

Approved April 14, 2015

MINUTES OF THE SPECIAL JOINT DRAPER CITY COUNCIL/PLANNING COMMISSION MEETING HELD ON TUESDAY, MARCH 31, 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: City Council: Mayor Troy Walker and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

Planning Commission: Chair Leslie Johnson and Planning Commission Members Andrew Adams, Traci Gunderson, Craig Hawker, Jeff Head, Scott McDonald, and Kent Player

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Mike Barker, Deputy City Attorney; Rachele Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director

Dinner

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JOINT MEETING WITH THE PLANNING COMMISSION

1.0 Discuss Items of Common Interest

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1.1 Mayor Walker presented a concept plan for the prison property. He stated this is probably one of the most valuable properties in the western United States due to its size and location. The State appropriated funds during the last Legislative session to purchase land for a new prison site. The current prison property is owned by the State, and the land would provide an economic benefit that would be felt statewide.

Russ Fox, Assistant City Manager, indicated this concept plan was modeled after the Denver Tech Center. The build out will take many years, but this is a good example of what can be done on the property.

Mayor Walker indicated the Planning Commission members can help by educating the residents about the value of the property. He asked for their help in promoting this to others. It does not make sense to leave the prison at the Draper location. The current prison needs to be remodeled, and the remodel cost would be \$700 million. To build a new prison would cost \$1 billion. The new prison would be more efficient and would be 35 percent cheaper to operate each year.

Kent Player indicated he has visited the prison many times, and it is not a good place. It really has to be rebuilt.

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1.2 David Dobbins, City Manager, reviewed the upcoming road projects as follows:

- The City received funds from the State to reconstruct SunCrest Drive and Traverse Ridge Road
- 1300 East will start construction this summer
 - Should finish before school starts
 - 3-lane road with curb, gutter, and sidewalk on both sides
- The intersection of 13800 South and Bangerter will be reconstructed
 - The project should start next year
- The City received money for the Lone Peak Parkway Extension
 - The first phase is ready to begin
- The I-15 project has begun from 12300 South to Lehi

Mayor Walker stated the City is considering making Traverse Ridge Road a toll road. They will look at that next session.

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1.3 Mr. Dobbins then reviewed the City Projects:

- Vista Station changed ownership to Boyer Gardener
 - 3 buildings under construction
 - All fully leased
 - International firm interested in buying property for a campus by EBay
 - There is a residential component planned south of EBay
- Smith Field Dog Park
 - Under construction now
- Ballard's Corner
 - Landscaped area with a memorial for Sergeant Derek Johnson
- South Fork Park
- SunCrest Status
 - Open Space Master Plan
- Recreation Facility
 - Possible field house by City Hall
 - Recreation Center in South Mountain area
- Bear Canyon Trail Bridge

The group discussed water issues and availability in the SunCrest area and the proposed density in that area.

Scott McDonald questioned whether it would be appropriate for the Planning Commission to deny a development request if there was not enough water available. Mr. Dobbins explained yes, unless the developer was willing to pay for the infrastructure to supply the water.

Kent Player thanked the City Council for their support of the Bear Canyon Bridge. This is a great project, and it looks like all of the pieces are coming together now.

Mr. Dobbins indicated with the renewal of the ZAP Tax, Draper is in line for funding for a recreation facility. The City Council has discussed options for a facility. One of the options is to put a field house near City Hall and another option is to have a recreation center by the swimming pool.

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1.4 Mr. Dobbins noted the last thing they wanted to talk about with the Planning Commission is the influx of multi-family housing. That market does not appear to be slowing down. He said he gets calls weekly from brokers inquiring about available property for multi-family projects. The City is in the process of updating the General Plan, so now is the time for the Planning Commission and City Council to determine what areas they want to allow the multi-family projects in.

The group discussed options such as higher requirements for higher density, requiring more open space and more parking.

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1.5 Mayor Walker encouraged the Planning Commission to follow the City Council's meeting rules for their meetings. It is very structured, and there is less interaction with dialogue between the residents and the Council.

Mayor Walker personally thanked the Planning Commission members for their service to the city. He stated they do a phenomenal job.

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** **Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Vawdrey seconded the motion.**

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

** The Joint City Council/Planning Commission Meeting adjourned at 7:09 p.m.

CITY COUNCIL BUSINESS MEETING

[7:33:33 PM](#)

1.0 Call to Order

[7:33:42 PM](#)

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

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** Mayor Walker indicated the City Council would like to have more time to discuss item #8 on the agenda. He recommended the Council continue this item to the next meeting.

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** Councilmember Vawdrey moved to continue the discussion about providing services to the Traverse Ridge Special Service District to April 14, 2015. Councilmember Summerhays seconded the motion.

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

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2.0 Consent Items

- a. **Approval of March 17, 2015, Minutes**
- b. **Approval of Agreement #15-61**, Trail Easement Agreement with Draper Irrigation for the Bear Canyon Bridge and Trail Easements
- c. **Approval of Agreement #15-68**, Donation Agreement with Ralph L. Wadsworth Construction Company, LLC for the Bear Canyon Bridge Construction

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2.1 Councilmember Summerhays moved to approve the Consent Items. Councilmember Rappleye seconded the motion.

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

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3.0 Action Item - Edelweiss Development Agreement Addendum

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3.1 Russ Fox, Assistant City Manager, advised the City entered into a development agreement with the Edelweiss developer last year. One of the items in the agreement was for the developer to pay the cost to bring water to the development. They are entitled to 181 units on the property. The construction of the pump station is currently in progress, and it will cover approximately 806 units on the mountain. The City divided the cost of the pump station by 806, which gives them a total of \$2,700 per unit. The action tonight is to amend the development agreement to reflect that cost per residential unit.

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3.2 Councilmember Stenquist moved to approve the addendum to the Edelweiss Development Agreement with the change that the developer is agreeing to pay \$2,700 per residential unit for a total of \$488,700. Councilmember Rappleye seconded the motion.

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

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4.0 Action Item: Resolution #15-20, for Approval of the Updated Trail Policies

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4.1 Rhett Ogden, Recreation Director, noted the trail policy has been updated to reflect the current needs of the City. The main changes include:

- Ability to limit number of events to 4
- Ability to close trails as needed
- Require trail marshals for events
- Events must be approved by Open Space Specialists (OSS)
- Clean up of markers required within 24 hours
 - Keep deposit if not cleaned up
- Required to meet with OSS to review how the event went

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4.2 Councilmember Rappleye asked whether the Equestrian Board would be allowed to have more than four events during the year with this change. Mr. Ogden explained there are certain trails that are designated as equestrian only. The \$5.00 fee was for actual events involving horses. He said he does not see that happening very often. Anyone can ride their horse on the equestrian trails for no cost.

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4.3 Councilmember Stenquist stated the recommendation is \$5.00 per person per event for bikes and equestrians and \$2.00 for runners. The thinking behind this is that runners cause less of an impact; however, he does not believe the impact is less than half of a bike. He recommended raising that fee to \$3.00 or \$4.00 or even make it \$5.00 like the other events.

Councilmember Rappleye agreed with Councilmember Stenquist. He recommended possibly charging \$3.00.

Mr. Ogden noted the commission felt that runners were less impactful, and the race promoters do not charge the entrants as much as the bike event promoters. However, the commission will be fine with whatever the Council wants.

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4.4 Councilmember Vawdrey asked whether the \$200 trail event is refundable. Mr. Ogden explained the event fee is non refundable. The City charges a \$200 deposit which is refundable if the event organizer fulfills all of the requirements for the event.

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4.5 Councilmember Summerhays stated he is fine with the recommendation of the commission.

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4.6 Councilmember Colbert asked whether the fees will go back into the trail systems. Mr. Ogden stated the funds go into the General Fund. It is then appropriated to the Parks and Trails in the annual budget.

Mr. Dobbins advised this is part of the revenue side of the budget. The Council can increase the expense side of the Parks and Recreation budget if they wanted.

Councilmember Rappleve indicated the events do not bring in a lot of money. The Parks and Trails are subsidized by the General Fund.

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4.7 Councilmember Vawdrey moved to approve Resolution #15-20 with the change that the charge for running events is \$3.00 per person rather than \$2.00. Councilmember Stenquist seconded the motion.

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

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5.0 **Action Item: Resolution #15-21, Amending the Consolidated Fee Schedule**

[7:56:00 PM](#)

5.1 Mr. Ogden stated with the adoption of the new Trails Event Policy, the consolidated fee schedule needs to be updated to reflect the new fees.

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5.2 Councilmember Stenquist moved to approve Resolution #15-21 with the change of the running events charging \$3.00 per person rather than \$2.00 per person. Councilmember Colbert seconded the motion.

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

[7:57:16 PM](#)

6.0 **Public Hearing: Analysis of Purpose and Benefits of Contribution of Property and Entitlement by Draper City Regarding the Hidden Canyon Estates Litigation Settlement**

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6.1 David Dobbins, City Manager, stated last month the City Council had a public hearing concerning the surplus of two parcels in the SunCrest area. The City looked at the two parcels and analyzed them in terms of what value the City gets out of them. The City is considering including them in the settlement of a very costly lawsuit. The legal representation alone would be over \$1 million. This settlement will allow the City to resolve the issues and move forward.

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

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6.3 Councilmember Stenquist moved to accept the analysis of the settlement and the transfer of property. Councilmember Rappleye seconded the motion.

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6.4 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.

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7.0 Action Item: Consideration of a Settlement Agreement with DJI

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7.1 Mr. Dobbins advised this is a settlement agreement with DJI as well as a master development agreement for Hidden Canyon Estates. The City is currently constructing a pump station that will provide water to approximately 806 Equivalent Residential Units (ERU) in this area. The ERU breakdown is as follows:

- 181 - Edelweiss
- 300 - Hidden Canyon Estates
- 50 – Mercer Mountain Estates
- 120 - Lakeview
 - This is based on townhouses that typically use less ERUs.

This leaves 155 ERUs for development that is not associated with Edelweiss or this settlement agreement. The developer is allowed to do this development in phases, and they are required to pay all the normal fees. The City will not be charging the typical water impact fee because the developers will be required to pay a per residential unit fee for the cost of the pump station. This agreement also requires that the entire Hidden Canyon Estates be included in the Traverse Ridge Special Service District. The City will retain the legislative powers for this area. This settlement agreement dismisses, in its entirety, all of the litigation that is outstanding in reference to this development.

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7.2 Councilmember Colbert said there are other properties on the mountain that have not come to the City yet for development. He asked whether they would be at the back of the line as far as access to water is concerned. Mr. Dobbins replied that is correct.

Councilmember Colbert noted the City will have to look at what the next set of options will be if they have to expand development beyond the available ERUs. The City owns some property up there that could be developed as commercial, and there are other potential options for small parcels in Deer Ridge. The City will need to determine how they will expand storage capacity and obtain a cost estimate.

Mr. Dobbins stated staff believes they have a viable option with WaterPro that would be a fairly cost-efficient way to provide an additional amount of water up there.

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7.3 Councilmember Summerhays asked for an update with how the City stands with WaterPro right now. Mr. Dobbins replied they will plan that for a future meeting.

[8:10:04 PM](#)

7.4 Councilmember Stenquist moved to approve the settlement agreement with DJI. Councilmember Rappleye seconded the motion.

[8:10:19 PM](#)

7.5 Councilmember Stenquist advised this law suit has been going on since before he was on the Council. They have talked about this for many hours, so this opportunity to settle the lawsuit is a great thing.

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7.6 Councilmember Rappleye agreed with Councilmember Stenquist. The amount of hours the City has dealt with this is significant. It makes a lot of sense to get a settlement at this time. This settlement is fair to all parties. There have been compromises made that makes it palpable, for the most part, for all parties.

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7.7 Councilmember Colbert said he understands why the majority of the Council is in favor of this, and he understands the constraints and the weaknesses of the judicial system. The flaws in the system make him want to fight it; although, it might not be the most prudent action.

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7.8 Councilmember Stenquist recognized all of the time that has been put into this by the staff and Jody Burnett. This has been a lot of effort and a lot of work. He said he appreciates it.

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7.9 Steve Maddox, Wasatch Land Company, stated this has been a painful and exhaustive situation, and he has been in the middle of it all. He thanked Mr. Dobbins because he takes phone calls on Saturday nights to try to work out issues. Mr. Maddox said he will do everything in his power to make this as seamless as possible in moving forward.

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7.10 Mayor Walker said it is important to note that most of the issues with this lawsuit occurred before most of the current Council and staff were here. Sometimes when they get in these situations, they have to make the best of it in moving forward. They have put in a lot of hours and time into this resolution. It is not perfect, but it works for all parties.

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7.11 **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.**

8.0 **Discussion Item: Contracting Services with the Traverse Ridge Special Service District Administrative Control Board**

8.1 This item was handled at the beginning of the meeting. The discussion was continued to April 14, 2015.

** **Council/Manager Reports**

[8:15:58 PM](#)

** Councilmember Rappleye announced that there is a ribbon cutting on Friday at noon. It is a coffee shop called Sweet Country. It is located where the old ZAGG store used to be.

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** Mayor Walker noted he had previously talked about appointing someone to represent Draper City at the Canyons School Board meetings. He had brought up Kim Horiuchi as an option; however, he has not made that official. Mayor Walker indicated he is not sure the City even wants to do it, but if so, the Council will have a discussion about who to appoint.

Councilmember Colbert stated the City Council used to meet with the school board every six months to discuss items of common interest. He suggested they start doing that again.

Mayor Walker then advised he received a call from LaVar Christensen. Mr. Christensen wanted to thank the City Council for their support of the Draper Days celebration.

9.0 **Adjournment**

[8:19:02 PM](#)

9.1 Councilmember Stenquist moved to adjourn the meeting. Councilmember Rappleve seconded the motion.

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

9.3 The meeting adjourned at 8:19 p.m.