

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JUNE 16, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.**

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

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, Deputy City Attorney; Rachelle Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; Bryan Roberts, Police Chief; and Garth Smith, Human Resource Director

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**Tour Field Trip: Geneva Rock Property**

The City Council and staff toured the Geneva Rock property to look at their future plans.

**Dinner**

**Study Meeting**

[6:00:48 PM](#)

**1.0 Training: Ethics**

Mike Barker, Assistant City Attorney, presented ethics training for the Council and Mayor. He reviewed the State Code in reference to ethics.

[6:31:18 PM](#)

**2.0 Adjourn to a Closed Meeting to Discuss Litigation and Property Acquisition**

[6:31:23 PM](#)

**2.1 Councilmember Summerhays moved to adjourn to a closed meeting to discuss litigation and property acquisition. 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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David Dobbins, City Manager, reviewed a few more budget requests as follows:

- Streetlights:
  - 1300 East 13700 South (west side)
    - \$5,500
  - 1300 East 13700 South (east side)
    - \$2,560
  - Highland Drive and 1300 East
    - \$6,975

- Mike Weir Drive
  - Entrance of Sunset Cliffs Drive and Sunset Dunes Way
  - \$9,320
- Total
  - \$24,355

Mayor Walker indicated Unified Fire Authority is proposing to put four wildland firefighters up in SunCrest from May to October for \$125,000. They will be able to fight structure fires and wildland fires. They will also be doing community outreach and fire-wise programming. The full-time firefighters for that station will go down and help assist the other two fire stations, which will put five guys on each truck. In the winter months, they will cover SunCrest with an ambulance.

Mr. Dobbins stated the City Council can adopt the \$125,000 as a budget line item, and they can talk with Chief Jensen before they make a final determination about where the money will go.

Councilmember Colbert noted the State is going to require the cities to participate in the cost for fire mitigation. He recommended they do something now such as using goats to eat down the weeds.

## **Business Meeting**

[7:00:40 PM](#)

### **1.0 Call to Order**

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

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### **2.0 Comment/Prayer and Pledge of Allegiance**

[7:01:11 PM](#)

2.1 The prayer was offered by Colleen DeRose.

[7:01:53 PM](#)

2.2 The pledge was led by Sven Haugen, Scout Troop #1966.

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### **3.0 Public Comments**

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3.1 Katherine Osborne, resident, expressed concern with the erosion issues at the Mehraban Wetlands. There is erosion on both the east and west sides of the engineered ponds, which is at the entrance to Sunset Ponds. The erosion on the east side is very close to affecting the foundation of a home, and the erosion on the west side is very close to encroaching on the swimming pool area. She stated she does not know who owns the

pond, so they do not know who to contact with the concerns. This is an urban park, and many people visit the pond to fish and enjoy the area. She expressed her opinion that it is worth maintaining. The homeowners would like to get some attention from the City to maintain the pond so it can truly be something the City can be proud of.

[7:07:58 PM](#)

3.2 Diane Shenosky, resident, advised the park strips on Rambling Road are not being maintained. The only time they get mowed is when she calls the City or sends an email. She said it looks disrespectful to the neighborhood, and it should be finished and maintained by the City. She asked the City to look at what can be done with the area.

[7:10:17 PM](#)

3.3 Charlene Wardrop, resident, noted she wants to address the widening of Draper Roads. It is a problem that there are so many two-lane roads in the City. She said her biggest concern is Bangerter, and she asked the City to invest money to widen it to a four-lane highway. There is also an issue with the sidewalk by Channing Hall that juts out and causes the traffic to back up. She asked whether that could be removed.

[7:13:19 PM](#)

3.4 Dave Webster, resident, indicated there were some inconsistencies and problems with the notification by mail for the Park Place Bungalows development. He is requesting the Mayor assign someone from the staff to look into those inconsistencies.

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#### **4.0 Consent Items**

a. Approval of June 2, 2015, Minutes

[7:15:22 PM](#)

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

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**4.2 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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**5.0 Action Item: Ordinance #1157 Palmer Estates Rezone, Request for Approval of a Rezone and Development Agreement for Properties Located at Approximately 1266 East 13400 South from RA1 (Residential Agricultural) to R4 (Single-Family Residential) with a Development Agreement for a Specific Layout**

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5.1 Mayor Walker advised the City Council held the public hearing on this item at the last City Council meeting.

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**5.2 Councilmember Colbert moved to deny Ordinance #1157, Palmer Estates Rezone.**

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5.3 Mayor Walker indicated the applicant has asked that this item be removed from the agenda tonight. The meeting rules give the City Council two options. The first is to approve or deny the request. The second is to continue this item to a date certain. There is not a process under the current rules that allows something to be removed unless the application is withdrawn.

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**5.4 Councilmember Summerhays seconded the motion to deny Ordinance #1157.**

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5.5 Councilmember Colbert said the Planning Commission made the right recommendation to deny this application because it does not comply with the General Plan and is not compatible with the surrounding properties.

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5.6 Councilmember Stenquist said the applicant has asked the Council to not take a vote on this tonight. The Council gets requests frequently to continue items, and he does not see any harm in allowing the developer more time with this application. The developer may simply decide to withdraw the application.

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5.7 Councilmember Vawdrey asked whether they know what the intent of the applicant is. Mr. Morey replied staff does not. When he spoke with the applicant on the phone, the applicant was concerned about the possibilities for this evening, and did not even have a date he wanted the item continued to.

Councilmember Stenquist said the applicant could withdraw his application or reapply with some changes, so there are options available to him. He questioned whether it would limit the options if the City Council takes a vote to deny the request. He said he would hate to make a decision without giving the applicant an opportunity. It is in the interest of fairness.

Mr. Morey explained the applicant could not apply for a similar zone change for one year if the application were denied this evening. However, he could apply for something different.

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5.8 Mayor Walker reiterated that the City Council can approve or deny it tonight, or they can make a motion to continue it to a date certain. Those are the only options.

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5.9 Councilmember Colbert said he can appreciate Councilmember Stenquist's concerns with fairness; however, he has not seen anything come forward that seems consistent with the surrounding properties zoning. The applicant chose not to withdraw his application, so it is in the best interest of the public and the applicant to take action tonight.

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5.10 Councilmember Rappleye said he believes they have had a fair hearing on this with the neighbors and the applicant. He believes he has enough information to make a decision tonight.

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

[7:22:36 PM](#)

6.0 **Public Hearing: Ordinance #1158 and #1159 Elgin Place General Plan and Zoning Map Amendment, Request for Approval of General Plan and Zoning Map Amendments for Properties Located at Approximately 11970 South 700 East from Neighborhood Commercial Land Use to Residential High Density Land Use and RA1 (Residential Agricultural, 40,000 Square Foot Lot Minimums) to RM2 (Multi-Family Residential, Up to 12 Dwelling Units Per Acre) with a Development Agreement for Up to 16.3 Dwelling Units Per Acre**

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6.1 Mr. Morey displayed a map of the subject area and the proposed elevations. The developer is interested in taking advantage of the proximity to the Trax station. They have requested a deviation to the architectural standards by requiring only two-sided architecture.

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6.2 Councilmember Colbert asked why they are requesting the two-sided architecture. Mr. Morey noted their intent is to put the higher grade standard facing the streets and have the lower standards on the interior where there are connections or alleys.

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6.3 Councilmember Rappleye asked whether the concept plan is a typical layout for this type of development and if the lower-grade material is stucco. Mr. Morey said it would be similar to stucco.

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6.4 Mr. Morey stated there are a couple of homes on the site that would be removed. The Utah Department of Transportation (UDOT) has told the developer that they need to provide an easement for when 700 East is widened. The landscaping plan shows grass in that area so no trees will need to be removed when the time comes to widen the road. The Planning Commission and staff recommend approval of this application.

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6.5 Councilmember Summerhays asked the reason for going from twelve to sixteen units per acre. Mr. Morey stated they want to have higher density in the Transit Oriented Development (TOD) zones. The concept is to put higher density near the Trax stations.

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6.6 Councilmember Stenquist questioned why they do not put in the street improvements now in preparation for the road widening. Mr. Robbins replied it could create a problem having one section of the road wider than others.

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6.7 Michael Brodsky, applicant, stated they met with UDOT and discussed the original concept plan. UDOT only wanted one entrance onto 700 East. The developer tried to avoid having an entrance onto 11900 South because he knew the residents would not like it. Many of the residents liked the design, but they did not want a town home development coming into their area. The developer is asking for sixteen units per acre because TODs have higher density. Hamlet Homes has built a number of TOD developments. Mr. Brodsky explained the front and rear elevations have significant architectural elements. The end homes have front doors facing the street with brick on the elevations. The reason for not having three-sided elevations is because the side is not seen. The deviation for the sidewalk was driven by the site configuration. They have created crosswalks so there is connectivity throughout the development.

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6.8 Councilmember Summerhays asked the length of the driveways and where they plan to put the snow in the winter.

Mr. Brodsky replied they have room at the end of the driveway for the snow, and if they have a lot of snow, they will have to haul it away. The length of the driveways is five feet.

Mr. Morey noted these were designed to have the homeowners park in their garages, and they have provided visitor parking. They have exceeded the number of parking stalls required by ordinance.

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

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6.10 Mayor Walker asked for a motion. No one made a motion, so this item will be considered by the City Council on July 7, 2015.

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**7.0 Public Hearing: For Approval of Providing Local Consent for a Manufacturing License for Cliff House, GP.**

[7:42:01 PM](#)

7.1 Mr. Morey stated when the Cliff House restaurant was built, there was an intent to have a brewery. It is unknown why they did not put it in when they opened; however, they are ready to do it now. Mr. Morey read the requirements of the alcohol license and indicated this restaurant meets all of the requirements.

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

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7.3 **Councilmember Colbert moved to provide local consent for a marketing alcohol license for the Cliff House. Councilmember Rappleye seconded the motion.**

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7.4 Councilmember Colbert said this will improve their business model.

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7.5 Councilmember Rappleye said they have established a good business there. There has been a little bit of struggle in that area. A new business model has come in, and they have proven themselves.

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7.6 **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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8.0 **Public Hearing: Resolution #15-35, Adopting the Fiscal Year 2015-16 Final City Budget and Adopting the Certified Tax Rate**

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8.1 Bob Wylie, Finance Director, presented the final budget for the City Council. They have received the certified tax rate from both counties. He displayed the changes that have been made to the budget since the tentative budget.

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8.2 Councilmember Vawdrey asked whether the items in red are new positions the City is hiring. Mr. Wylie explained the items in red are changes to the staffing chart. Some of them are new, and some of them are a reclassification of an old position.

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

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**8.4 Councilmember Vawdrey moved to adopt Resolution #15-35. Councilmember Summerhays seconded the motion.**

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8.5 Councilmember Colbert said they talked about adding some money to the budget for UFA staffing. He asked whether that has been included. Mr. Dobbins explained it is included as a line item for the City Council to decide how they want it spent later.

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**8.6 Councilmember Colbert moved to amend the motion to include \$10,000 for fire mitigation work. Councilmember Rappleye seconded the motion.**

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8.7 Councilmember Stenquist said he would like to understand what the money will go for before they put it in there.

Councilmember Colbert explained he thinks it would be used for the chipping program. The State is already doing this, but the City should contribute to the effort.

Mr. Dobbins stated the Council can allocate the funds now, but staff will not spend any of it until they receive approval from the City Council.

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8.8 Councilmember Summerhays said the people that he talked to that had the fire wise mitigation done last year are so appreciative of the efforts. It makes it safer for their homes.

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

[7:55:19 PM](#)

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

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**9.0 Public Hearing: Resolution #15-33, Amending the Fiscal Year 2014-15 Budget**

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9.1 Mr. Wylie presented the budget amendments as follows:

- Traverse Ridge Road Widening Project
  - Original bid was \$838,759

- Opened bid was \$1,229,945
- Difference was \$461,241
  - Funding for amendment:
    - Storm Impact Fees - \$411,241
    - Transportation Impact Fees - \$50,000
- Various General Fund Operational Budgets
  - Take funds from Economic Development - <\$35,000>
    - Legal - \$5,000
    - Information Technology - \$15,000
    - City Manager - \$15,000

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

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**9.3 Councilmember Stenquist moved to adopt Resolution #15-33. Councilmember Vawdrey seconded the motion.**

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**9.4 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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**10.0 Action Item: Agreement #15-100, Approval of an Agreement with S & L Inc. for the Traverse Ridge Road Widening Project**

[7:58:00 PM](#)

10.1 Glade Robbins, Public Works Director, noted this is for the widening project on Traverse Ridge Road. There is an erosion problem in the area, so the City will be putting curb and gutter on the north side of the road. They will also widen the road in that area. They put this project out to bid and received two bids. S&L's bid was \$60,000 more than Wardell Brothers; however, the City is having a disagreement with Wardell Brothers on the Lone Peak Parkway project that has not been resolved. Due to the conflict, staff is recommending the City go with the S&L bid.

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10.2 Councilmember Colbert asked what experience the City has had with S&L. Mr. Robbins noted they have had good experience working with S&L.

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**10.3 Councilmember Rappleye moved to approve Agreement #15-100 with S&L. Councilmember Colbert seconded the motion.**

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**10.4 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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**11.0 Action Item: Amending Agreement #13-16, Federal Aid Agreement Modification #1 with the Utah Department of Transportation for the 13800 South/Bangerter to 300 East Project**

[8:00:07 PM](#)

11.1 Glade Robbins, Public Works Director, explained this project needs more property acquisition on the north side of 13800 South that will require a complete taking of several homes. The Wasatch Front Regional Council (WFRC) is providing funding that requires a three percent City match. They have selected a contractor to design it and hope to have it under construction by next spring.

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11.2 Councilmember Rappleye asked whether the widening will remove the home on the corner of 300 East as well. Mr. Robbins stated there might be one home that remains. The homes on the west side of 300 East will probably be removed; however, the homes will remain until they start construction.

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**11.3 Councilmember Rappleye moved to amend Agreement #13-16. Councilmember Vawdrey seconded the motion.**

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**11.4 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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**12.0 Action Item: Resolution #15-34, Amending the Consolidated Fee Schedule**

[8:03:11 PM](#)

12.1 Mr. Wylie reviewed the changes to the amended consolidated fee schedule as follows:

- Water rates
  - Adding three percent to Zone 1 rates and a similar increase to Zone 2 and Zone 3
  - Effective July 1

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12.2 Councilmember Summerhays said the City recently had a rate increase, so this helps to pay for that increase. Mr. Wylie agreed and said the rate increase was less than the three percent; however, this amount was needed in order to make the Water Fund balance.

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12.3 Councilmember Rappleye noted the City agreed to the annual rate increase several years ago in order to pay for some of the infrastructure with Jordan Valley.

Mr. Dobbins said it is a combination of water costs and infrastructure.

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12.4 Councilmember Stenquist moved to approve Resolution #15-34. Councilmember Colbert seconded the motion.

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

[8:05:33 PM](#)

13.0 **Action Item: Resolution #15-31, Supporting HB362 for Increased Transportation Funding**

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13.1 Mr. Dobbins explained this resolution recommends Salt Lake County put this item on the November ballot to allow the residents to vote whether or not to increase the sales tax to pay for transportation needs.

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13.2 Councilmember Colbert stated Utah County is asking for a similar resolution. He requested the City adopt one for Utah County specifically. Mr. Dobbins noted staff will put one on the next agenda for Utah County. This sales tax would generate an additional \$1 million for Draper City, so it would really help with the transportation needs.

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13.3 Mayor Walker advised all of the Mayors in Salt Lake County have been working on this for many years. This is a tax that will go specifically for road projects and transportation projects. It will not get spent anywhere else. The funds will go to the County, Utah Transit Authority, and the Cities. It will help with air quality and will be a tremendous help.

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13.4 Councilmember Stenquist moved to Resolution #15-31. Councilmember Rappleye seconded the motion.

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

[8:10:04 PM](#)

14.0 **Council/Manager Reports**

[8:10:21 PM](#)

- 14.1 Councilmember Rappleye said the City has agreed to trap the beavers that are plugging the outlet at the Sunset Ponds. He expressed his hope that the information will get back to the resident who expressed concern with the ponds earlier in this meeting.

Chief Roberts noted Animal Control Services set the traps today. Deputy Chief Eining spoke with the resident who spoke earlier in this meeting and told her of the progress the City is making.

Councilmember Rappleye said the erosion concern is very real, but he believes that taking care of the outlet problem will help that issue.

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- 14.2 Councilmember Colbert said he met with Steve at Food For Thought last night. Steve mentioned that the restrooms are closed at the Sorensen home. He asked that they leave those open during the day because everyone comes to his business to use his restrooms.

Mr. Ogden explained with all of the moisture recently, the door swelled so it would not open. Staff fixed it, but there has been some vandalism so they were locked back up. There are two portable restrooms available for the park patrons. Mr. Ogden said they can open them during the day if the City Council wants.

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- 14.3 Councilmember Summerhays asked whether the City has decided on a grand marshal for Draper Days.

Councilmember Colbert said he would like to consider Shirley Ballard. The rest of the Council agreed, and Councilmember Summerhays noted he will go and ask her.

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- 14.4 Mr. Wylie said last Friday he received a phone call from a member of the Travers Ridge Special Service District (TRSSD) Administrative Control Board expressing a desire to go through a Truth in Taxation hearing. Tuesday August 4<sup>th</sup> is available. He asked the City Council if they are okay with that. The TRSSD wants \$165,500 in tax revenue for the next year.

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- 14.5 Mr. Dobbins said the City needs to come up with an agreement with the Cycle Committee for insurance, fees, and scheduling. He will work with Councilmember Stenquist to do this and will bring it back to the City Council for their consideration. The City needs to do that with the Draper Community Foundation as well.

Councilmember Stenquist said they also need an agreement for sponsorship of events and naming rights.

Mr. Dobbins discussed naming the new ball fields at South Fork Park. Staff will bring options back to the City Council for their consideration.

Mr. Dobbins said he has also been talking to the Wadsworths about the signage for the suspension bridge in Bear Canyon. He questioned whether the City Council wanted the signage to recognize the contributors of the bridge. This is quite an amazing project.

The Council agreed that there should be a plaque on the bridge to recognize all of the efforts.

Councilmember Summerhays stated they want to have recognition without liability.

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14.6 Mr. Robbins advised the construction on the Dayland Dog Park will be completed in August; however, the park will not be opened at that time because they will be hydro-seeding the lawn. The South Fork Park will also need time for the grass to grow. It might be better to have the actual grand openings of the parks in the spring.

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14.7 Councilmember Stenquist noted a resident brought up the park strips on Rambling Road and questioned what could be done. Mr. Dobbins stated staff will go research ownership and put together a cost estimate for maintenance.

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14.8 Chief Roberts gave an update of the dog off-leash issues in Corner Canyon. They will make sure there is proper signage posted throughout the trail system to make the public aware of the restrictions. The community outreach portion will include articles on the website and Facebook, and the officers will be handing out informational brochures. Their intent is to educate the public about the issue and then utilize enforcement as necessary. The school resource officers will also be assigned to Corner Canyon during the summer months.

Councilmember Summerhays noted there are four signs on one post up there, and it is difficult to read all of them at once. He recommended the signs be spaced out.

Chief Roberts stated they made that same observation. They plan to have the leash specific sign placed individually.

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**15.0 Adjourn to a Redevelopment Agency Meeting**

[8:29:35 PM](#)

**15.1 Councilmember Vawdrey moved to adjourn to a Redevelopment Agency Meeting. Councilmember Summerhays seconded the motion.**

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

15.3 The meeting adjourned at 8:29 p.m.