

Approved 3.17.15

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 3, 2015, 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; Rachelle Conner, City Recorder; Keith Morey, Community Development Director; Glade Robbins, Public Works Director; and Garth Smith, Human Resource Director

Study Meeting

Dinner

1.0 Legislative Update

[5:52:08 PM](#)

1.1 Jeff Hartley, lobbyist, provided a Legislative Update for the Council. He reviewed the various issues that would affect Draper City.

2.0 Presentation: WaterPro

2.1 This item was postponed due to a WaterPro main line break on 12300 South.

3.0 Presentation: Unified Fire Authority

3.1 This presentation was postponed to a later date.

[6:30:01 PM](#)

4.0 Council/Manager Reports

[6:30:08 PM](#)

4.1 Councilmember Colbert asked when the City is going to decide what to tell the Traverse Ridge Special Service District Administrative Control Board as far as what services the City is willing to contract for next year. He wants to make sure the Board has plenty of time to put something else in place.

Tracy Cowdell, Interim City Attorney, agreed that the City should provide the Board with notice if the City is not interested in providing any services this year.

Councilmember Stenquist said he does not think the City has made that decision.

Councilmember Rappleve indicated he is not sure the Council/Manager Reports is the proper time for this discussion.

Mr. Dobbins recommended the Council have a resolution on the next agenda, and they can have a vote and discussion at that time. The Council agreed.

Councilmember Colbert said there is also a vacancy on the SunCrest OA Board. He asked whether the Council is interested in filling that vacancy.

6:34:09 PM

4.2 Russ Fox, Assistant City Manager, stated the Crystal Recovery Group in the Draper Ridge area feels that their facility should be classified as an R3, so they do not need to put in a sprinkler system. The Fire Marshal has agreed that the sprinkler system is not necessary at their location.

The group then discussed the classification and how many residents are allowed in the facilities.

6:38:09 PM

4.3 Mr. Cowdell advised there is a provision in the Utah State Code that allows a Mayor to appoint a representative to attend the School Board meetings. They can participate in the discussion, presumably have a seat at the table, and basically represent the Mayor and the City.

Mayor Walker stated he is interested in appointing Kim Horiuchi to serve in that capacity. The City Council agreed.

6:44:12 PM

** **Adjourn to a Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.**

6:44:13 PM

** Councilmember Vawdrey moved to adjourn to a closed-door meeting to discuss property acquisition and litigation. Councilmember Colbert seconded the motion.

6:44:24 PM

Business Meeting

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

1.0 Call to Order

7:03:17 PM

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

2.0 Comment/Prayer and Pledge of Allegiance

7:04:01 PM

2.1 The prayer was offered by Drew Zarbock, Scout Troop #1614.

[7:04:28 PM](#)

2.2 The flag ceremony was led by Tyler Walters, Scout Troop #1614 Patrol Leader.

[7:06:46 PM](#)

3.0 Public Comments

[7:09:01 PM](#)

3.1 Tyler Walters, 2071 Sterling Hills Cove, thanked the Mayor for the opportunity to do the flag ceremony.

[7:09:39 PM](#)

4.0 Consent Items

- a. **Approval of February 17, 2015, Minutes**
- b. **Approval of Resolution #15-14**, Approving the Salt Lake County Multi-Jurisdictional Multi-Hazard Mitigation Plan.
- c. **Approval of Resolution #15-15**, Appointing City Attorney.
- d. **Approval of Agreement #15-21**, Approving an Assessment-in-Lieu Agreement for Hansen Minor Subdivision and deviation from standard local street right-of-way width request.
- e. **Approval of Bandon Estates Final Plat**, Request for final plat approval of an eleven-lot subdivision in the R3 zone, located at approximately 491 East Kimballs Lane.
- f. **Approval of Redmond Place Final Plat**, On the request of Ken Watson representing Ivory Homes for the approval of a final plat for a thirty-four lot subdivision located at approximately 12052 South 300 East.

[7:11:15 PM](#)

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

[7:11:37 PM](#)

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

[7:11:48 PM](#)

5.0 **Action Item: Resolution #15-13, To Authorize Filing Eminent Domain Actions to Acquire Property for the Purpose of Constructing Lone Peak Parkway from Golden Harvest Road to 12650 South**

[7:12:08 PM](#)

5.1 Glade Robbins, Public Works Director, displayed a map of the subject property. There are two properties the City has not acquired in order to do the Lone Peak Parkway Extension. The properties are owned by the American Preparatory Academy, and they were not happy with the appraised value that was provided. The City then hired the appraisal company APA recommended, and APA was not happy with that appraisal

either. The City needs to file eminent domain on the properties in order to move forward with the reconstruction project. The City is still willing to try to work out the issues prior to it going to court.

[7:13:23 PM](#)

5.2 Councilmember Rappleye moved to approve Resolution #15-13. Councilmember Colbert seconded the motion.

[7:13:47 PM](#)

5.3 Councilmember Summerhays asked whether there is a number attached to the motion. Councilmember Rappleye clarified that there is not.

[7:14:02 PM](#)

5.4 Councilmember Colbert encouraged the parties to try to negotiate this in good faith rather than pursuing further court action.

[7:14:26 PM](#)

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

[7:14:41 PM](#)

6.0 Public Hearing: Ordinance #1098 City Initiated Electronic Signage, on the Request of Draper City, Ordinance #1098 Would Allow Electronic Message Centers in Certain Areas of the City with Restrictions

[7:15:06 PM](#)

6.1 Keith Morey, Community Development Director, gave a brief history of the work that has gone into this Code change. Mr. Morey thanked Dan Boles, City Planner, for his research on this item. Mr. Morey then reviewed the qualifications as follows:

- Business must qualify for a monument, tower , or monolithic sign
- Business must have frontage along 12300 South/Draper Parkway
- Signs must:
 - Display full color messages or images only
 - No single colored text/images
 - Message must remain static a minimum of eight seconds
 - No Animation, flashing, starburst, etc.
 - Pixel pitch:
 - Along 12300 South/Draper Parkway
 - 1mm – 10mm
 - Along Freeway Frontage
 - 1mm – 16mm
 - White or solid background prohibited on more than 50% of sign area
 - Must be part of a monument, monolithic or tower sign as allowed
 - Businesses with an Electronic Message Center shall not be allowed other temporary signage
 - Sign to be set back 10 feet from right-of-way

- Illumination standards:
 - Sign must be equipped with an automatic dimming sensor that will automatically adjust the signs brightness with the sun
 - Illumination may not exceed 0.3 footcandles over ambient lighting conditions
 - Distance for measuring illumination set ($\sqrt{\text{Area of sign} \times 100}$)
 - Approximately 50 feet for a 24 square foot sign
 - Approximately 150 feet for a 200 square foot sign
 - Illumination is to be measured with a light meter (City has one of these meters)
- Proposed text:
 - 6. Businesses or a group of businesses within a single development, which meet the qualifications of subsection B1 of this section, which are located in the CBP, CR, CI, or CC zones, and which have three acres and have a minimum of four hundred linear feet of lot frontage shall be allowed one electronic message. Such signs shall be subject to the provisions of section 9-26-090(D)(1).

[7:28:11 PM](#)

6.2 Councilmember Colbert expressed concern with the lower quality signs and how the lighting is regulated on those. For example, there is an existing one on the frontage road, and it is a relatively new business. That seems excessively bright. He asked how the staff would address that.

Mr. Morey advised staff would have to measure the illumination and determine whether it was within the allowed levels. If it was not, the business would have to fix it or lose their opportunity for an electronic sign. Mr. Morey noted staff met with one of the sign companies, and they were able to pull up a sign and make adjustments from their smart phone.

[7:29:08 PM](#)

6.3 Councilmember Summerhays stated there are attachments for the sign that create the illumination ambient. It is fine if it is set up properly.

Councilmember Summerhays then noted he is not interested in voting on this tonight; however, he would like to have a demonstration to see how that works. Mr. Morey responded staff wanted to get this in front of the City Council as soon as possible, as it appears there is some urgency from the local businesses. Staff has tried to schedule a demonstration since last fall, but it has proven to be too difficult. He then noted one of the best displays he has ever seen was at ICSC last year. While he does not want to delay this action until May, that might be the best opportunity for them.

Councilmember Summerhays asked how staff determined the eight second requirement and why they do not want any animation. Mr. Morey stated the State statute is eight seconds, so staff figured that was a good place to start. Mr. Morey expressed his opinion that eight seconds might be a little too long. There has been some concern over allowing

animation because it can be distracting. The City Council can remove that if they wanted. Staff tried to error on the side of being overly cautious while drafting the language for the ordinance.

[7:34:40 PM](#)

6.4 Mr. Morey clarified that along 12300 South, there are a couple of areas that have their own sign standards. Draper Peaks is a good example of this. What staff is proposing tonight would not have an effect on those areas. If they want electronic signs, they would have to go through this same process.

[7:37:03 PM](#)

6.5 Councilmember Rappleye said he believes there is something in this language that prohibits temporary signage if the business has an electronic sign. Mr. Morey stated that is correct. This is another example of staff trying to be conservative.

Councilmember Rappleye then asked whether the idea of sharing the monument sign is adequately expressed in the City Code. Mr. Morey replied he believes it is.

[7:39:39 PM](#)

6.6 Councilmember Stenquist commented that the removal of temporary signage is essential to him. Although he has not always been a proponent of electronic signage, this would be an opportunity to reduce the proliferation of signs. That is his biggest concern at this point. Any steps they can take to reduce the number of signs is good.

[7:43:46 PM](#)

6.7 Councilmember Vawdrey stated it would behoove the City Council to take some additional time on this item before making a decision.

[7:44:11 PM](#)

6.8 Councilmember Summerhays asked whether a business would be able to have two electronic signs if they currently have two monument signs. Mr. Dobbins replied staff will look into this and will give the City Council examples of what the proposed Code would make available.

[7:45:42 PM](#)

6.9 Mayor Walker opened the public hearing.

[7:45:52 PM](#)

6.10 Carston McCullough, 1423 West Black Wolf Drive in Bluffdale, stated he is the owner of Freedom Sign Company. In reference to the pixel pitch range going from 1 mm to 10 mm, the 10 mm is a super high-resolution sign that is very cost prohibitive. There is really nothing of quality lower than an 8 mm, so the 1 mm to 10 mm range would just give the City low-quality signs. He expressed his opinion that the City Council should change the range. He also voiced concern with the 10-foot setback. This might make it] so the sign cannot be seen. He likes animation being allowed on the signs.

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6.11 Mayor Walker closed the public hearing.

[7:49:20 PM](#)

6.12 Councilmember Summerhays said it seems that even a high-resolution sign would require a graphic designer. Mr. Morey noted that is the same with all signage. Someone will have to design the art that will be shown.

[7:50:42 PM](#)

6.13 Councilmember Colbert stated he would like input from more people in the industry. He would also like sign maintenance addressed. Mr. Morey replied the City does not regulate the maintenance of the signs. The City will have to determine what level of enforcement the Council wants to require.

[7:50:45 PM](#)

6.14 Councilmember Vawdrey moved to continue this item for at least thirty days. Councilmember Colbert seconded the motion.

[7:53:24 PM](#)

6.15 Subsequent to Council/staff discussion, Councilmember Vawdrey amended her motion.

[7:56:14 PM](#)

6.16 Councilmember Vawdrey moved to bring this item back to the City Council after the ICSC Conference in May. Councilmember Colbert seconded the amended motion.

[7:56:29 PM](#)

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

[7:57:22 PM](#)

7.0 Public Hearing: Ordinance #1142, on the Request of Draper City, Ordinance #1142 Would Remove Multi-Family Residential as a Conditional Use From the CN, CC, and CR Zones and Adding Additional Guidelines to the Town Center (TC) Zone

[7:57:45 PM](#)

7.1 Mr. Morey indicated the City changed the zoning back in 2001. As part of that change, multi-family residential was allowed in commercial zones. The economy fell soon after that, so there was not a lot of interest in this type of development. Now that the economy is improving, there has been a lot more interest. There is a potential that this type of development might not meet the high standards the City Council would like them to, so they put a moratorium on this to allow staff time to research it. Staff has looked at options and the areas that would be good for this product.

[8:00:50 PM](#)

7.2 Councilmember Stenquist questioned whether the large complex on Bangerter has all of their common area on the main floor, so it is allowed. Mr. Morey clarified that is an assisted living center, so that is different than this application.

[8:01:48 PM](#)

7.3 Mr. Morey continued reviewing the changes to the proposed ordinance. He indicated the Planning Commission voted last week to forward a positive recommendation for this application with the exception that they do not want any of the clarifying language that staff just put in. There are other areas in the city that this product might work, but staff feels that they can be brought to the City Council with a development agreement.

[8:07:02 PM](#)

7.4 Councilmember Vawdrey asked whether there are density limitations the OR zone has on its own. Mr. Morey stated yes, there are density and height limitations. When the Council first had conversations about this, staff felt that many of the concerns were self eliminating because they can only get so much on a piece when there are already many requirements in place.

[8:07:47 PM](#)

7.5 Councilmember Colbert noted the CSD zone has already addressed some of this. The Gateway and City Creek have residential elements that are almost unnoticeable.

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7.6 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

[8:09:04 PM](#)

7.7 Councilmember Rappleye moved to continue this item until March 17, 2015. Councilmember Summerhays seconded the motion.

[8:10:14 PM](#)

7.8 Councilmember Colbert asked whether the moratorium expires the night of the 17th. Mr. Morey said it expires at midnight on the 16th.

Tracy Cowdell, City Attorney, advised if the City Council wanted to be conservative, they might not want the gap.

[8:11:16 PM](#)

7.8 A roll call vote was taken with Councilmembers Colbert, Stenquist, Summerhays, and Vawdrey voting no. Councilmember Rappleye voted yes. The motion failed for lack of a majority vote.

[8:13:07 PM](#)

7.9 Councilmember Rappleye then moved to approve Ordinance #1142 as presented. Councilmember Colbert seconded the motion.

[8:13:24 PM](#)

7.10 Mr. Morey clarified that the Planning Commission forwarded a positive recommendation for the table without staff's recommendations. Staff is not "married" to the changes. They just wanted to find a way to add clarity to an ordinance that did not have any.

Councilmember Rappleye said his motion includes staff's recommendations.

[8:15:09 PM](#)

7.11 Councilmember Stenquist said he is generally in favor of this. He is not sure there are any imminent applications coming in from the Town Center zone, but the City Council will want to make sure they are comfortable with the language for that zone specifically.

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

[8:15:58 PM](#)

8.0 Council/Manager Reports

[8:16:11 PM](#)

8.1 Mr. Dobbins said a couple of Councilmembers are concerned about the food trucks in the area. He has received complaints from local restaurants, because the food trucks do not have the same regulations that the restaurants do. The food trucks operate out of a parking lot. They may not have a City business license, and they may not be paying sales tax or property tax. He asked whether the City Council would like staff to look into regulating these.

Councilmember Colbert said he would like them regulated, and they should also regulate food carts. Councilmember Rappleye agreed.

[8:17:27 PM](#)

8.2 Glade Robbins, Public Works Director, noted Draper Irrigation Company will be holding its Annual Stockholder Meeting on March 25th in the Draper City Council Chambers. There will be two directors voted on to reinstate. Mr. Robbins recommends their reappointment.

Mr. Robbins then briefed the City Council on the road construction projects.

Councilmember Stenquist asked whether the construction on the 14600 South Interchange and I-15 to Highland Drive will have any closures. Mr. Robbins stated he has not heard of any. If they decide to, the Utah Department of Transportation (UDOT) will provide information prior to that happening.

Scott Cooley, City Engineer, clarified that UDOT has allowed seventeen closure days throughout the project. The first three will occur probably mid-March, and they will give

the City a thirty-day notice on the others. They will do the closures primarily in the off-peak hours.

[8:21:31 PM](#)

8.3 Councilmember Rappleye said there is a League conference in April. He asked whether anyone is planning to attend. He said he has not received any information on it.

Mr. Dobbins noted staff will send out the conference information to the City Council for their review.

[8:22:00 PM](#)

9.0 Adjournment

[8:22:01 PM](#)

9.1 Councilmember Rappleye moved to adjourn the meeting. Councilmember Summerhays seconded the motion.

[8:22:11 PM](#)

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

9.3 The meeting adjourned at 8:22 p.m.