stated there is a proliferation of election signs in the city, and many of them are placed in the public right-of-way. He asked staff to look into it.

[10:06:25 PM](#)

13.6 Councilmember Rappleye advised Adam Langford called him last week. He would like to know if there is any way the City can name the park in SunCrest after the little boy that was tragically killed in San Francisco recently.

Councilmember Colbert expressed concern about naming parks after people. He said the City should establish a policy for this type of thing.

Councilmember Rappleye then questioned whether the striped area by the Trax Station is for bus parking. Mr. Dobbins replied it is not designated for anything.

Councilmember Rappleye indicated it is a safety hazard. People pull in there to drop off or pick up. When they pull out, they do not see the traffic coming from the road near the library. Mr. Dobbins responded staff will look at it.

[10:10:39 PM](#)

13.7 Councilmember Vawdrey said she spoke with Mr. Dobbins about Phil Gould's water problem. Brad Watson has spoken with Mr. Gould; however, there has not been a resolution. Mr. Dobbins said he will follow up on it.

Councilmember Vawdrey then stated there is a problem with pigeon feces at the underpass. She said she is not sure what can be done about it, but asked staff to look into it.

Councilmember Vawdrey noted there is a home being very slowly demolished across the street at the southwest corner of the historic park. She questioned whether there is an ordinance that regulates the time someone can take to tear something down. Mr. Dobbins explained he will check into it. The Council may have to adopt an ordinance stating the City may go in and tear it down.

Councilmember Vawdrey then advised she would like to see the total cost the City has spent to purchase and maintain historical buildings.

[10:13:49 PM](#)

- 13.8 Councilmember Summerhays noted he was asked by Jay Smith about developing some of his property on 300 East. He would like to curb and gutter his property but not the street. Mr. Smith would like to add that to the list where it is not required. He asked the Councilmembers to drive down the street to look at it. It would be on a private lane.

[10:16:25 PM](#)

- 13.9 Mr. Morey said the City has selected a consultant to assist with updating the General Plan. Staff will have their first meeting with them on Friday.

[10:16:50 PM](#)

- 13.10 Glade Robbins, Public Works Director, stated Questar Gas is planning to replace their feeder line. Mr. Robbins displayed a map of the proposed route they will be using in Draper. They will be starting construction on October 1, 2014, so they will be constructing this through the winter.

Mr. Robbins then advised he has been approached by a resident to close the UTA crossing on Boulter Street and reopen the crossing at 13200 South. The resident has contacted UTA and they are open to that suggestion. He asked the City Council if they are in favor of doing this.

Mr. Dobbins clarified that by closing the crossing, the City would be closing the road.

Councilmember Colbert noted for the record that he was one of the two Councilmembers that had opposed the closing of 13200 South in the first place.

The City Council agreed to look into it.

14.0 Adjournment

[10:20:57 PM](#)

- 14.1 Councilmember Rappleye moved to adjourn. Councilmember Colbert seconded the motion.**

[10:21:08 PM](#)

- 14.2 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**